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Correspondence with Duane Pearsall regarding S.825

Charles Morgan
Darryl Lee

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April 21, 1977

The Hon. Hubert H. Humphrey
United States Senate
232 Russell Senate Office Building
Washington, D. C. 20510

Dear Senator Humphrey:

I have just had an opportunity to read testimony presented to the Subcommittee on Antitrust and Monopoly, Senate Committee on the Judiciary, regarding S. 825 dealing with Voluntary Standards and Accreditation Act.

The points expressed by Mr. Duane Pearsall of the Statitrol Division, Emerson Electric Company, were enlightening to me and convincing. At a time when government has acknowledged over-regulation of business—excessive paper work, etc., I would hope that the free market system would be allowed to function effectively as it has—free of government control.

I urge your review of this bill and if possible the testimony by Mr. Pearsall, and if and when S. 825 should come to a vote, that you would acknowledge the efficiency and fairness of the private sector by defeating this bill.

I personally have no stake in the smoke/fire detector business. I do feel that the philosophic issue this bill confronts is one which threatens the private sector all too often—and eventually threatens my freedom as an American.

Thank you for your consideration.

Sincerely,

Darryl A. Lee
Administrative Vice President

DAL:dmb
May 3, 1977

Mr. Fred Byset
Chamber of Commerce of the United States
1615 H Street, N.W.
Washington, D.C. 20062

Dear Fred:

Thank you for your letter of April 27 and the fine article from the Washington Star.

As discussed with Ivan Elmer, I had hoped they would make reference to the U.S. Chamber and the testimony on S. 825, but it appears this would be inconsistent with their personality profile series.

I also should apologize for returning to Denver without the opportunity to meet you during the Annual Meeting. Unfortunately, a very close friend of mine died suddenly of a heart attack Saturday afternoon and I needed to attend his funeral at 10:00 a.m. Tuesday, May 3.

I will be anxious to learn the outcome of S. 825 and hope that it does not get out of committee. I was shocked to find an editorial from the president of the National Fire Protection Association, giving "second thoughts" to government control of standards. It appears he has reversed his position and many of us in the industry are very upset.

Overall, the entire episode was an excellent experience and I thank you for the opportunity.

Sincerely yours,

Duane Pearsall

bc
April 27, 1977

Mr. Duane D. Pearsall
President
Statitrol Division
Emerson Electric Company
140 South Union Boulevard
Lakewood, Colorado 80228

Dear Duane,

Enclosed are 25 copies of your statement of April 18 to the Senate Subcommittee on Antitrust and Monopoly. The supply of Washington Reports for April 4 has been exhausted, but Ivan Elmer is having reprints made of the Small Business insert. When they are ready, I will send 25 copies to you.

You did well by the Washington Star. The article appeared yesterday. It is also enclosed.

Sincerely,

Fred Byset

Enclosures (26)
June 29, 1977

Mr. Charles S. Morgan, President
National Fire Protection Association
470 Atlantic Avenue
Boston, Massachusetts 02210

Dear Charlie:

Thank you for your letter of June 23 and your consideration in making a careful explanation of your position on S. 825.

The attached article is a general summary with NFPA being singled out as one of the few voluntary standards groups that support the Bill.

Perhaps I begin to see red every time I see further government intrusion into the private sector of our economy. In my view, although subtle, this Bill clearly does exactly that.

Sincerely yours,

Duane D. Pearsall
President
bc

Attachment
Mr. Duane D. Pearsall, President
Statitrol
140 South Union Boulevard
Lakewood, CO 80228

Dear Duane:

Your letter of the 2nd came in while I was abroad and I've only just gotten back.

My concern in addressing the subject of S.825 was and is simply its effect on fire safety and on the NFPA. There are, I acknowledge, still broader issues at stake, but these I do not attempt to address. The position taken in my testimony and statement to the Abourezk hearing in April was not simply a personal one but one developed in concert with and endorsed unanimously by the Executive Committee of the Board.

The question of political obligations to any government agencies never entered our minds in developing our position. Our concern was the continued development of fire safety standards by NFPA and the enhancement of their use by government at every level. This may be a very selfish attitude, but my prime responsibility must be to NFPA.

Our members, fully a third of whom are public employees (i.e. civil servants) by joining NFPA are hopefully expressing an interest in and a concern for "protecting man and his environment from fire". NFPA, then, in establishing a position has to look at what is felt to be best in the interest of improving fire safety. That was our approach in developing our position on S.825.

