

## NEW YORK CITY FIRE DEPARTMENT

### **Notice of Public Hearing and Opportunity to Comment on Proposed Rule**

**What are we proposing?** The Fire Department is proposing to amend Chapter 4 of Title 3 of the Rules of the City of New York (RCNY) to adopt a new section, 3 RCNY §401-07, to establish standards, requirements and procedures for the conduct of fire drills and non-fire emergency drills.

**When and where is the hearing?** The Fire Department will hold a public hearing on the proposed rule. The public hearing will take place at 11:00 a.m. on Monday, September 17, 2018. The hearing will be in the Fire Department Auditorium at 9 MetroTech Center, Brooklyn, NY 11201.

**How do I comment on the proposed rule?** Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the Fire Department through the NYC rules Web site at <http://rules.cityofnewyork.us>, or through the Fire Department's Web site at [www.nyc.gov/fdny](http://www.nyc.gov/fdny) using the "FDNY Rules" link.
- **Mail.** You can mail written comments to Code Development Unit, Bureau of Fire Prevention, New York City Fire Department, 9 MetroTech Center, Room 3N2, Brooklyn, NY 11201.
- **Speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak at the hearing. The time that you can speak may be limited.

**Is there a deadline to submit written comments?** Yes, you must submit written comments by September 17, 2018.

**What if I need assistance to participate in the hearing?** You must notify the Bureau of Fire Prevention if you need a sign language interpreter or other reasonable accommodation for a disability at the hearing. Write to us at the address above or telephone us at (718) 999-2042. Advance notice is requested to allow sufficient time to arrange the accommodation. Please notify us by August 27, 2018.

The Auditorium is wheelchair accessible.

**Can I review the comments made on the proposed rule?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us>. A few days after the hearing, a record of the hearing and copies of the written comments will be available to the public at the Bureau of Fire Prevention.

**What authorizes the Fire Department to make this rule?** Section 1043 of the New York City Charter, and Sections FC102.6.3 and FC401.7 of the New York City Fire Code (Title 29 of

Administrative Code of the City of New York) authorize the Fire Department to propose this rule.

**Where can I find the Fire Department rules?** The Fire Department rules are codified in Title 3 of the Rules of the City of New York.

**What laws govern the rulemaking process?** The Fire Department must meet the requirements of Section 1043 of the New York City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the New York City Charter.

### **Statement of Basis and Purpose of Proposed Rule**

The Fire Department proposes to adopt a new rule, 3 RCNY §401-07, to establish standards, requirements and procedures for the conduct of fire drills and non-fire emergency drills.

The proposed rule applies to office buildings, hotels and all other Group B and Group R-1 occupancies required by the 2014 Fire Code to have an emergency preparedness plan and a Fire and Life Safety (FLS) director (or a Fire Safety Director transitioning to an FLS director), and in all homeless shelters similarly required to have an FLS director or a Fire and Emergency Preparedness Coordinator. The Fire Department encourages voluntary compliance with this rule in other occupancies conducting fire and/or other emergency preparedness drills.

The proposed rule outlines the critical information that needs to be communicated during these drills. The Department's goal is to ensure that these drills effectively communicate important public safety information about fire and non-fire emergencies in a manner meaningful to building occupants.

The proposed rule also requires that persons conducting fire drills or non-fire emergency drills possess a Fire Department Certificate of Fitness.

The proposed rule details the location of the presentation and effective presentation techniques, including use of visual enhancements, and lessons learned from actual emergency incidents. The proposed rule also provides drill presentation requirements including:

- the importance of calling 911 and notifying building emergency preparedness staff;
- a description of the building and building systems;
- a description of the fire alarm system, methods of notification and announcements, operation of manual pull stations, and use of warden phones;
- the location and use of means of egress;
- fire emergency procedures in buildings of combustible construction and noncombustible construction; and
- non-fire emergency procedures.

The proposed rule is intended to promote the participation in drills of persons with disabilities or other functional needs, who will need assistance in evacuation or in-building relocation, and to require that the information be communicated to them in some other manner if they cannot participate. It requires that the drills address issues relating to people who will need assistance,

including encouraging such persons to establish a network of supports, by identifying themselves in accordance with building emergency preparedness procedures to make building emergency preparedness staff aware of their needs, and by introducing themselves to co-workers willing and able to provide assistance in a fire or non-fire emergency.

