



CHIEF'S FILE CABINET

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Fire Code Fairy Tale

Once upon a time in a land far, far away there lived a fire chief who loved fire prevention. His name was Robert Gain. Chief Gain was a unique individual with both technical skill and at the same time a sense of perspective on his role as a fire chief. He had a dream that someday there should be a fire code that would protect the public from the ravages of fire. This is the story of how that dream became a reality and then ultimately turned into somewhat of a moderate nightmare.

There are literally hundreds if not thousands of firefighters in service today who do not know who Robert Gain is. He was the fire chief of Downey California. The Downey Fire Department had been created after the City of Downey had decided to withdraw from the Los Angeles County fire program back in the 1950's (or maybe it was the early 60's). To those who knew Robert Gain he was not an intimidating or imposing figure. He was more grandfatherly like with streaks of steel gray in his hair and a way of being able to work with people that would convince them that whatever he was suggesting was the way things ought to be done.

Robert Gain wrote in cooperation with some of his counterparts the first draft of a document to create the foundations for a fire prevention code here in California. Granted there had been other fire prevention codes that existed. There was one published by the AIA (American Insurance Association) and there are many other communities that adopted fire prevention codes on their own, but they were almost always drastically different from one another and lacked a key factor – uniformity.

Chief Gain was extremely active with the fire prevention officers of the California Fire Chiefs Association. They took his draft to that particular group and proposed the creation of "uniform" fire code. If you compare what it looked like then to what it looks like now, one might regard that first draft as being somewhat naive and certainly inadequate for the fire problems we cope with today. But that is not the point. The point is that Robert Gain started that document on his own with no financial incentive driving the motivation. He did it because it was the right thing to do.

The California Fire Prevention Officers embraced the idea. They trusted Robert Gain's work and at the same time knew that they could contribute meaningfully to the process. Therefore, various sub-committees of the California Fire Chiefs Association started expanding and improving upon the document. Soon it took the shape and got its name of "Uniform Fire Code". The first drafts were on a 5 x 7 booklet format and the cover was green. It wasn't even bound. It was three-hole punched so it would fit in a binder and could be supplemented with additional information.

Beginning in the 1970's the fire prevention officers in the State of California began adopting the Uniform Fire Code in various communities. It then started to create a life of its own. It was clear from the outset



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that in order for a code to be meaningful it has to change over time. The fire prevention officers through a variety of organizations and committees started a process to update the code. Chapters were rearranged – amendments were made. After a period of some eight to ten years the document began to take on a life of its own. It had become the Uniform Fire Code for the California Fire Service.

During that time frame the California Fire Service also developed a fire inspector's guide. The very first one of these guides was produced by the Costa Mesa Fire Department in approximately 1968 to support the conducting of company inspection programs. What may be a surprise to some people who read this story is that the original draft of the inspectors guide was put together as a training aid, not as a fire prevention aid. Fire Inspector Ken Blakken worked for the Costa Mesa Fire Department working in cooperation with myself as the departmental training officer, copied the format from a California Highway Patrol's pocket manual for DMV violations.

The very first ones produced were done on blue paper and were distributed to the Costa Mesa Fire Department.

However, with the code becoming more and more popular it became clear to the fire service that there needed to be an institution or mechanism of support to make sure that the code was properly maintained and improved. In 1980 the California Fire Chiefs Association made a proposal to the Western Fire Chiefs Association that they become the parent organization and take on responsibility for the maintenance of the code.

This was not only a successful process but it almost became too successful. The Western Fire Chiefs Association (a division of the IAFC) had always had a strong linkage with fire prevention. As a matter of fact the organization was once referred to as the Pacific Intermountain Fire Chiefs Association and during that era (the 1930's) fire prevention had been one of the primary reasons for the organization getting together.

The Western Fire Chiefs Association started utilizing their annual conferences as an opportunity for the uniform fire code to be updated. A formalized process was created to receive amendments to them and the voting body that made those amendments were fire marshals or chiefs of departments. The enthusiasm for the uniform fire code in the California Fire Service was always strong but when it went to the Western Fire Chiefs level it became even more intense. The State of Oregon, the State of Washington and many other states in the western United States quickly embraced the concept of the uniform fire code. In a classic phenomenon of becoming too much of a success for its own good, it soon became clear to the Western Fire Chiefs Association they needed a publishing partner in order to move forward with the process.



