Monthly Meeting
September 29, 2020
Via: Webinar
Speakers:  
Kevin Brennan  
Assistant Deputy Chief  
FDNY Bureau of Fire Prevention  
-Guidelines for Alcohol Based Hand Rub (Sanitizer) – Management, Storage and Certificate of Fitness  

John McGurren  
President FLSDA  
-How to Cure a Summons
INTRODUCTION

Hand sanitizer, or Alcohol-Based Hand Rubs (ABHR) is regulated by the Fire Code because it commonly has an alcohol content of at least 60-70%, which makes it a flammable liquid. Flammable liquid generates vapors that are easily ignitable and present a fire safety risk.

Due to the COVID-19 pandemic, building and business owners will need to provide and store on-premises more quantities of ABHR than in the past, the Fire Department allows the storage, handling and use of ABHR in accordance with the Fire Code.
ABHR comes in two types: consumer-product (non-bulk) packaging and bulk packaging. In order to minimize the fire safety risks, the FDNY encourages the use of ABHR in consumer-product packaging. Consumer-product packaging minimizes the release of flammable vapors and production of static electricity.

Storage and use of bulk ABHR is discouraged because of the fire safety risk associated with pouring or pumping of the flammable contents, including spills and the release of flammable vapors.

<table>
<thead>
<tr>
<th>Consumer-product Packaging</th>
<th>Bulk Packaging</th>
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| • Maximum capacity: 68 FL OZ AND do not need to transfer content from one container to another.  
  • Spills are limited.  
  • Less fire safety risk.  
  • FDNY permit is required when the total storage quantity exceeds 275 gallons. | • Capacity: more than 68 FL OZ AND/OR requires transferring content from one container to another.  
  • Spills are possible.  
  • Higher fire safety risk.  
  • FDNY permit is required when the total storage quantity exceeds 5 gallons. |

Each commercial tenant in a building with multiple tenants must individually comply with ABHR permit and supervision requirements.
Alcohol-Based Hand Rubs (ABHR) Supervision Requirements

C-92 Certificate of Fitness holder is required when the total storage quantity of ABHR exceeds 275 gallons.

Storage of ABHR must be under general supervision of a C-92 Certificate of Fitness holder. This means that the Certificate of Fitness holder must ensure the safe storage of the ABHR containers but does not have to be on premises at all times.

Handling and Use of ABHR (including pouring, pumping or other transfer of ABHR) must be under personal supervision of a C-92 Certificate of Fitness holder. This means the Certificate of Fitness holder must be present on the premises to personally supervise the handling and use of the ABHR. (“use” does not include personal use of an ABHR dispenser for hand sanitizing.)

A C-92 Certificate of Fitness is not required to present on premises for handling and use of ABHR consumer-product packaging containers because the content is not poured/pumped into another container.

The Certificate of Fitness holder must maintain a daily record of the quantity of ABHR in storage in the building/occupancy and provide such information upon request.

Alcohol-Based Hand Rubs (ABHR) Storage Requirements

All buildings and business owners must comply with the ABHR storage requirements:

- ABHR must be stored in a control area: fully enclosed fire-rated room or space. Approved fire-resistant metal cabinets may be used.
- All bulk ABHR must be stored in such a room or cabinet and any handling of ABHR from bulk containers (e.g. transferring it into dispensers) must be done in such a room.
- Bulk ABHR must be stored in separate control area(s) from the consumer-product ABHR.
- ABHR must be stored away from the route of egress and away from any heat source (including electrical or mechanical equipment).
- Portable Fire Extinguisher(s) must be installed complying with the Fire Code requirements.
- In all cases, storage is NOT allowed in basements, cellars, or anywhere below grade or ground level.
- Empty containers must be removed daily.
- The storage quantity and the storage locations of ABHR are restricted by the Fire Code.
- Information about the Maximum Allowable Quantity in different control areas on the FDNY website, www.nyc.gov/fdny under the “Codes” tab to the “Help/Reference” page.
Alcohol-Based Hand Rubs (ABHR) Guideline

Design and Installation Requirements for Alcohol-Based Hand Rubs (ABHR) Dispensers

- The capacity of each dispenser cannot exceed 68 ounces, with a maximum of 41 ounces in a corridor.
- Dispensers must not be installed directly next, below or above any electrical device, switch, or other ignition source.
- Dispensers must only release by individual’s touching or motion.
- Dispensers in carpeted areas, they can only be installed in a fire area or smoke compartment protected by a sprinkler system.
- Wall-mounted dispensers must be non-aerosol, disposable, and non-refillable type. (Using replacement pack is acceptable).
- The minimum separation between dispensers shall be 48 inches.
- Wall-mounted dispensers must not exceed a maximum capacity of 10 gallons on one floor (unless the floor is separated by fire-rated walls).
- Wall-mounted dispensers must be between 42-48 inches above the finished floor. The space between the dispenser and the floor must remain clear and unobstructed.
Variance?

Application for a Fire Code modification (variance) to allow excess storage of ABHR in any buildings may be submitted to the FDNY for review and approval. The Applications may be completed on the FDNY website: https://www1.nyc.gov/site/fdny/business/all-certifications/plan-tm.page

Questions?