Appendix A to the proposed rule provides medical emergency procedures designed to help expedite the aid provided by emergency responders on scene. An owner must implement the medical emergency procedures set forth in this proposed rule. Appendix B to the proposed rule provides active shooter emergency procedures recommended by the Fire Department, which it developed with the New York City Police Department. While an owner may develop and implement its own active shooter procedures to reflect the specific conditions in its building or occupancy, the Fire Department recommends the procedures set forth in Appendix B as the appropriate training to provide building occupants in the typical building or occupancy.

The entire proposed rule is underlined, indicating that it is a new rule.

“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.

Chapter 4 of Title 3 of the Rules of the City of New York is proposed to be amended by adding a new Section 401-07 to read as follows:

#### **§401-07 Fire and Non-Fire Emergency Drills**

(a) Scope. This section sets forth standards, requirements and procedures for conducting *fire and non-fire emergency drills* required by FC401.7 in all Group B and all Group R-1 occupancies required by 2014 FC Chapter 4 to have an emergency preparedness plan and an *FLS* director (or a Fire Safety Director transitioning to an *FLS* director), and in all homeless shelters similarly required to have an *FLS* director or an *FEP* coordinator. As defined in FC402.1, the term *non-fire emergency* includes an actual or threatened hazardous materials release (including a carbon monoxide incident); actual or threatened explosion; area power blackout or building power failure; active shooter, civil disturbance, terrorist action or other law enforcement incident; medical emergency; a weather emergency or other natural disaster; or other emergency that affects the premises or the safety of the *building occupants*.

#### **(b) General Provisions**

(1) Qualifications. Pursuant to FC 401.4.5.1 and 401.5.5.1, a *fire or non-fire emergency* drill conducted for purposes of compliance with FC401.7 shall be conducted by a person holding a *certificate of fitness* as an *FLS* director, *FEP* coordinator or drill conductor. A *fire or non-fire emergency* drill conducted by a drill conductor in a building or occupancy required to have an *FLS* director or *FEP* coordinator shall be conducted under the personal supervision of such *FLS* director or the general supervision of the *FEP* coordinator.

- (2) Timing, frequency and participation. Pursuant to FC 401.7.3, drills shall be scheduled to maximize the participation of required *building occupants*. The frequency of drills, and the *building occupants* required to participate, shall be as set forth in FC Table 401.7.6, except that separate *non-fire emergency* drills shall continue to be conducted in accordance with 2008 FC405.3.1. All types of *non-fire emergencies* shall be addressed in one or more *non-fire emergency* drills conducted over the course of a single calendar year.
- (3) Method of instruction. Drills shall be conducted through live instruction. Use of visual enhancements is encouraged, as set forth in R401-07(c).

(c) Presentation Requirements and Techniques

- (1) Minimum requirements. All participants must have the opportunity to see and hear the presenter. Drills shall be conducted in an area conducive to effective communication. Background noise and distractions should be eliminated to the maximum extent possible, but if it not feasible to do so, the presenter shall be equipped with a means to amplify his or her voice so that the presentation can be heard clearly.
- (2) Location and format. Drills shall be conducted in person on each floor of the building where *building occupants* are generally present, to provide appropriate familiarization and ensure maximum participation. The drills may be conducted in conference rooms to allow use of video or other visual enhancements.
- (3) Effective presentation techniques. The *Department* encourages *owners* and their emergency preparedness staff to make *fire* and *non-fire emergency* drills more engaging and relevant to *building occupants* and thereby make the information communicated more memorable. To that end:
  - (A) Building-specific presentations. Drills shall be tailored to the building to make the presentation relevant to *building occupants*. This includes a building description, as set forth below in R401-07(e), and references to building features, occupancies and other relevant information that will assist *building occupants* in understanding the design and arrangement of the building and building systems and how they relate to the response to different types of emergencies.
  - (B) Visual enhancements. The *Department* encourages presenters to include visual enhancements to supplement their drill instruction. Floor plans can be used to illustrate stairwell locations and evacuation routes; signs can be used to emphasize key words or concepts; and photographs or video can be used to illustrate *fire* or *non-fire emergencies*.
  - (C) Use of actual incidents and lessons learned. Whenever possible, illustrate the information being presented by reference to actual *fires* or *non-fire*

emergencies, including those that received public attention, and the lessons learned from those incidents.

