

AIA-PECONIC POSITION PAPER No.1: GET RID OF WINDOW PROTECTION WHICH PROTECTS PROPERTY, NOT PEOPLE.

March 8, 2009

To the Editor:

As members of the American Institute of Architects - Peconic Chapter, we are engaged in an ongoing effort to improve the NYS Building Code.

We propose the following critical change:

The Council should delete from the Code the requirement to protect windows against ballistic impact (by strengthening glass, panels, shutters or other devices), as a protection of contents, instead of a protection of the health, safety and welfare of the occupants.

In 2003, our region was designated part of the 120 MPH wind zone. This designation required all new Residential construction in our area to comply with 'opening protection'. New windows had to be protected from flying debris by one of several methods: use of temporary plywood panels, strengthened glass windows, or rated 'hurricane' shutters

What is the purpose of window protection? It is supposed to prevent wind-borne debris from penetrating window openings in winds up to 120 MPH. But what happens if the windows are penetrated by debris? Interior contents may be damaged, but will the occupants be threatened? In all likelihood, no. There are almost no deaths on record in the continental US attributed to wind-blown debris, and the statistical evidence of injury due to glass penetration by debris at winds under 120 MPH is insignificant.

So what can be the purpose of window protection? It can only be to protect interior contents. But is that the purpose of the Building Code? The Residential Code says on its first page that its purpose is "to safeguard public safety, health and general welfare . . ." but the 'opening protection' provision in the Code actually leads to an unintended result: it is potentially a threat to the lives of the occupants.

Homeowners face an important safety issue when plywood panels or shutters are installed. Panels or shutters - through which firefighters cannot see - may well become a hazard for occupants. In our area, where power outages are not uncommon during wind storms, the use of combustible devices to provide light or heat, is the usual first response. (Who has not lit a candle to illuminate a room during a blackout?) If the egresses are securely covered, the occupants on the inside cannot exit. In any emergency, whether or not a storm leads to a fire, rescuers on the outside will have difficulty locating the occupants **within**, or getting **them out if needed**, if it is enclosed by panels or shutters.

Strengthened windows are of course transparent, but rescuers cannot necessarily identify strengthened glass. Outwardly these windows appear to be little different from conventional windows, but they may be lethal in an emergency, since rescuers can lose valuable time trying to determine which tools are needed to break them. Strengthened windows require a diamond-bit chainsaw to break through. They are in fact so strong that standard 2x4 and 2x6 walls around them have reportedly failed the missile test that the windows themselves were required to pass.

The Code does not now require panelled or shuttered houses to be vacated, but if it did make this law, it would be safeguarding unoccupied (hard to verify) houses. Therefore, it would be once again affirming that its purpose is to protect empty property, not the public. We have to ask, if 'opening protection' is supposed to prevent damage to the contents of a structure, is this really not a gesture to the insurance industry? A large part of our community resides here seasonally and a portion are in retirement: they may not be physically or fiscally able to erect protection in time for a storm. Will failure to install the temporary panels, required by Code, be grounds for an insurance claim rejection?

Our July letter to the Residential Code of New York State Technical Subcommittee has met with limited response. In the meantime, we note that the NYS State Residential Building Code is about to be amended this year. We have been told that the comment period for current revisions has ended and that our position will not be examined until the opening of the next round of revision comments in approximately three years, c. 2012. We hope that publishing this letter will help inform the public and will lead to their support for more timely action.

A copy of our Position Letter - which addresses other issues in the Code - and contact information may be found on our website: <http://AIAPeconic.org>.

Very truly yours,

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