Questions about Fire Code requirements may be calling 311; using the Fire Code public inquiry form on the FDNY website, www.nyc.gov/fdny (“Codes” tab to the “Questions and Feedback” page) ; or email FDNY.BusinessSupport@fdny.nyc.gov.
How to Cure a Summons

presented by:
John McGurren
FLSDA

Summons (Formerly NOV)

Policy—self-certify and return to Enforcement Unit.
   Enforcement Unit is currently closed.
   1) They will issue Cure Letter
   2) Present Cure Letter @ ECB Hearing if required to go.
      Or

Email:

Curedesk@fdny.nyc.gov

Attach all supporting documents. They will email you a cure letter or ask for more information.
FDNY Business Information

For additional assistance, contact 311 and ask to speak to the FDNY Customer Service Center or via email at FDNY.BusinessSupport@fdny.nyc.gov.

Also, email FDNY Business Support:

1) You will get a confirmation.
2) Be specific in your request
3) They will respond in timely manner
4) Give you resolution or contact number
5) Some follow up required.
What is a Hearing By Phone?

A Hearing by Phone allows you to fight the summons by telling a Hearing Officer over the phone why you think the charges on a summons should be dismissed. You will have the opportunity to email documents to OATH during your Hearing by Phone to support your case.
What is a Hearing By Phone? (cont’d)

To schedule a date and time to have a Hearing by Phone, which allows you to speak to an OATH Hearing Officer over the phone and email your evidence to the Hearing Officer, you must contact OATH *before* your upcoming hearing date.

*Text OATHreminder to 474747 to get text message reminders about your case*

To participate, you must email the OATH location where your hearing is currently scheduled to take place:

- Brooklyn cases: RemoteBKLYN@oath.nyc.gov
- Bronx cases: RemoteBronx@oath.nyc.gov
- Manhattan cases: RemoteManhattan@oath.nyc.gov
- Queens cases: RemoteLIC@oath.nyc.gov
- Staten Island cases: RemoteSI@oath.nyc.gov

In your email, you must include the following four (4) pieces of information:

- All summons numbers for the summonses you want to have a Hearing by Phone;
- Respondent’s name, as it appears on the summons(es);
- If you are not the respondent named on the summons, tell us your relationship to the respondent; and
- A valid phone number where you can be contacted to schedule your Hearing by Phone.
On-Line Hearings

**Latest Update:** OATH offices are currently closed and OATH is not holding in-person hearings, except in limited, pre-approved circumstances. You must still respond to your summons. **OATH is continuing to hold hearings by phone (for details, click here),** and accepting online hearing and mail hearing submissions.

*You must respond to your Summons.* If you wish to fight a summons, you must do so on or before the hearing date listed on the **summons**. If you do not appear for a hearing in person, online, by mail, by phone or by video (webcam), you will be found "in violation" of the charge by **default** and you may have to pay a higher fine.

**What is an Online Hearing?**

A Online Hearing allows you to fight the summons by using a simple, online form. The form allows you to type a defense and attach up to three electronic files to support your case. If you want to have a Online Hearing, the **Online Hearing form must** be submitted to the Hearings Division on or before the hearing date. The Hearings Division will only consider the first Online Hearing form that you submit for each summons.
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Hearing by Mail

*You must respond to your Summons.* If you wish to fight a summons, you must do so on or before the hearing date listed on the summons. If you do not appear for a hearing in person, online, by mail, by phone or by video (webcam), you will be found "in violation" of the charge by default and you may have to pay a higher fine.

What is a Hearing by Mail?

A Hearing by Mail allows you to fight the summons by sending a written defense to the OATH Hearings Division by regular mail. If you want to have a Hearing by Mail you must send your defense letter to OATH before the hearing date on the summons. You may include other documents to support your case.
If you do not respond to a summons on, or before the scheduled hearing, you will receive a decision in the mail that finds you in violation of the charge, by default and you may have to pay a higher fine.

*Text OATHreminder to 474747 to get text message reminders about your case*
What can I do if I receive a decision finding me in default?

If you received a decision finding you in default, you have two options:

- **Pay the penalty** and any additional penalties that may have been imposed;
  Or
- **Request a new hearing**.

You may only request a new hearing **once** for each summons that is in default, subject to Section 6-21(e) of Title 48 of the Rules of the City of New York. The request **must** be submitted using the OATH-issued request form. The request can be submitted **online** or by **mail**. If the request for a new hearing is received by the OATH Hearings Division within 60 days of the date of the missed hearing date, then OATH will grant the request.
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Reopen a Default Online

You may only request a new hearing once for each summons that is in default, subject to Section 6-21(e) of Title 48 of the Rules of the City of New York. The request must be submitted using the OATH-issued request form.

To submit the request online use OATH's online electronic request form. You can submit the request form in the language you feel most comfortable using. If the request for a new hearing is received by the OATH Hearings Division within 60 days of the date of the missed hearing then OATH will grant the request.
If your Request is Granted/ Denied

If your request for a new hearing is granted, OATH will mail you a new hearing date. *You must attend the new hearing.* If your summons is one that does not require you to come to the OATH hearing in person, you can submit a defense by mail, phone, online (One-Click), or video (webcam), but OATH must receive your defense on or before the new scheduled hearing date.

If your request is denied

You will have to pay the default penalty and any additional fees or interest that may have accrued. If you do not pay the penalty, the City may file papers with the Civil Court of New York City. The Department of Finance, the agency responsible for collecting money that is owed to the City, may also start collection activities. Learn about payment options.
Request Denied-----Repeat request
Q and A
Or
Email
Jmcgurren@mulligansecurity.com