- (4) Persons who require assistance. *Building occupants* who have identified themselves (in accordance with the building's emergency preparedness plan procedures) as having disabilities or functional or other special needs and who may require assistance in the event of an emergency shall be encouraged to participate in drills. Their participation will aid in identifying and addressing their needs in advance of the emergency. Where such *building occupants* are not able to participate in a drill, alternative arrangements shall promptly be made by the emergency preparedness staff of the building or occupancy to suitably communicate to such persons the information presented during the drill and to evaluate whether and how their functional needs can be met. Questions or concerns that cannot be answered or addressed during the drill should be communicated by the presenter to the *FLS* director or other emergency preparedness staff for review and follow-up with the *building occupant*.
- (d) General Drill Content. Pursuant to FC401.7.1, drills shall be conducted to enhance the *fire and non-fire emergency* preparedness of *building occupants*, including building staff and employees of building tenants. Drills shall serve to familiarize *building occupants* as to the proper actions to take in the event of a *fire or non-fire emergency*, and fire prevention measures appropriate to the occupancy. Presenters shall incorporate the following basic information in their presentation, with elaboration appropriate to the building or occupancy.
- (1) Combined drills. The *Department* is not implementing the combined drill provisions of FC401.7.2 at this time. Office buildings and other buildings with emergency preparedness plans accepted for filing by the *Department* shall continue to conduct separate *fire and emergency action plan* drills, on separate dates.
- (2) Presenter introduction. The presenter shall identify himself or herself by name, title and affiliation. The presenter shall identify any emergency preparedness personnel or building staff present with whom *building occupants* should be acquainted, including the *FLS* director, *FEP* coordinator, and other key emergency preparedness staff. When conducting a floor-by-floor presentation in an office building, the presenter should identify floor wardens and searchers. The emergency preparedness staff, including floor wardens and searchers, should wear their vests, hats and/or other indicia of authority, so as to familiarize *building occupants* with such form of identification.
- (3) Notification of New York City 911 and building emergency preparedness staff. The presenter shall emphasize the importance of reporting any *fire or non-fire emergency* to both New York City 911 and the building's emergency preparedness staff. In a *fire drill*, instruct *building occupants* to first use the manual pull station to activate the fire alarm system, and to immediately call New York City 911 upon reaching a place of safety. In *non-fire emergency* drills,

instruct *building occupants* not to activate the *fire alarm system*, but rather to immediately call New York City 911. In all drills, instruct *building occupants* to call the designated emergency notification telephone number for the building or occupancy immediately after calling New York City 911 (using a warden phone if convenient), so that the emergency preparedness staff can initiate the necessary actions to protect *building occupants* and facilitate *Department* and other emergency response operations. Emphasize and repeat the emergency telephone notification number of the building or occupancy.

(4) Compliance with directions of lawful authorities. The presenter shall emphasize the importance of listening for and complying with the directions from on-scene emergency responders or other lawful authorities (such as general evacuation orders in the face of an impending storm).

(5) Compliance with directions of emergency preparedness personnel. The presenter shall communicate the following information to *building occupants*:

(A) Explain that building emergency preparedness staff are trained to keep *building occupants* informed of developments that affect their safety. In the event of an incident affecting *building occupant* safety, the emergency preparedness staff are trained to announce what happened, where it occurred, what actions need to be taken and why.

(B) Emphasize the importance of listening for announcements and directions.

(C) Encourage *building occupants* to comply with the directions of building emergency preparedness personnel, who are trained and in the best position to assess the safest response, but explain that *building occupants* should exercise their own best judgment if they are in immediate jeopardy, taking into consideration all known information and the guidance they are being given. For example, in a fire, direction may be given to evacuate a building through a designated stairwell or exit, but if a building occupant assesses that he or she cannot safely reach that stairwell or exit, the *building occupant* must exercise his or her own best judgment as to the safest course of action.

(6) Persons who require assistance. The presenter shall address the functional needs of persons who will require assistance in evacuating from the building or relocating within the building by:

(A) explaining to drill participants who have such needs that they should:

(1) identify themselves to the emergency preparedness staff of the building or occupancy in accordance with the building's emergency preparedness procedures, so that the emergency preparedness staff is aware of their needs and take their needs into consideration. Explain what those procedures require; and

(2) introduce themselves to floor wardens, searchers or other emergency preparedness staff, and co-workers willing and able to provide emergency assistance, and inform them of their functional needs;

(B) reminding all drill participants, including those who currently do not have any functional needs that the procedures for persons with functional needs could be applicable to them in the event that they become even temporarily disabled by injury or illness; and

(C) encouraging all drill participants to communicate to co-workers on their floor who are deaf or have limited hearing emergency notifications made through the *fire alarm system* or other public address system.