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The partner of choice was the International Conference of Building Officials (ICBO) who were the publishers of the Uniform Building Code. Located in Whittier California this organization had a fifty-year track record of publishing documents that were adopted and utilized by both state and local government. The Western Fire Chiefs Association approached the ICBO to enter into a business partnership to see this document published.

(Somewhere in here we need to talk about when the State Building Standards Commission was created by the State of California)

This turned out not to necessarily be a good marriage. As a matter of fact, in the language of fairy tales, I am not sure it was a marriage as much as it was an affair. The Fire Chiefs Association attempted to negotiate a fair and equitable distribution of revenues emerging from the publishing of this code. It was never adequately consummated. In fact, it was a source of almost constant turmoil.

Nonetheless, the document did get published. The International Conference of Building Officials did all of the necessary logistical support to make sure that the document was adequately typeset and printed and published in a professional manner. However, both organizations were very unclear at the outset about copyright provision. While it became increasingly clear that the actual maintenance process of keeping the fire code was going to be a function of those at the Western Fire Chiefs Association, the ICBO took more and more possession of the document itself and more control over its printing and publishing.

Eventually there was a rupture that occurred between these two organizations. In approximately 1994 there was a decision made by the Western Fire Chiefs Association to discontinue the relationship with the ICBO. This was messier than a Hollywood divorce. Lawsuits were filed on both sides and the subsequent result was a true lose, lose proposition. The finding was that both entities owned the copyright to the document and that neither could stop the other one from doing anything if they wanted to in the future.

About that time a subject came up of the International Codes. The ICC was created out of the whole cloth of the three major building code groups, SBCCI, BOCCA and ICBO. The Western Fire Chiefs Association took the position that the uniform fire code should have been offered as the number one candidate to become the International Fire Code. Due to the bad blood that had been generated between the ICBO and the Western Fire Chiefs Association, however, the idea was not only rejected but it was almost put under attack by certain representatives of the opposition.

About that same time the NFPA came along and decided that if there was going to be that much of a dissention over who is going to print the fire code that they ought to jump into the business. What is



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unique about this story is that at the very time in which they were trying to come up with only one set of codes we now ended up with three. Talk about the law of unintended consequence.

The ICC's rejection of the Uniform Fire Code as potential base document to utilize was outright intentional. In a meeting held in Costa Mesa almost all efforts by the fire service to submit and make contributions to the developmental process were roundly rejected by those seated at the table. This started a rupture in the working relationship that went beyond the technical aspects and entered into the realm of personality attacks.

Quickly the NFPA realized the Western Fire Chiefs had been disenfranchised by the ICC and chose to make an offer to the Western that they would now publish the Uniform Fire Code. While a significant number of those involved in the UFC had openly been critical of the NFPA process and its convoluted standards making system, whenever the opportunity came for new port to sail into they couldn't resist it. The Western Fire Chiefs Association signed a three-year agreement with the NFPA, which essentially restricted the Western Fire Chiefs from then being able to renegotiate or re-advocate the use of the Uniform Fire Code as part of the ICC.

What is tragic about all of this is that if Bob Gain had been alive it is unlikely that this convoluted contorted and almost counterproductive process would probably not have occurred. Gain was a very practical man who knew how to compromise and to make things work. Unfortunately he passed away in.

Today there are individuals choosing up sides in this fairly tale that weren't around at all in that country a long, long time ago. They have lost track of the institutional memory and are now making decisions are current perception rather than historical precedent. As a result the fire service seems to be losing its true legacy, which was the development of the Uniform Fire Code.

Sometimes fairy tales end up with the comment that the prince and princess lived happily ever after. So far this fairy tale is beginning to look more like the end of the three little pigs or Goldie locks and the three bears. There are a lot ox's being gored and there are a lot of ill feelings in the process.

To the degree that we can go back and utilize history as a salve and begin to restore relationships and begin to focus on the true reason for publishing a fire prevention code, i.e. to save lives and property instead of worrying who gets paid for the publishing the better off we are going to be.