



# ***CHIEF'S FILE CABINET***

***Ronny J. Coleman***

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## **Do As I Say, Not As I Do**

When most of us were children we had at least one experience where we were told to do something by our parents and we resisted it. One of the first things we did was fight back by saying why? Not uncommonly, their response was, "Because I said so." Then as we grew a little older we began to challenge their authority by asking, "Well, if you do it, why can't I?"

It didn't go over very well then and it probably doesn't go over very well today when we use that same kind of logic against our own children. The concept that a person who is in power has the right to keep someone from doing something or that a person in authority can demand that someone else do something that they don't have to is a great source of conflict.

This dilemma often manifests itself in the form of the government's authority to demand certain forms of compliance among business and industry and yet ignore those same requirements for themselves. In one of the most classic examples of "double speak", the government frequently declares itself exempt from its own requirements. This is especially true of the federal and state governments. In isolated cases, local governments are guilty of the same hypocrisy.

This was brought to the forefront recently by a series of incidents that highlighted the governmental responsibility for code compliance. One of the first of these was the declaration several years ago that our own national fire academy, which houses the students who are there to learn about fire protection technology and philosophy, is riddled with code violations. While this column will not attempt to explore all the reasons and rationale as to why those violations exist, it does focus on the fact that the fire service could have a credibility problem if it fails to address these issues. Another classic example of this was found recently in San Francisco. A series of conflicts between superior court judges and the government services agency has resulted in a law suit being filed by the judges against their landlord, the State of California. The suit filed in court earlier this year alleges that the state government is asking them to work in an environment that is unsafe. Concerns have been expressed about the lack of smoke detectors, adequate exiting, sprinklers, failure to provide sprinklers, and a host of other problems.

At one point in time, government structures tended to be very institutional types of buildings. Courthouses, city halls, and the seats of government has been expanded to include such public facilities as police stations, jails, mental health facilities, hospitals, fire stations, and, yes, the government even owns some commercial and industrial occupancies. Failure to bring these occupancies up to the same set of standards that we are imposing on non-governmental entities can put the fire service between a vice of public scrutiny and taxpayer frustration.

It's not as if we haven't burned down a lot of governmental buildings. In recent times we have lost a



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series of federal buildings such as the infamous fire in the Veteran's Administration building in Kansas City and, of course, the tragic fire that occurred in our space race that took the lives of some of our astronauts delayed our space program for a considerable period of time. At the state level, the state fire marshal's office once burned to the ground along with all the records of the state fire marshal's office. How many city halls and publicly owned structures in our cities have been consumed by fire over the last five or six decades?

The basic argument against fire authorities attempting to obtain code compliance is that it is simply too expensive. After all, bureaucrats will frequently argue the case that this is the taxpayer's money we are spending. This is a significantly weakened argument in light of the fact that fire protection costs the government no more or no less than it costs the private industry which must face the same issue of revenue and expenditure. However, there is an additional dimension that is often missed in this discussion with respect to government. That is that failure of governmental institutions to provide for adequate fire safety can result in an interruption to society that far exceeds the significance of the particular fire.

I can recall early in my life having a discussion with someone whose birth records had been destroyed in a fire in city hall in Oklahoma. If you burned down a commercial building where you destroyed their credit records and their accounts receivable, it is very likely that this particular industry would be impacted. However, all of the people whose records were destroyed, some of whom would be honest enough to own up to the bill, would not be very adversely impacted. On the other hand, someone whose birth certificate, veteran's records, social security documents and other forms of historical information are destroyed can be drastically impacted.

In short, it is hypocritical for government to constantly be lobbying for improved performance of occupancies on the private sector side and fail to take a close look at itself. I felt that this issue was recently highlighted in a Senate hearing where a state senator actually accused the fire service of using code amendments as a means of restricting growth in our communities.

Senator Leroy Green, (Democrat), of the State of California has actively opposed the creation of legislation in California that would restore the local control to fire departments to exercise more stringent code requirements than those of the California state fire marshal. His resistance to dealing with this issue is supposedly based on the premise that local control is an inappropriate place to set standards and that the state somehow or other has more insight into what is good for the private sector. That same state government is the one that requires a lawsuit to bring its structures up to standard.

Legislators who point fingers at local government as perpetrators of inappropriate use of codes are the same ones who fail to vote for and support budget amendments to bring their own buildings up to



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standard. Many of them take the position that they oppose local control because we are utilizing this process to require higher levels of fire protection than required by the state. Nothing could be closer to the truth. In most cases, the states do not provide an adequate level of protection; they are only interested in establishing minimums.

That's the basis for the mini/maxi code concept. What would add a great deal more credibility to the legislator's position on this issue is if their minimums were applied to themselves. Eliminating this form of hypocrisy would make it far more palatable for local authorities to comply with the intent of state codes.

Of course, one course of action that would probably establish instant credibility is if the state and federal government would institute proceedings immediately to provide built-in fire protection on all structures that they build in local municipalities for which no funds are given to the municipality for fire protection. It is not uncommon for the federal government to put a structure in the middle of a municipality, declare themselves exempt from various fire code requirements, and then go about creating a fire problem that is quite severe for the local entity. Is this fair?

Obviously this is not going to be a problem that will be solved overnight. The fire service has actively been involved in coping with this hypocrisy for about the last 20 years. The resolution of it will not be found in the establishment of uniform codes and in the adoption process of some of our more innovative and progressive ideas such as sprinkler ordinances. Instead, it will be found in the activity of the fire service to support legislative activity to hold state and federal government accountable for their compliance as all other buildings. This means we should be highlighting the responsibility of these levels of government to be role models and to set the example in the community for business and industry.

Granted, this may cause some public works projects to have a slightly higher cost. I seriously doubt if most taxpayers really know the difference between a fully protected building and an unprotected one; that is, until it is consumed by fire and they have to pony up the expenses of replacing it. One of the other aspects of state and local government is that they tend to have only one source of revenue; you and I and the rest of us who pay the taxes for governmental services.

If the government will just build them right the first time, there is a possibility we will begin to have an impact on the fire problem and stop concerning ourselves about whether a building is owned by a private sector or by a governmental agency; fire safety is fire safety no matter where it is deployed.