(e) Fire Drills

(1) Purpose. The presenter shall state that the drill is being conducted to educate *building occupants* about the actions they should take in the event of a *fire*.

(2) General building description. The presenter shall communicate the following information to *building occupants* with respect to *fire drills*:

(A) Describe the building in which the drill is being conducted. For example: “You are occupying a 30-story building built in 2004. It is of non-combustible construction, meaning that the building structure is made of steel and concrete. The building is equipped with a sprinkler system and a *fire alarm system*. There is a fire command center in the office building lobby staffed by a Fire and Life Safety director during regular business hours. The first three floors are occupied by stores and other retail businesses serving the public. Floors 4 to 20 house office space. Floors 21 through 30 house apartments. The retail space has its own elevators and stairwells. The office and apartment occupancies have separate lobbies and elevators, but share stairwells.”

(B) In a *mixed occupancy building*, such as the office/residential building described above, address whether the occupants of the other occupancy share the same *means of egress* or will otherwise interact with each other during an emergency.

(3) Fire alarm system and methods of notification. The presenter shall describe the type of *fire alarm system* that is installed in the building, or in the occupancy in which the drill is being conducted, and how it is used to notify *building occupants of fires*.

- (A) High-rise-type systems. If a high-rise-type *fire alarm system* is in use, explain that it is designed to detect heat and smoke, and may also be manually activated.
- (B) Interior fire alarm systems. If an interior *fire alarm system* is in use, indicate whether it is designed to detect heat and smoke, or is only manually activated. Emphasize the heightened importance of an immediate response to the activation of a fire alarm in buildings, especially in those that are not fully protected by a sprinkler system,
- (C) Voice communication capability and notifications. State whether or not the *fire alarm system* has voice communication capability, and describe the system's auditory and visual alerts (including alert tones and strobe lights). Identify any areas of the building or occupancy not equipped with alerts. Distinguish the *fire alarm system's* loud, continuous tone or other alert sounds from the inquiry tone by which *building occupants* may be notified of a *non-fire emergency*. If there are any other means by which *building occupants* will be notified of a *fire*, explain these means. Address the *fire alarm system's* sequence of operation and the importance of relocating below the fire floor (typically at least three floors down) in conjunction with the emergency procedures to be followed, as set forth in R401-07(e)(5).
- (D) Manual pull station operation. Identify the location of the system's manual pull stations. Explain how to operate a manual pull station and indicate whether it sends a signal to a central station or only rings in the building. Emphasize that the manual pull station is to be used only when fire or smoke conditions are actually observed, and not merely when there is the odor of smoke. Explain that using the manual pull station in the absence of observable flames or smoke can confuse emergency responders as to the location of the fire. Also explain that the manual pull stations are not to be used during an active shooter emergency or to notify others of any other *non-fire emergency*, as it may cause *building occupants* to enter the stairwells and/or evacuate the building when they should be sheltering in place.
- (E) Announcements. If the *fire alarm system* has voice communication capability and is programmed for a staged evacuation sequence of operation, advise *building occupants* to listen for an announcement when the *fire alarm system* activates. Advise *building occupants* to move toward the closest stairwell when the fire alarm activates and, if no further information is forthcoming, to proceed down the stairs and exit the building. In a building or occupancy with an interior fire alarm system that alarms on all floors, advise *building occupants* to quickly and safely proceed to the closest stairwell and exit the building.



