

## **Where Do Code Requirements End and Ethical Obligations Begin?**

by Allan B. Colombo

*Can you please tell me what code says about an alarm installer's responsibility where it comes to installing a full complement of automatic smoke detectors in existing homes as defined by NFPA 72?*

That question is excerpted from a letter from an attorney who was looking for answers for an interested client. Whether or not the attorney represents an insurance company looking to recoup its losses after a fire or an alarm company, I am not at liberty to say, but there are two issues to this answer that must be considered: code vs. ethics.

In his inquiry, the attorney also pointed out that alarm companies routinely offer packaged alarm systems under any number of circumstances. Most of these packaged systems include two doors, a motion detector, a keypad, the fire alarm panel, a rechargeable battery and sometimes an automatic smoke detector.

The attorney asked, "When installing a single automatic smoke detector, is the alarm company obligated to do anything further?" In other words, in retrofit situations, is an alarm company required to install per code — one smoke detector on each floor and one in each bedroom? If not, then are there other obligations to which the installation company must adhere?

### **Going in Search of an Answer**

Before calling me, the attorney contacted a state fire marshal. According to the official, installing companies are not obligated to install additional smoke detectors. In addition, according to NFPA 72, they're not required to notify the end user of the need for additional smoke detectors.

Generally speaking, the answer to whether alarm companies are required to install to code in existing homes is not found in NFPA 72. Instead, the answer is found within the local jurisdiction where the work is performed.

To verify this, read Section 11.1.3, NFPA 72, 2002; or Section 11.1.2, NFPA 72, 2007: "Smoke and heat alarms shall be installed in all occupancies where required by applicable laws, codes, or standards."

What about code requirements regarding the alarm company notifying the end user as to further code requirements? Isn't the alarm company supposed to tell the end user about additional requirements? I think the answer to that will surprise you.

### **End User Notification Not Required**

As a member of the National Fire Protection Association (NFPA), I have access to a full array of reports on the organization's Web site. This includes any of the *Report on Comments* NFPA generates when the various code committees work to further develop existing codes. These committees study and respond to suggestions from the general public and they publish the outcome in the form of a report.

During my search on a fire alarm company's obligation is to the end user, I ran across the *Report of the Committee on Signaling Systems for the Protection of Life and Property*, in coordination with the Technical Correlating Committee (SIG-AAC), Wayne Moore, chairperson.

With regard to Section 10.4.5.1, 2002 Edition (Section 10.4.6.1, 2007), on testing, alarm expert Jeffrey Zwirn, president of IDS Research & Development Inc., asked to have the sentence, "This testing requirement shall be provided to the household in writing by the installer," added to the verbiage: "Household fire alarm systems shall be tested by a qualified service technician at least every 3 years according to the methods of Table 10.4.2.2."

The committee rejected Zwirn's suggestion, stating, "Existing building codes and fire codes already require the owner to install, inspect and maintain systems. It is not the responsibility of the installer to notify the owner of their obligations."

This seems to suggest that fire alarm companies are not required by code to install or notify the homeowner of the need for additional smoke detectors in existing homes. However, it is my opinion this does not mean these companies are not ethically obligated to mention it.

Frankly, it would seem to me that alarm companies would want to tell their clients additional smoke detectors are needed. In fact, good salesmanship might require it. Moreover, although code may not require fire alarm companies to school their clients on fire code, it somehow seems fitting they do so for life-safety sake. How else will businesses and homeowners know what's required of them?

### **Upselling Includes Notification**

I believe any excuse for contact with the client, including notification of what applicable code requires, seems quite in order. In fact, contact for this or any other reason represents another opportunity to upsell. Education in this regard can take place through monthly newsletters, periodic E-mails or personal contact.

Let's talk for a moment about our original scenario where an alarm company has sold an alarm package to a homeowner. Only one smoke detector is included in the package, and yet in a two-story home at least one automatic smoke detector is required on each floor.

Perhaps the best approach to the issue of upselling is to simply focus on the educational side of the coin and let the buyer decide what to do about it. In other words, address life-safety and code concerns, and then let the need for additional protection do the selling.

Some installers are embarrassed about upselling, but my advice is don't be. Your company is in business for two reasons: 1) to protect the client, and 2) to make money.

### **Code Requires Smoke Alarms First, Detectors Second**

The requirements for automatic smoke detection in Chapter 11 of NFPA 72, 2007 Edition, center on single- and multiple-station smoke alarm units, not system-type

smoke detectors per se. Code does allow for duplication of the protection and enhanced protection using system-type detectors.

In Section 11.5.1.1 of NFPA 72, 2007 Edition, it essentially says a smoke detector is required in all sleeping rooms and any guestrooms in the home. In addition, a smoke detector must be installed outside each bedroom area within 21 feet of the door.

And in Section 11.5.1.3, code calls for an automatic smoke detector to be installed on each level of the home when the interior space on each floor is more than 1,000 square feet, excluding the garage. This is the area of code fire technicians usually abide by when working in retrofit applications.

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