

4443 Bennett View Dr
Fax 707-523-2308



Fax

To: California Building Standards
Committee
David Walls

From: Vivico LLC
Tom Carlson
Rod Marusic

Fax: 916-263-0959

Pages: 3 including cover

Phone: 707-526-8853

Date: 11/14/2009

Re: Public Comment Regarding
Proposed Change to Existing CBC

cc: Kevin Ryerson

Urgent For Review Please Comment Please Reply Please Recycle

VIVICO LLC
4443 Bennett View Drive
Santa Rosa CA 95404-6201

November 13, 2009

California Building Standards Committee
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: David Walls, Executive Director
Via facsimile (916) 263-0959

Dear Mr. Walls,

Our company, Vivico LLC was formed as a result of the actions of the Governor's Blue Ribbon commission on wildfire and the subsequent code changes that were made to enhance fire safety. Our product was developed to meet the needs of the new Chapter 7A building code and was initially tested at the University of California by Dr. Steve Quarrels. Subsequent testing by the State approved testing laboratory, Western Fire Center, Inc., resulted in acceptance by the State Fire Marshal's Office. Reliable local manufacturers were contracted to build our units and those units, known as FireGuardVent, are now on the market. Vivico LLC is a member of ASTM and FVSA (Fire Vent Safety Association).

We have worked closely with Code Officials and Fire Safety officials from the outset. The meetings held by the code task force (those that we were permitted to attend) were attended and our input was offered. For the common goal of enhanced fire safety, we are collaborating with our competitors and code and fire officials alike. We have, and will continue to offer prescriptive alternatives to our vents and work with our colleagues in government and industry toward that goal.

We do have some concerns with the proposed vent code. Our questions deal primarily with the input by the OSFM and are enumerated in the interest of maintaining current fire safety standards.

We are unaware of an example where life and safety codes were rescinded for any industry because of added expense or inconvenience. Can a precedent be cited for such an action?

We question the rationale being used by the OSFM to weaken the code. We are curious about the process used to arrive at the conclusion that eliminating fire-safe vents, for 1/8" screen mesh, does not weaken the code. Can reliable data be cited to validate this conclusion?

In the time line dating back to 2003, what we see as a dramatic and sudden reversal took place in June, 2009. Since the reason for the sudden proposed departure from established code remains unclear, is there a specific causal factor that can be credited for the change?

Regarding due process, it appears that some of the task force meetings are being held behind closed doors. We were excluded from some of these meetings. Not only were we not invited, in one particular case, we were told that we could not attend. Is it proper procedure for stakeholders to be excluded from task force meetings?

Contrary to the idea of weakening the code, we are of the opinion that all venting into a structure should be protected to the maximum extent possible. Not only do we ask that the proposed code not be implemented, we ask, in the interest of fire safety, that the current code be expanded to include fire-safe vents in all openings.

We appreciate the opportunity to have met with Chief Hoover concerning this important matter.



Rod Marusic, Partner
Vivico LLC



Tom Carlson, Partner
Vivico LLC

cc: Kevin Reinertson, Acting Division Chief,
Code Development & Analysis, State Fire Marshall's Office