- (F) Warden phones. In office buildings equipped with warden phones, and in other buildings and occupancies equipped with telephones that directly communicate with the fire command center or other emergency operations center, identify the location of such telephones, explain their purpose (to report fire conditions and/or the status of *building occupants* on the floor or other area) and demonstrate how to operate them. Emphasize the need to wait for the fire command center to answer the call as warden phones typically operate on a single telephone line and multiple calls cannot be answered at once.
- (4) Means of egress. The presenter shall identify all of the *means of egress* (such as hallways and stairwells leading to exterior doors and external stairs and fire escapes) in the building or, if the presentation is limited to occupants on a particular floor or area of the building, all the *means of egress* available on that floor or in that area, and any other areas that the *building occupants* on that floor or area may regularly access.
- (A) Stairwells. Describe and/or illustrate the location and letter designation of the stairwells. State whether the doors in the stairwells are locked to prevent re-entry onto the floors, and, if so, on what floors re-entry is allowed (typically every fourth floor), and that they should unlock when the fire alarm activates or there is a power outage. During the required stairwell familiarization drill, highlight any unusual features (such as in-stairwell horizontal passageways). If there are access stairs between floors, emphasize that they are not designed for use during a fire because they are not enclosed, and therefore do not protect *building occupants* from smoke and may become unsafe during a fire.
- (B) Fire tower. If the building has a fire tower, explain what that is, and identify the location where it can be accessed.
- (C) External stairs and fire escapes. If the building or floor has external stairs or fire escapes, identify where those *means of egress* can be accessed. Explain that fire escapes are a secondary *means of egress* and should only be used if the primary *means of egress* (stairwells) are not safe. Explain that fire escapes are not designed to hold a large number of persons at one time.
- (D) Egress route and exit. For each stairwell or other *means of egress*, describe the route of the *means of egress* and the location at which it terminates (the street name/number if outdoors, the building location if indoors). For example: “Stairwell A, located on the south side of the building, just outside of the elevator lobby, goes to the building lobby, from which you can exit through the front entrance to Eighth Avenue. There is also a door in the rear of the lobby that leads to the service entrance/loading dock area on 50<sup>th</sup> Street. Stairwell B, located on the south side of the building, near the freight elevator, exits directly onto 51<sup>st</sup>

Street. There are two other stairwells, on the third floor only, from inside the Auditorium and the Cafeteria, that exit directly onto 49<sup>th</sup> and 50<sup>th</sup> Streets, respectively. The doors to those facilities may be locked between 6 pm and 8 am.”

- (E) Areas of refuge. If the building has been designed with areas of refuge (also known as areas of rescue assistance) to allow persons to shelter in a designated area on each floor, identify the location of such areas and explain that they are designed to shelter *building occupants* if for any reason they are unable to evacuate the floor or exit the stairwell.
- (F) Maintenance of self-closing doors. Emphasize the importance of not using a door stop or other item to chock open or otherwise interfere with the operation of self-closing doors, especially stairwell doors. Explain that self-closing doors are designed to maintain a fire and/or smoke separation and that keeping them open allows a fire to spread and smoke to contaminate the stairwells needed for occupant egress.
- (G) Elevators. Emphasize that elevators are not to be used during a *fire*, because the elevators may operate erratically; may stop at the fire floor, exposing the passengers to unsafe conditions; lose power and trap passengers; and/or fill with smoke.
- (5) Emergency procedures in buildings of non-combustible construction. When conducting a *fire drill* in a building of non-combustible construction, the presenter shall communicate the following information to *building occupants*:

  - (A) the sequence of operation of the *fire alarm system*, that is, whether the system is designed to ring only on the fire floor, floor above and/or floor below, or throughout the building;
  - (B) what non-combustible construction means and why sheltering in place is recommended for *building occupants* if not in immediate jeopardy;
  - (C) *building occupants* may be directed to use a designated stairway;
  - (D) in a building with a *fire alarm system* programmed for a staged evacuation sequence of operation, the goal is to move to an area of safety below the fire floor. As such, *building occupants* generally only need to relocate several floors below the fire floor, rather than evacuate the building. Instruct building occupants that, unless directed otherwise, to relocate at least three floors below the floor upon which the *fire alarm system* is activated. Emphasize that evacuating higher up in the building or to the rooftop may increase the danger and make rescue more difficult;

