

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE, BOSTON 02133

By His Excellency

MICHAEL S. DUKAKIS
GOVERNOR

EXECUTIVE ORDER NO. 275

GOVERNOR'S COMMISSION ON FIRE SAFETY, COMBUSTION
TOXICITY AND COMBUSTIBILITY
(Superseding Executive Orders No. 249 and No. 251)

WHEREAS, Executive Orders No. 249 and No. 251 provide the commission with insufficient time to complete its tasks; and

WHEREAS, Resolve No. 8 of 1985 provided for a similar legislative commission for which time has also expired; and

WHEREAS, the incidence of death and serious injury due to fire in the Commonwealth of Massachusetts continues at an unacceptable rate and constitutes a threat to life and property throughout the Commonwealth; and

WHEREAS, the toxicity and combustibility of materials and furnishings used in the construction of high density human occupancy buildings when exposed in an actual fire environment to fire or heat pose a serious public safety problem resulting in the emission of toxic smoke and gases; and

WHEREAS, there is a need to address this public safety problem in a systematic fashion in the Commonwealth, and a need to establish regulatory procedures and rules so as to protect the public from the dangers of toxic products of combustion, particularly in high density and special risk human occupancy buildings;

NOW, THEREFORE, I, Michael S. Dukakis, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me as Supreme Executive Magistrate, do hereby revoke Executive Orders No. 249 and 251 and order that:

Section 1. An advisory commission shall be established, which shall be known as the Governor's Commission on Fire Safety, Combustion Toxicity and Combustibility (The Commission). The commission shall advise the Governor, the Executive Office of Public Safety, the State Fire Marshal and the Board of Fire Prevention Regulations with respect to issues relating to the hazards of the fire environment such as the toxicity, flammability, ignitibility, smoke density and rate of heat release of the products of combustion in high density and special risk human occupancy buildings and shall develop proposals to improve fire safety with respect thereto.

Section 2. The Secretary of Public Safety or his designee shall serve as chairman of the Commission. The State Fire Marshal or his designee shall serve as vice-chairman.

Section 3. The membership of the Commission shall include a member of the Massachusetts House of Representatives, a member of the Massachusetts Senate, the Commissioner of Public Health or his designee and the Chairman of the Board of Building Regulations and Standards or his designee. There shall also be nine members appointed by the Governor, each of whom shall be qualified by training, or experience, or interest in the fields of fire safety, combustion toxicology or the combustion of materials. Of the nine appointed members, one shall be a member of the Fire Chiefs' Association of Massachusetts, Inc., one shall be a member of the Massachusetts Professional Firefighters Association, one shall be a member of the Massachusetts Fire Prevention Association, one shall be the member of the Massachusetts Board of Fire Prevention Regulations, who sits as graduate fire chemist with fire testing experience and a full member of a national organization of chemists pursuant to G.L. c.22, s.14, one shall be a representative of organized labor, one shall be a concerned citizen of the Commonwealth, and three shall be professional scientists with expertise in fire safety, fire hazard analysis, combustion toxicology, combustibility or public health and shall be independent of any entities which have any commercial interests in the results of any investigation, study or analysis conducted by the Commission. In addition, the Commission shall include such other members as the Governor shall appoint from time to time, all of whom shall serve at his pleasure.

Section 4. The Commission shall undertake a complete analysis of current and developing test methods in the fields of fire hazard analysis, combustion toxicology and combustibility. It shall recommend to the Governor adoption in the Commonwealth of the most appropriate of such test method or methods to assess the relative danger to human life and human health including that presented by relative toxicity, combustibility and smoke density in an actual fire scenario of all building materials and furnishings used in whole or as a part of high density and special risk human occupancy buildings. Such buildings shall be those determined by the Commission to pose, by virtue of their size, height, use, public access, density of human occupancy, location or any other relevant characteristics, the potential danger of injury or loss of life as a result of a fire.

The Commission shall further study and investigate test methods relative to the combustibility and toxicity of materials used in building construction and furnishings in order to assure that such testing meets the following criteria. First, it must demonstrate an acceptable level of accuracy and reproducibility based upon principles of scientific research. Second, it must be relevant to actual building fire scenarios. Third, it must be used in conjunction with other appropriate fire tests in an overall hazard analysis, including, but not limited to, ignitability, flame spread, rate of heat release, and rate and extent of smoke propagation. Such hazard analysis shall take into account other fire protection measures such as the use of early detection and fast acting suppression systems.

Before making its recommendations on testing, the Commission shall hold at least one public hearing and shall consult with, receive evidence from, and solicit the opinions of the Board of Fire Prevention Regulations, interested state agencies, professional firefighters, fire chiefs, other fire professionals, the health professions, industries which manufacture and/or supply such building materials and furnishings, the academic and scientific

communities, public interest groups, and the general public as it may determine appropriate. The Commission may call upon officials of the Commonwealth or its various subdivisions for information or assistance. It may also call upon officials of the federal government and its various agencies, and other state governments and their agencies, for information it may desire to study.

Section 5. The Commission shall make further recommendations as follows:

A. If determined appropriate, the Commission shall recommend the adoption of a data filing system by which all materials used in building construction and furnishings will be tested according to the test methods recommended in Section 4 above, the results of which will be submitted to the Commonwealth where they shall be filed in the public record and readily available to the public. If such a data filing system is recommended, the Commission shall further recommend the form, substantive requirements and procedures of said data filing system, as well as a plan for implementing such system. Said plan should include a recommendation for the designation of a fire safety official or agency of the Commonwealth to adopt and administer said data filing system on a permanent basis, with responsibility to promulgate rules and regulations to accomplish expeditious implementation of said data filing system.

B. The Commission shall also consider the feasibility of legislation or regulations which address the fire safety problem posed by the toxicity and combustibility of materials in an actual fire environment used in building construction and furnishings. If the Commission determines it appropriate, such consideration should include but not be limited to legislation or regulations setting forth performance standards for various materials at various temperatures in an overall hazard analysis of an actual fire environment, according to the test methods adopted in Section 4 above and the labelling of materials with the results of said tests. The Commission may recommend such legislation or regulations as are determined appropriate as a result of this consideration, and designation of a fire safety official or agency of the Commonwealth to serve as lead official or agency with respect to programs adopted as a result of the Commission's recommendations pursuant to this section.

C. The Commission is further requested to propose methods and suggested language regarding combustion toxicity and fire safety in an actual fire environment which is susceptible to inclusion in a Fire Safety Code for the Commonwealth. Said methods and suggestions should be presented for consideration by the Board of Fire Prevention Regulations in a prospective State Fire Safety Code.

D. The Commission shall make such other or further recommendations with respect to fire safety measures needed to achieve a greater degree of fire safety in high density human occupancy buildings as it determines appropriate.

Section 6. The Commission shall make an interim report to the Governor on or before October 31, 1987 as to the results of its investigation and study, and make its recommendations, together with drafts of legislation or regulations necessary to carry its recommendations into effect, by presenting the same to the Governor on or before March 31, 1988.

Given at the Executive Chamber in
Boston this 7th day of May
in the year of our Lord one
thousand nine hundred and
eighty-seven, and of the
Independence of the United States
America two hundred and eleven.

MICHAEL S. DUKAKIS
GOVERNOR
Commonwealth of Massachusetts

Michael Joseph Connolly
SECRETARY OF THE COMMONWEALTH

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS