

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1989 Session of
2024

INTRODUCED BY D. MILLER, KINSEY, DONAHUE, SANCHEZ, STEELE,
DELLOSO, McANDREW, HILL-EVANS AND MALAGARI, JANUARY 31, 2024

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, JANUARY 31, 2024

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, in public safety, providing for
3 testing of fire life safety dampers and smoke control
4 systems; imposing duties on the State Fire Commissioner; and
5 imposing penalties.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Part III of Title 35 of the Pennsylvania
9 Consolidated Statutes is amended by adding a chapter to read:

10 CHAPTER 58A

11 TESTING OF FIRE LIFE SAFETY DAMPERS

12 AND SMOKE CONTROL SYSTEMS

13 Sec.

14 58A01. Definitions.

15 58A02. Buildings subject to testing.

16 58A03. Testing of fire life safety dampers.

17 58A04. Testing of smoke control systems.

18 58A05. Duct and kitchen hood inspection, cleaning and testing.

19 58A06. Qualifications of testers.

1 58A07. Certificate of operation.

2 58A08. Testing failures.

3 58A09. Posting of notice.

4 58A10. Submission.

5 58A11. Enforcement and penalties.

6 § 58A01. Definitions.

7 The following words and phrases when used in this chapter
8 shall have the meanings given to them in this section unless the
9 context clearly indicates otherwise:

10 "Approved skill training program." A Class A apprenticeship
11 training program that:

12 (1) is registered with and approved by the United States
13 Department of Labor or a State apprenticeship agency;

14 (2) involves at least 8,000 hours of documented
15 practical experience in the installation, maintenance and
16 servicing of HVAC systems; and

17 (3) provides both apprenticeship training and training
18 to upgrade skills of journeypersons in the skills of the HVAC
19 industry, including those relating to fire safety equipment.

20 "Building." As follows:

21 (1) A structure equipped with fire life safety dampers,
22 a smoke control system, a dryer vent system or an HVAC duct
23 system that contains fire life safety dampers or is part of a
24 smoke control system.

25 (2) The term does not include a single-family
26 residential building or multifamily buildings with four or
27 fewer units.

28 "Combination fire and smoke damper." A device that meets
29 both the fire damper and smoke damper requirements.

30 "Dedicated smoke control system." A smoke control system,

1 including its components, that is installed for the sole purpose
2 of providing smoke control and that, upon activation, operates
3 specifically to perform the smoke control function.

4 "Fire damper." As follows:

5 (1) A device that is installed in an air distribution
6 system and designed to close automatically upon detection of
7 heat, to interrupt migratory airflow and restrict the passage
8 of flame.

9 (2) The term includes:

10 (i) A device that is installed in an air
11 conditioning system to close automatically upon detection
12 of heat, to interrupt migratory airflow and restrict the
13 passage of flame.

14 (ii) A combination fire and smoke damper.

15 "Fire life safety damper." A fire damper, smoke damper or
16 combination fire and smoke damper.

17 "Fire life safety damper testing." The testing and
18 inspection activities, including all physical and visual
19 testing, of a fire life safety damper necessary to ensure the
20 proper functioning, as required by IFC, and the following:

21 (1) The standards concerning fire doors and other
22 protective openings adopted under IFC and NFPA 80.

23 (2) The standards regarding smoke control systems under
24 NFPA 92.

25 (3) The standards regarding smoke door assemblies and
26 other opening protectives under NFPA 105.

27 (4) Applicable engineering specifications.

28 "HVAC." Heating, ventilation and air conditioning.

29 "ICB." The International Certification Board.

30 "IFC." The International Fire Code as adopted in this

1 Commonwealth.

2 "Independent contractor." A business entity, including a
3 subsidiary of the business entity, that is not owned or managed
4 by an owner of the building, or an immediate family member of
5 the owner of the building, which is being inspected.

6 "ISO/IEC." The International Organization for
7 Standardization/International Electrotechnical Commission.

8 "ISO/IEC 17024." The adopted version of the ISO/IEC 17024
9 Conformity Assessment - General Requirements for Bodies
10 Operating Certification of Persons, which:

11 (1) was developed with the objective of achieving and
12 promoting a globally accepted benchmark for organizations
13 operating certification of persons; and

14 (2) specifies requirements to ensure that certification
15 bodies operating certification schemes operate in a
16 consistent, comparable and reliable manner.

17 "Kitchen hood exhaust system." A filtration system used in a
18 kitchen to remove grease, smoke and other particles to prevent a
19 fire.

20 "Kitchen ventilation system." An exhaust, ventilation and
21 make-up air system serving a commercial kitchen hood.

22 "NFPA." The National Fire Protection Association.

23 "NFPA 80." The adopted version of the Standard for Fire
24 Doors and Other Opening Protectives, which regulates the
25 installation and maintenance of assemblies and devices used to
26 protect openings in walls, floors and ceilings against the
27 spread of fire and smoke within, into or out of buildings.

28 "NFPA 92." The adopted version of the Standard for Smoke
29 Control Systems, which protects life and reduces property loss
30 by establishing requirements for the design, installation and

1 testing of smoke control systems used to mitigate the impact of
2 smoke from fire.

3 "NFPA 105." The adopted version of the Standard for Smoke
4 Door Assemblies and Other Opening Protectives, which prescribes
5 minimum requirements for smoke door assemblies for use in
6 providing safety to life and protection of property from smoke.

7 "Nondedicated smoke control system." A smoke control system
8 that shares components with some other system, such as the
9 building HVAC system, which changes the mode of operation to
10 achieve the smoke-control objective.

11 "Pennsylvania Uniform Construction Code." The act of
12 November 10, 1999 (P.L.491, No.45), known as the Pennsylvania
13 Construction Code Act.

14 "Qualified duct cleaning and kitchen hood inspector." A
15 technician who:

16 (1) is certified as an ICB HVAC duct cleaning technician
17 or through an equivalent certification program accredited
18 under the ISO/IEC 17024 personnel certification; and

19 (2) is employed by an independent contractor that
20 provides duct cleaning and:

21 (i) maintains current workers' compensation
22 insurance coverage;

23 (ii) holds an ICB duct cleaning contractor
24 certification, or equivalent certification, from an
25 organization that has been accredited under the ISO/IEC
26 17024 personnel certification standard in duct cleaning;
27 and

28 (iii) participates in an approved skill training
29 program.

30 "Qualified fire and smoke damper inspector." Any of the

1 following:

2 (1) An authorized member of State or local fire
3 department personnel.

4 (2) A technician who:

5 (i) is certified by ICB as a fire and smoke damper
6 technician or through an equivalent certification program
7 accredited under the ISO/IEC 17024 personnel
8 certification; and

9 (ii) is employed by an independent contractor that
10 provides fire life safety damper inspection services and:

11 (A) maintains current workers' compensation
12 insurance coverage;

13 (B) holds an ICB fire and smoke damper
14 contractor certification, or equivalent
15 certification, from an organization that has been
16 accredited under the ISO/IEC 17024 personnel
17 certification standard in HVAC fire life safety
18 damper inspections; and

19 (C) participates in an approved skill training
20 program.

21 "Qualified inspector." Any of the following, as applicable
22 to the training and certification required to conduct an
23 inspection or cleaning under this chapter:

24 (1) A qualified duct cleaning and kitchen hood
25 inspector.

26 (2) A qualified fire and smoke damper inspector.

27 (3) A qualified smoke control system inspector.

28 "Qualified smoke control system inspector." Any of the
29 following:

30 (1) An authorized member of State or local fire

1 department personnel.

2 (2) A technician who:

3 (i) is certified by ICB as a smoke control system
4 technician or through an equivalent certification program
5 accredited under the ISO/IEC 17024 personnel
6 certification;

7 (ii) is a testing, adjusting and balancing (TAB)
8 technician certified by the Associated Air Balance
9 Council, the National Environmental Balancing Bureau or
10 the Testing, Adjusting and Balancing Bureau; and

11 (iii) is employed by an independent contractor that
12 provides smoke control system testing services and:

13 (A) maintains current workers' compensation
14 insurance coverage;

15 (B) holds an ICB smoke control system contractor
16 certification, or equivalent certification, from an
17 organization that has been accredited under the
18 ISO/IEC 17024 personnel certification standard in
19 HVAC smoke control system inspections; and

20 (C) participates in an approved skill training
21 program.

22 "Smoke control system." As follows:

23 (1) An engineered system that includes all methods that
24 can be used singly or in combination to modify smoke
25 movement.

26 (2) The term includes an engineered system that uses
27 mechanical fans to produce pressure differences across smoke
28 barriers to inhibit smoke movement.

29 "Smoke damper." As follows:

30 (1) A device within an air distribution system to

1 control the movement of smoke.

2 (2) The term includes:

3 (i) A device installed in an air conditioning system
4 to control the movement of smoke.

5 (ii) A combination fire and smoke damper.

6 § 58A02. Buildings subject to testing.

7 An owner of a building shall establish a HVAC fire life
8 safety damper and smoke control system inspection verification
9 program for the purpose of ensuring that fire life safety
10 dampers, smoke control systems, kitchen ventilation systems and
11 dryer vent systems are in working order to prevent the spread of
12 fire and smoke throughout the building.

13 § 58A03. Testing of fire life safety dampers.

14 (a) Requirements generally.--An owner of a building shall
15 ensure that installed fire life safety dampers are:

16 (1) Installed in the building in accordance with the
17 Pennsylvania Uniform Construction Code.

18 (2) Inspected and tested in accordance with applicable
19 standards under the Pennsylvania Uniform Construction Code,
20 the IFC or regulations adopted by the Office of the State
21 Fire Commissioner.

22 (b) Frequency of fire life safety damper testing.--Except as
23 provided in subsection (c), a fire life safety damper shall be
24 inspected and tested, regardless of location, no fewer than once
25 after the first year of installation and then at least once
26 every four years thereafter.

27 (c) Hospitals.--In a hospital, fire life safety dampers
28 shall be inspected and tested no fewer than once after the first
29 year of installation and at least once every six years
30 thereafter.

1 (d) Visual testing requirement.--

2 (1) The periodic testing of fire dampers, smoke dampers
3 and combination fire and smoke dampers shall include the
4 visual inspection method in accordance with NFPA 80 and NFPA
5 105.

6 (2) The remote inspection method, as defined in NFPA 80
7 and NFPA 105, shall not be used in place of visual inspection
8 for the periodic testing required under this subsection.

9 (3) All fire dampers and smoke dampers shall be tested
10 in accordance with this section, regardless of location.

11 § 58A04. Testing of smoke control systems.

12 (a) Requirements generally.--An owner or operator of a
13 building shall ensure that smoke control systems are:

14 (1) installed in accordance with the Pennsylvania
15 Uniform Construction Code; and

16 (2) tested as required by the applicable standards under
17 the Pennsylvania Uniform Construction Code or regulations
18 adopted by the Office of the State Fire Commissioner.

19 (b) Frequency of testing.--

20 (1) Dedicated smoke control systems shall be tested at
21 least semiannually.

22 (2) Nondedicated smoke control systems shall be tested
23 at least annually.

24 (c) Nature of testing.--Testing of smoke control systems
25 shall include tests to determine whether airflow quantities and
26 pressure differences are code compliant, including at the
27 following locations:

28 (1) Across smoke barrier openings.

29 (2) At the air make-up supplies.

30 (3) At smoke exhaust equipment.

1 § 58A05. Duct and kitchen hood inspection, cleaning and
2 testing.

3 (a) Requirements generally.--The owner or operator of a
4 building with a kitchen ventilation system, dryer vent system or
5 HVAC duct system that contains a fire life safety damper, or is
6 part of a smoke control system, shall ensure that the duct
7 system is inspected and thoroughly cleaned by a qualified duct
8 cleaning and kitchen hood inspector at least once every five
9 years after installation of the duct system.

10 (b) Purpose.--Inspections and cleaning under this section
11 shall be done to prevent the buildup of grease, lint or other
12 potentially hazardous materials that could corrode or impede the
13 function of the life safety systems or create a flammable or
14 other hazardous condition.

15 (c) Kitchen hood exhaust system.--The owner or operator of a
16 building with a kitchen hood exhaust system shall ensure that
17 all of the following occur:

18 (1) The kitchen ventilation system associated with a
19 commercial kitchen hood operates in accordance with the
20 standards specified in the versions of the IFC and the
21 International Mechanical Code published by the International
22 Code Council that is adopted by the appropriate governing
23 body.

24 (2) The kitchen ventilation system is inspected, and the
25 required rate of air movement, as determined by the most
26 recently approved design documents, of the associated
27 ventilation system is physically verified, at least once
28 every five years after installation of the kitchen
29 ventilation system, by a smoke control system contractor.

30 (3) The records of the required rate of air movement

1 state the names of the individual and company performing the
2 inspection, a description of the inspection and the date of
3 the inspection.