- (E) in a building with an interior *fire alarm system* that alarms on all floors, the goal is for occupants to quickly but safely proceed to the closest stairwell and exit the building.
  - (F) choosing to evacuate or relocate within the building, when one should shelter in place instead, may delay the *Department's* response and unnecessarily expose *building occupants* to danger;
  - (G) the hazard of smoke inhalation, and the importance of ascertaining the presence of smoke in building corridors and stairwells before evacuating;
  - (H) the importance of *building occupants* closing but not locking doors as they exit, and, if doors lock automatically, taking keys in case fire or smoke conditions prevents their evacuation or relocation and requires that they retreat to their point of origin); and
  - (I) if unable to safely evacuate the floor, building occupants should retreat to a room with a solid door, call 911, notify the 911 operator of one's location, and seal the spaces around the door with wet towels, duct tape or other material to prevent or reduce smoke infiltration.
- (6) Emergency procedures in buildings of combustible construction. When conducting a *fire drill* in a building of combustible construction, the presenter shall communicate the following information to *building occupants*:
- (A) the sequence of operation of the *fire alarm system*: whether the system is designed to activate throughout the building, or only on the fire floor, floor above and/or floor below;
  - (B) what combustible construction means, and that evacuation from the building is recommended if conditions allow, given the risk of fire spread to the building structure. Building occupants should take the stairs to the street level or other main floor and exit the building, unless directed otherwise;
  - (C) in buildings not protected by a sprinkler system, emphasize the importance of responding immediately to a fire alarm, as a fire can double in size every minute; and
  - (D) each of the items set forth in R401-07(e)(5)(E) through (I).

(f) Non-Fire Emergency Drills

- (1) Purpose. The presenter shall state that the purpose of the drill is to educate *building occupants* about the actions they should take in the event of a *non-fire emergency*. The presenter shall specify which *non-fire emergencies* will be addressed in the drill, and provide examples.

- (2) General information. When conducting a non-fire emergency drill (also known as emergency action plan drill), the presenter shall communicate the following information to building occupants:
- (A) Examples of the different types of non-fire emergencies.
  - (B) The process by which building occupants will be notified of a non-fire emergency differs from a fire. If applicable, explain that separate and distinct inquiry tones or other alarm tones will sound for a non-fire emergency, and describe or demonstrate the different sounds.
  - (C) How building occupants should respond to non-fire emergencies may be different from the response to a fire.
  - (D) There are four basic responses to an emergency in a building: sheltering in place in the building; relocation within a building; evacuation of all of the occupants from the building; and evacuation of some but not all building occupants. Reference may be made to the acronym "TIPS" (Total evacuation, In-building relocation, Partial evacuation, and Sheltering in place).
  - (E) The best response to a non-fire emergency may not be evacuation but sheltering in place or relocating within the building.
  - (F) Specific protocols have been developed in response to medical emergencies and active shooter emergencies (as set forth in R401-07(f)(5) and Appendices A and B).
- (3) Methods of notification. The presenter shall explain to building occupants how they will be notified of non-fire emergencies in the building or occupancy:
- (A) Identify and describe the manner in which such notifications will be made.
    - (1) If notification is made by means of the fire alarm system's inquiry tone, distinguish the non-fire emergency notification tones from the auditory and visual alerts (fire alarm tones and strobe lights) that are used to notify building occupants of a fire.
    - (2) If notification is made by means of a fire alarm system with voice communication capability, or public address system, verbal announcements must be made by a member of the emergency preparedness staff who holds a Department certificate of fitness.
    - (3) Identify and describe any other means by which building occupants will be notified of a non-fire emergency, such as e-mails and texts.

- (B) Encourage *building occupants* themselves to subscribe to and monitor a public notification system such as Notify NYC.
- (C) Emphasize that the *fire alarm system's* manual pull stations are not to be used during an active shooter emergency or to notify others of any other *non-fire emergency*, as it may cause building occupants to enter the stairwells and/or evacuate the building when they should be sheltering in place.
- (4) Means of egress. The presenter shall communicate the following information to *building occupants*:
- (A) In accordance with R401-07(e)(4), identify all of the *means of egress* in the building or, if the presentation is limited to occupants on a particular floor or area of the building, all the *means of egress* available on that floor or in that area, and any other areas that the *building occupants* on that floor or area may regularly access.
- (B) Identify any access stairs between floors, describing and/or illustrating their location and the floors that they connect.
- (C) Advise *building occupants* to follow the direction of the emergency preparedness staff before using the elevators during a *non-fire emergency*, as it may be necessary to shut down the elevators in certain circumstances. If elevator use is authorized, and *building occupants* are instructed to evacuate the building, priority will be given to persons who have functional needs and require assistance in evacuating from or relocating within the building.
- (5) Specific information. For each *non-fire emergency* addressed in the drill the presenter shall:
- (A) explain the response that the building's emergency preparedness staff have been trained to implement or may choose to implement, and why;
- (B) indicate whether elevators will be available for evacuation and how they will be used;
- (C) with respect to medical emergencies that require an emergency ambulance response and transport to a hospital, explain that specific procedures have been developed to facilitate a *Department EMS* response to the patient, as set forth in Appendix A to this section, and explain those procedures or provide a handout describing the procedures and advise drill participants to familiarize themselves with them; and

