



CHIEF'S FILE CABINET

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The Dead Sea Scrolls and Fire Code Rewrites

How many versions are there of the Bible? It's been around for almost 2,000 years and yet it has not always said the same things. Several times it has been "interpreted." Which one is the version you should have followed in order to assure salvation? Well, I'll bet those people who worshipped using the Bible in Roman times believed that was the version in effect reflected the times. No doubt, King James had a reason for that rewrite. I guess if we want to be purists we would have to go back to the Dead Sea Scrolls and see what the original author stated.

Regardless of what religious faith we practice, we all subscribe to a current version of that belief. And, for the most part, we respect the previous versions and hope that those who followed it got the same reward you are hoping for. Salvation is probably not retroactive if we create a new requirement in the next century. But, there are a lot of things that were OK when they were done that don't need to be brought "to code" today.

We have the same phenomena as a result of the code revision process. Each and every edition of the code is based on its predecessor and the changes in that code may or may not be capable of being applied to a condition created by the previous edition.

There are a couple of terms that apply here. Grandfather, meaning we are going to let something stay the way it was before a *new* requirement is imposed. Or, we have retroactivity, which means that we are requiring an older installation to conform to the new requirement. Then, there is another phrase, nonconforming. That means that a current edition has a requirement, that an older structure does not comply with, nor does it have to.

Therein lies a problem for AHJs. Structures last a lot longer than inspectors. So, it's not uncommon for there to be a problem for the current crop of inspectors to deal with the previous generation's acceptance of certain conditions and practices. At the minimum, there is a problem of the information gap, because the older the condition and the more inexperienced the inspector, the more possibility there is going to be a conflict. Nonconforming situations often result in an attempt by the new generation to impose a requirement that is neither legal nor prudent.

Which leads us to the second problem. How does an inspector know if what they are looking at has been "grandfathered," i.e. approved by a prior inspector, or if it was required to comply retroactively in a previous code edition, but the current edition is silent on the subject? Or, lastly, how can we know for sure what requirements were in effect when the structure was approved?



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Our first problem of old structures, inexperienced people, must be addressed through training and education. Our second problem of determining conformity must be addressed through document retention. In many cases departments have created curriculum and programs to satisfy the training and education criteria, but have totally missed out in point two.

Ask yourself this question. How many times have you seen a new code edition become adopted and the first thing everyone does is pitch their old one? Even if there is a long transition period where two editions are present, you may be hard pressed to find the preceding version.

A word of caution here. Fire agencies should archive *any and all* codes that have been adopted, but are replaced by more current versions. I'm not talking about tossing the old, worn out books in a cardboard box. I'm talking about archiving. This means creating a place in a bookshelf where a copy of each edition is placed, one alongside the other, with a system in place of assuring that the building and fire codes are not allowed to disappear.

The task of archiving also includes making sure that any and all supporting documents, i.e. adopting ordinances, supplemental policies that were in effect and revoked are catalogued and identified.

What this does is create an institutional memory that serves two groups simultaneously. It helps the AHJ be more credible in their application of enforcement authority. It helps the owners and occupants of inspected properties by giving them a fair treatment that can be easily visualized by them. If you can demonstrate a line of logic to the adoption approval process for a specific requirement, your chances of compliance are higher and your chances of conflict are lower.

Have you ever heard the prediction that people who cannot remember history are doomed to repeat it? The archives of codes and ordinances serve as a reminder of past practices that either worked, and then got forgotten, or they didn't work well and someone tries to bring them up again. The archives are an excellent source of precedent and policy formulation to support current practices.

Lastly the purpose of the archive is to protect the organization. It's a good legal practice. Without having the archive you can be forced into decision processes that your current position can be eroded by information from the past. Better you in control of that information than counsel for the opposition when you find yourself preparing to deal with litigation involving code requirements. The current code may be useful, but its predecessor may be essential.

Going back to our lead for a moment, the Bible contains a lot of things that people believe in quite strongly. It is the "gospel." When the Dead Sea Scrolls were first discovered there was a grave concern that the older version would not support the current versions and that religion would suffer from loss of



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credibility. That didn't happen. The Dead Sea Scrolls reaffirmed a great deal of what is currently preached and practiced.

Our codes and standards have come a long way in the last 50 years. We have nothing to fear from going back to earlier versions to evaluate our current practices. If done in a systematic fashion, it can only strengthen the exchange of knowledge from one generation of inspectors to their successors.