4 (4) The compliance certification provided by the
5 technician that completed the inspection in accordance with
6 section 58A03 (relating to testing of fire life safety
7 dampers) is maintained and made available for inspection,
8 upon the request of the State Fire Commissioner or governing
9 body.

10 (5) All records described in this subsection shall be
11 completed after each inspection or cleaning and shall be
12 maintained after the inspection or cleaning.

13 § 58A06. Qualifications of testers.

14 (a) Duties of State Fire Commissioner.--The State Fire
15 Commissioner shall establish and administer a program to review
16 and approve third-party inspection training and certification
17 programs to ensure conformance with this chapter.

18 (b) Qualified inspector.--Only a qualified inspector may
19 conduct an inspection or cleaning under this chapter.

20 § 58A07. Certificate of operation.

21 (a) Duties of qualified inspector.--If a fire life safety
22 damper system and smoke control system for a building pass the
23 applicable inspections and testing in accordance with this
24 chapter, a qualified inspector shall execute a certificate of
25 operation, which shall verify compliance and include the
26 following information:

27 (1) The name and certification number of the qualified
28 inspector.

29 (2) The qualified inspector's employer.

30 (3) The name of the owner of the building.

1 (4) The address of the building.

2 (5) The location of fire dampers, smoke dampers,
3 combination fire and smoke dampers and smoke control systems
4 that are inspected or tested.

5 (6) The date of the inspection or testing.

6 (b) Record of certificate.--The owner of the building that
7 is the subject of inspection or testing under this chapter shall
8 maintain a copy of the certificate of operation on the building
9 property and shall make the certificate available for inspection
10 upon request.

11 § 58A08. Testing failures.

12 (a) Deficiency report.--If an inspection or test by a
13 qualified inspector reveals deficiencies in a fire life safety
14 damper, smoke control system, dryer vent system or kitchen
15 ventilation system of a building, the qualified inspector who
16 conducted the inspection or test shall issue a deficiency
17 report. The following apply:

18 (1) The qualified inspector shall submit the deficiency
19 report to the owner of the building.

20 (2) The deficiency report shall identify the nature of
21 the deficiency and reasons for noncompliance and shall
22 contain:

23 (i) The name and certification number of the
24 qualified inspector.

25 (ii) The qualified inspector's employer.

26 (iii) The name of the owner of the building.

27 (iv) The address of the building.

28 (v) The location of all fire dampers, smoke dampers,
29 combination fire and smoke dampers and smoke control
30 systems that are inspected or tested.

1 (vi) The date of the inspection or test.

2 (b) Duties of building owner.--The owner of a building that
3 is the subject of an inspection or testing under this chapter
4 shall, within 30 days of the issuance of the deficiency report
5 under subsection (a), take the necessary steps to ensure that
6 the defective equipment is replaced or repaired and that
7 compliance with the applicable inspection and testing
8 requirements has been achieved.

9 § 58A09. Posting of notice.

10 (a) Requirement.--The owner of a building shall post a
11 notice of verification of the testing and inspection of fire
12 life safety dampers and smoke control systems in the outside
13 lobby window of the building or other area clearly visible to
14 the public.

15 (b) Contents.--The notice of verification under subsection
16 (a) shall state the address of the building and the date of the
17 last fire life safety damper inspection and smoke control system
18 inspection, along with the date that each inspection expires.

19 § 58A10. Submission.

20 (a) Requirement.--Within 30 days of issuance of a
21 certificate of operation for a building, the owner of the
22 building shall submit a copy of the certificate of operation to
23 the municipal fire marshal or the State Fire Commissioner
24 proving that the building is in compliance with the testing
25 requirements of this chapter. The municipal fire marshal or the
26 State Fire Commissioner shall commence enforcement actions for
27 an instance of noncompliance.

28 (b) Verification of certificate of operation.--When the
29 municipal fire marshal, the State Fire Commissioner or the other
30 authority having jurisdiction conducts an annual fire inspection

1 of a building, the municipal fire marshal, the State Fire
2 Commissioner or the other authority having jurisdiction shall
3 inspect the fire life safety damper system and smoke control
4 system of the building and the certificate of operation to
5 ensure compliance with the requirements of this chapter and
6 commence enforcement actions if violations are found.

7 § 58A11. Enforcement and penalties.

8 An owner of a building who violates this chapter shall be
9 assessed a civil penalty of \$100 per violation per day of
10 noncompliance, which shall be payable to the Office of the State
11 Fire Commissioner.

12 Section 2. This act shall take effect in one year.