- (D) with respect to active shooters, emphasize that *building occupants* should exercise their best judgment in responding to such an emergency, but describe the actions that the building or occupancy recommends to its staff and occupants. The *Department's* recommended response to an active shooter emergency is set forth in Appendix B to this section. If the building utilizes these recommended procedures, it is recommended that a handout describing the procedures be distributed to drill participants.
- (g) Recordkeeping. The emergency preparedness staff of the *building* or occupancy must maintain a record of each emergency preparedness drill that is conducted, including the following information:
- (1) The date and time of the drill.
  - (2) The person(s) conducting the drill, including the *certificate of fitness* number of the *FLS* director, *FEP* coordinator, and/or any drill conductor.
  - (3) The *FEP staff* members participating in the drill.
  - (4) Identification of the floors or other areas of the building or occupancy, and the number of *building occupants* participating in the drill.
  - (5) The type of drill conducted (*fire* or *non-fire emergency*, and type of scenario, if applicable, and/or stairwell familiarization).
  - (6) The actions taken during the drill to address the functional needs of *building occupants* who require assistance in evacuating from or relocating within the building.
  - (7) Lessons learned from the drill, including any issues encountered in the conduct of the drill that need to be addressed, such as non-participation of *building occupants*; communications with *building occupants* or emergency preparedness staff; or impediments to egress.
  - (8) An outline of the drill content.
  - (9) If an evacuation drill was conducted, the weather conditions and time required to accomplish the evacuation.

The drill conductor, if not a member of the emergency preparedness staff of the building or occupancy, shall maintain a record of each drill, the location of each presentation, the problems encountered, and an outline of the drill content.

**APPENDIX A**  
**TO**  
**3 RCNY 401-07**  
**(FIRE AND NON-FIRE EMERGENCY DRILLS)**

**MEDICAL EMERGENCIES**

Emergency preparedness staff and drill conductors presenting *non-fire emergency* drills shall instruct building *occupants* in the following procedures in the event of a medical emergency requiring emergency medical care and transport to a hospital.

1. **Call 911.** When notifying New York City 911 of a medical emergency requiring emergency medical care and transport to a hospital, include the following information:
  - 1.1 **The name of the building or occupancy.**
  - 1.2 **The address of the appropriate building entrance or other location at which emergency responders will be met by FEP staff, and the nearest cross-street location.**
  - 1.3 **The number of patients and their exact location inside or outside of the building.**
  - 1.4 **The patient's chief complaint and/or present condition (e.g. bleeding, breathing/not breathing, conscious/unconscious, etc.)**
2. **Call building emergency notification number.** After calling 911, notify the emergency preparedness staff of the building or occupancy (using a warden phone if convenient), or the building office designated to receive notification of emergencies on the premises. This will alert them to assist emergency responders upon their arrival. The emergency preparedness staff should meet the emergency responders, hold an elevator for their use, escort them to the patient, and facilitate removal of the patient.
3. **Know location of defibrillator.** Building occupants should be familiarized with the location of defibrillators or other medical equipment that may be needed in the event of a medical emergency.
4. **Stay with patient.** Building occupants should be advised that someone should remain with the patient.
5. **CPR volunteer response.** If there are persons trained in cardio-pulmonary resuscitation (CPR) who wish to volunteer to respond to medical emergencies on the premises, advise them to notify the emergency preparedness staff of the building or occupancy.

**APPENDIX B**  
**TO**  
**3 RCNY 401-07**  
**FIRE AND NON-FIRE EMERGENCY DRILLS**

**ACTIVE SHOOTER EMERGENCIES**

Emergency preparedness staff and drill conductors presenting *non-fire emergency* drills shall instruct *building occupants* as to appropriate responses to active shooter emergencies. An owner may develop and implement its own active shooter procedures to reflect the specific conditions in its building or occupancy; the Fire Department recommends the following procedures as the appropriate training to provide building occupants in the typical building or occupancy.

**Building Occupant Response (Avoid/Barricade/Confront).** The Fire Department recommends training of building occupants in the following survival ABC (avoid/barricade/confront) techniques. Building occupants should be instructed to exercise their own judgment as to which survival technique they should implement based on the location of the active shooter(s) and the immediate threat they present.

