

## The Vinyl Institute Position

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- By far, the vast majority of leading fire experts agree that the total fire hazard of a material or product is based on many factors, not all of which can be predicted by small scale testing. When selecting products for building and construction use, one
- should consider not only the material's combustion toxicity, but also such factors as ignition resistance, rate of heat release, flame spread and smoke generation. In addition, the building's condition of use and occupancy, applicable code restrictions, and the existence of fire detection and suppression systems all play a role in dictating the appropriate material for individual applications.

*While the information presented herein was prepared in good faith and believed to be accurate, the Society of the Plastics Industry, Inc., the Vinyl Institute, their members and consultants, accept no liability for compliance with the legal requirements connected with these regulations. Consult your own attorneys and appropriate New York State officials for specific information about your compliance obligations.*



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## The New York State Toxicity Data Bank

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## Answers for Manufacturers and Users of Vinyl Products

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*Recent modifications to the New York State Uniform Fire Prevention and Building Code (Article 15, Part 1120) now require filing of combustion data for certain building products used in that state. The products covered and the effective dates are:*

**December 16, 1987 –**

*Electrical conduit and wire insulation.*

**December 16, 1988 –**

*Plumbing pipe, duct and thermal insulation.*

**December 16, 1989 –**

*Interior finishes and interior flooring finishes.*

*The regulations cover these products when installed in, used in, or part of any building subject to Chapter B or Chapter E of the State's Uniform Fire Prevention and Building Code, as well as any factory-manufactured home subject to Chapter D of the Code. Currently, this code covers all of New York State with the exception of New York City, which is covered by a separate code.*

## **Data Required**

As of the effective dates, the following information regarding the affected product must be filed with the New York Secretary of State:

- The LC50 smoke toxicity test result, using a modification of the University of Pittsburgh protocol.
- The numerical flame spread rating for interior finishes, duct materials or foam plastic insulation when the product is to be used in applications where such testing is required by the Code.
- The critical radiant flux, in watts per square centimeter, for interior floor finishes when the product is to be used in applications where such testing is required by the Code.
- The presence of fluorine, chlorine, bromine and iodine in the product, if any, and its percent by weight.

In addition, the chemical formula of the product must be supplied (it may be noted that the formula is a trade secret), as well as the trade names under which it is sold. A list of the normal or expected uses for the product must be provided also.

## **Who Must File**

According to Article 15, the manufacturer must file data for each affected product in each category. However, to avoid unnecessary testing of products made of the same material, an amendment to Article 15 allows manufacturers or their trade associations to apply to the Secretary of State for recognition of a "class" of products, allowing one test to serve for a number of similar or related products. All such requests must be approved by the Secretary. Unless such a request is made, the only properties that are *excluded* from those considered to distinguish one product from another are color, shape or dimension. Currently, a number of trade association groups are investigating how broadly such guidelines can be applied in order to minimize testing requirements.

## **Filing Procedures**

All test data must be filed with the New York Secretary of State, 162 Washington Avenue, Albany, New York 12231 (518) 474-4750, in a form, according to Article 15, "acceptable to the Secretary." It is suggested that the Secretary's office be contacted directly for more information about these requirements.

## **Testing Procedures/ Organizations**

All test data must be compiled by a testing organization or laboratory "acceptable to the Secretary." A list of acceptable laboratories will be available from the Secretary's office. The cost of each test is expected to be roughly \$2,500.

## **Penalties for Failure to Comply**

Anyone who fails to file the required data for an affected product by the specified date, or anyone who files a false report, will be in violation of the State of New York's Uniform Fire Prevention and Building Code.

Covered products which have not been tested may not be used or installed in or as part of a building. Further, anyone who is served with an order to remedy a violation of the Uniform Building Code, yet fails to do so, may be fined up to \$1,000 a day for each day of the violation and/or be imprisoned for up to one year.

## **Use of the Data and Implications**

All data submitted will be filed in a state-administered "data bank" available to the public. Specifiers selecting affected products for use in the State of New York have been urged by the Secretary of State to consult the data bank, but are not required to do so. In fact, an amendment to Article 15 specifically states that the data are the result of small-scale laboratory tests only and do not alone "constitute a characterization of the hazard, safety or risk of materials, products or assemblies under actual fire conditions."

*In its current form, Article 15 does not establish new performance standards or limits for any products affected, nor does it specify "pass/fail" criteria for the combustion toxicity of products. No products have been banned for sale or use in the State of New York based on the Article 15 requirements.*