

NEW YORK CITY FIRE DEPARTMENT

Notice of Adoption of Final Rule

Amendments of Fire Department Rules

3 RCNY §113-01, entitled

“Certificates of Fitness and Certificates of Qualification,”

3 RCNY §113-07, entitled

“Refrigerating System Operating Engineer Training Courses,” and

3 RCNY §113-12, entitled

“Building Operation, Maintenance and Recordkeeping Training Courses”

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Fire Commissioner of the City of New York pursuant to Section 102 of the New York City Fire Code, and in accordance with the requirements of Section 1043 of the New York City Charter, that the New York City Fire Department has adopted amendments to Fire Department rules 3 RCNY §§ 113-01, entitled “Certificates of Fitness and Certificates of Qualification,” 113-07, entitled “Refrigerating System Operating Engineer Training Courses,” and 113-12, entitled “Building Operation, Maintenance and Recordkeeping Training Courses.”

The public hearing was held on April 24, 2015. The amendments to the rules shall take effect on July 1, 2015.

The Notice of Adoption, final rule and the Statement of Basis and Purpose of Final Rule, will be available on the Fire Department’s website (www.nyc.gov/fdny) and NYCRULES (www.nyc.gov/NYCRULES).

Statement of Basis and Purpose of Final Rule

According to Fire Code Section FC113.7.3, the Fire Department may require a certificate holder to complete a Department-approved continuing education program as a condition of renewal of the certificate.

The final rule requires refrigerating system operating engineer certificate holders to have completed a continuing education course in building operation, maintenance and recordkeeping from a Department-approved continuing education program by the time of their next certificate renewal. This will ensure that operating engineers, who typically have other important responsibilities relating to building operation and maintenance, are familiar with applicable Fire Code requirements, which have undergone a comprehensive revision in 2008 and were revised again effective March 2014.

Refrigerating system operating engineer certificate holders who also hold a Fire Safety Director Certificate of Fitness will not be required to re-take the course because the continuing education requirement in building operation, maintenance and recordkeeping for refrigerating system operating engineer certificate holders is substantially similar to the continuing education that Fire Safety Director Certificate of Fitness holders were already required to complete, as set forth in 3 RCNY §113-02.

The final rule also requires that building operation, maintenance and recordkeeping be included as a topic in the curriculum for refrigerating system operating engineer certificate training courses. This amendment is substantially similar to 3 RCNY §113-05, which makes building operation, maintenance and recordkeeping a required topic in the training course curriculum for fire safety directors.

The final rule also adds company certificates and stationary battery storage systems as additional topics in the curriculum for building operation, maintenance and recordkeeping training courses. These topics are relevant to the duties and responsibilities of many refrigerating system operating engineers.

Terms used in the final rule that are defined in the Fire Code or elsewhere in the Fire Department's rules are indicated by *italics*.

New material is underlined. Material to be deleted is in [brackets].

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Guidance with respect to the interpretation of the Fire Code and Fire Department rules may be obtained using the Public Inquiry Form on the Fire Department's website, www.nyc.gov/html/fdny/html/firecode/index.shtml#p6.

Section 1. Paragraph (2) of Subdivision (f) of Section 113-01 of Chapter 1 of Title 3 of the Rules of the City of New York is renumbered to be paragraph (3) and a new paragraph (2) is added to read as follows:

(2) Renewal applications. On or after January 1, 2016, the holder of a *certificate of qualification* who has not successfully completed a course that addressed issues of building operation, maintenance and recordkeeping, as set forth in R113-07(c)(2)(V), shall, at the time of the next renewal of such certificate, present evidence of the successful completion of such a course. Such course shall be conducted by an institution or program accredited by the *Department* pursuant to R113-04 and 113-12. Applicants that can demonstrate that they have successfully completed a continuing education course in building operations, maintenance and recordkeeping in connection with the renewal of their *certificate of fitness* for fire safety director, as set forth in R113-02(c)(7), shall be deemed to have satisfied this requirement.

[(2)] (3) Registration of work locations.