1. **Avoid** (run/evacuate). If there is an accessible escape path, attempt to evacuate the premises.
  - 1.1 Have an escape plan and route in mind.
  - 1.2 Visualize the entire escape route before beginning to move, and avoid using elevators or escalators.
  - 1.3 Evacuate regardless of whether others agree to follow.
  - 1.4 Leave your belongings behind. Do not carry any packages or items that could be confused as a weapon or device.
  - 1.5 Help others escape, if possible.
  - 1.6 Prevent individuals from entering an area where the active shooter may be.
  - 1.7 Call 911 when it is safe to do so. Provide the pertinent information.
  - 1.8 Follow the orders of police and other emergency responders.
2. **Barricade** (hide). If it is not possible to evacuate, find a place to barricade yourself into where the active shooter is least likely to find you.
  - 2.1 Where to barricade:
    - 2.1.1 Ideal barricade place should be out of the active shooter's view, but not just visual concealment. Soft wall cubicles and desks may conceal but provide no substantial ballistic protection.



2.1.2 Ideal barricade place should be an area with both visual concealment and ballistic cover that can provide protection if shots are fired in your direction. Cover is something of substantial thickness and weight that will stop a bullet. Office furniture and equipment such as vending machines, copy machines, and file cabinets can stop many types of bullets.

2.1.3 The ideal place in which to barricade yourself should not trap you or restrict your options for movement.

2.2 What to do when barricading:

2.2.1 Turn off the lights, unless doing so will disclose your location.

2.2.2 Lock the door, if possible.

2.2.3 Blockade the entrance with heavy furniture, if possible.

2.2.4 Silence your cell phone, pager and/or any other electronic devices. Do not use the “vibrate” setting, which can be heard in a quiet room.

2.2.5 Turn off any source of noise (such as radios and televisions).

2.2.6 Hide behind large items (such as file cabinets, copy machines or vending machines).

2.2.7 If more than one person, find separate hiding places, if possible.

2.2.8 Remain still and quiet.

2.2.9 Be aware that, depending on the situation, it may take several hours for law enforcement personnel to secure the area and reach your location. Until contact is made, remain calm, quiet, and alert.

3. **Confront** (fight/take action). If it is not possible to avoid and/or barricade, as a last resort, and only when your life is in imminent danger, attempt to disrupt and/or incapacitate the active shooter, by taking the following actions:

3.1 Collaborate and act as a group, if possible.

3.2 Act aggressively.

3.3 Throw items and improvise weapons.

3.4 Yell.

3.5 Commit to your actions.

**Encountering Law Enforcement Personnel.** The Fire Department recommends training building occupants in the following protocol for interacting with law enforcement personnel during an active shooter incident. Law enforcement personnel responding to an active shooter incident are focused on identifying and neutralizing the shooter(s). A building occupant should not act in a manner that may cause a law enforcement officer to view him or her as a threat.

1. **Keep hands visible and empty.** Law enforcement officers will be looking at the hands of all persons they encounter, both to identify the shooter and for their own safety. Keep your hands open, above your head and empty. Do not carry any items that could be confused with a weapon or a dangerous device.
2. **Keep your distance.** Do not run towards or grab officers. Do not make any sudden movements.
3. **Medical assistance.** The law enforcement personnel you first encounter may not be designated to render medical assistance. If possible, proceed to a more secure area before requesting assistance.
4. **Questioning.** You may not be allowed to immediately leave the scene of the incident. Be prepared to be detained for questioning.

**NEW YORK CITY LAW DEPARTMENT**

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**NEW YORK, NY 10007**

**212-356-4028**

**CERTIFICATION PURSUANT TO**

**CHARTER §1043(d)**

**RULE TITLE: Requirements for Fire Drills and Non-Fire Emergency Drills**

**REFERENCE NUMBER: 2017 RG 016**

**RULEMAKING AGENCY: Fire Department**

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN

Date: July 23, 2018

Acting Corporation Counsel

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE:** Requirements for Fire Drills and Non-Fire Emergency Drills

**REFERENCE NUMBER:** FDNY-13

**RULEMAKING AGENCY:** Fire Department

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- i. Is understandable and written in plain language for the discrete regulated community or communities;
- ii. Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- iii. Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Guenevere Knowles  
Mayor's Office of Operations

Date: July 23, 2018