- (A) *Certificate of qualification* applicants or holders must register each work location at which they will be performing the duties of a refrigerating system operating engineer.
- (B) A *certificate of qualification* does not authorize the holder to perform such duties at any location other than work locations registered with the Department. A

certificate of qualification holder shall not perform any duties requiring such certificate until such time a work location has been registered in accordance with this section. A *certificate of qualification* that does not have a work location registered with the *Department* shall be deemed "Not in Use" (inactive) and not valid to perform the duties of a refrigerating system operating engineer.

- (C) To register a work location, a *certificate of qualification* applicant or holder shall submit a letter from the employer for whom he or she will be performing the duties of a *certificate of qualification* holder. Such letter shall be on business letterhead, and signed by an appropriate officer of the employer, and provide the following information and documentation:
- (1) full name of the applicant;
 - (2) premises address, building designation and location of system to be supervised by the certificate holder (for example: 500 East 150th Street, B building, basement, east wing, Room B101);
 - (3) name of the manufacturer of the *refrigerating system*;
 - (4) type and number of pounds of *refrigerant* in the system;
 - (5) horsepower rating of the *refrigerating system*;
 - (6) date of installation of the *refrigerating system*; and
 - (7) a copy of the *Department permit* for such *refrigerating system*.
- (D) *Certificate of qualification* applicants or holders seeking to register more than one (1) work location shall present a letter from the employer for each work location. In addition to the information and documentation set forth above, such letter shall indicate the days and specific hours worked, and specify whether or not the certificate holder would be providing *personal* or *general supervision* of the equipment in accordance with the requirements of FC606.1.1. A *certificate of qualification* shall not be registered for more than one (1) work location for the same day and time if *personal supervision* is required at more than one (1) such location.
- (E) *Certificate of qualification* holders seeking to change a registered work location shall register such work location in accordance with the procedures set forth in this section.

§2. Paragraph 2 of Subdivision (c) of Section 113-07 of Chapter 1 of Title 3 of the Rules of the City of New York is amended by adding a new item (V) to read as follows:

(V) Building operation, maintenance and recordkeeping. *Building Code*, Fire Code and *rule* requirements for building operation, maintenance and recordkeeping, as set forth in R113-12(c)(2).

§3. Subdivision (c) of Section 113-12 of Chapter 1 of Title 3 of the Rules of the City of New York is amended to read as follows:

- (c) Required Hours and Topics of Instruction
- (1) Training courses shall, at a minimum, provide not less than seven (7) hours of live instruction.
 - (2) Training courses shall provide instruction in the following Fire Code, *Building Code*, and *rule* requirements associated with building operations and maintenance;
 - (A) ~~permits, [and] certificates of fitness, and company certificates~~
 - (B) emergency planning and preparedness
 - (C) emergency power systems, including Chapter 8 of NFPA 110, and NFPA 111
 - (D) elevator in readiness
 - (E) *refrigerating systems*, including operator inspection after repair, monthly testing, and operator logbook.
 - (F) flame-resistant decorations
 - (G) *fire alarm systems*, including Chapter 10 of NFPA 72
 - (H) *sprinkler systems*, including Chapters 5, 8 and 9 of NFPA 25
 - (I) *standpipe systems*, including Chapters 6, 8 and 9 of NFPA 25
 - (J) *out-of-service sprinkler, standpipe and fire alarm systems*, including impairment coordinator, *fire guard* and notification requirements
 - (K) portable fire extinguishers
 - (L) *commercial cooking systems*
 - (M) smoke control systems

- (N) non-water fire extinguishing systems
- (O) *means of egress*, including *Building Code* required exit and elevator signage, and photoluminescent pathway markings
- (P) *hot work* operations
- (Q) *fumigation* and insecticidal fogging operations
- (R) painting of *sprinkler* and *standpipe system* piping and valve handles in both new and existing buildings, as set forth in BC 903.6 and 905.11[.]
- (S) stationary storage battery systems.

113-01, 113-07 and 113-12 (5/1/15)