There are many problems with S.825 and in our testimony we urged certain amendments. Indeed, we would oppose the bill without those amendments. Our position is one that allows us to encourage straightening out the problem areas. We have felt that outright opposition was not as fruitful an approach as the more constructive one we have adopted.
I know that many of our members, friends and colleagues take a very different view of S.825 and I understand this and the rationale for their position. Just as their concerns reflect their loyalty to something important to them, so our position reflects a primary loyalty to NFPA, what it stands for in terms of safety from fire, and its ability to continue to function in the development of consensus standards.

Thank you for writing. I'll be glad to talk with you about our position at the first opportunity.

With kindest regards.

Sincerely yours,

[Signature]

Charles S. Morgan
President

CSM/rh
June 14, 1977

Mr. Rexford Wilson, MSFPE
President
Firepro Incorporated
P. O. Box 145
Three Walnut Park
Wellesley Hills, MA 02181

Subject: Senate Bill 825

Dear Rex:

Your letter of June 10 with the attached position statement of the Society of Fire Protection Engineers was a welcome reassurance. I would hope this statement is directed also to the special attention of Charlie Morgan.

The potential impact of this Bill is still only felt by a very few members of our fire protection community. Even then, many of those aware of the Bill are associated with a government bureau that would benefit most.

My congratulations to you, Harry Bigglestone and the members of SFPE for taking a positive stand on a very critical issue.

Sincerely yours,

Duane D. Pearsall
President
bc

cc: Fred Byset - U.S. Chamber of Commerce
    D. Peter Lund - SFPE
    Harry Bigglestone - SFPE
June 10, 1977
File: ØS505

Mr. Duane D. Pearsall
President
Statitrol Corporation
140 South Union Blvd.
Lakewood, Colorado 80228

Subject: Senate Bill 825

Dear Duane:

Enclosed are photocopies of four pieces of paper which will explain the SFPE position on Senate Bill 825.

I appreciate the copy of your letter of June 2nd to Charlie Morgan. You can count on my support for urging a Board or membership survey prior to NFPA staff positions. The NFPA member position has always, in the past, been defended by the staff refusing to take positions in the name of the NFPA. This problem certainly should come to a head sometime, and this is as good an issue as any, I think.

I do believe the staff has a responsibility to keep the membership informed and for any staff member to take any position he wishes and to promote that among the membership. The staff sees much more clearly and broadly on "misunderstandings" about what the voluntary standards process really is.

With best personal regards,

Cordially,

Rexford Wilson, MSFPE
President

RW:vs
Enclosures
May 23, 1977

Honorable Edward M. Kennedy, Chairman
Subcommittee on Antitrust and Monopoly
Senate Judiciary Committee
2226 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Kennedy:

The enclosed resolution developed by the Board of Directors of the Society of Fire Protection Engineers (SFPE) was adopted May 15, 1977 at a meeting held in Washington, D.C.

Please enter it on the record as the Society's position urging withdrawal of S.825, "The Voluntary Standards and Accreditation Act of 1977".

SFPE is the multi-national technical society of engineers specializing in the protection of life and property from the ravages of unwanted fire. Its worldwide members include engineers in private practice, in industry and insurance and in local, regional and national government. Chapters are located in major cities of the United States and in Australia, England and Europe.

Very truly yours,

D. Peter Lund, CAE
Executive Director

/cc: Chairman, Senate Judiciary Committee
Subcommittee on Antitrust and Monopoly
Chief Clerk
The Board of Directors of the Society of Fire Protection Engineers (SFPE) believes that the present voluntary consensus system for the development of codes and standards as practiced by private sector organizations has brought to the United States of America the most technologically advanced standards in the world. Those shortcomings which do exist are in the form of technological gaps in the state-of-the-art rather than shortcomings in the standards development process. The present free system permits and encourages a multitude of voluntary standards through a diverse group of organizations. The addition to this on-going system of a redundant, costly, bureaucratic type process including oversight and control would stifle and suppress the application of technology to national problems.

Further, the Board of Directors believes that the American consuming public would automatically bear the significant cost of federal accreditation, record-keeping, judicial redress of grievance and complaint processing. Such cost would be an unnecessary burden on the already overburdened consumer and taxpayer. Consumers have been and should continue to be the beneficiaries of the highly successful, voluntary, cost-effective, self-regulating system which has brought improved product performance, reliability and safety.

Therefore . . . be it resolved that the Board of Directors of the Society of Fire Protection Engineers urges that S.825 "The Voluntary Standards and Accreditation Act of 1977" be withdrawn. The Board further recommends that Society members and chapters in the United States of America likewise urge withdrawal of S.825 by direct contact with elected representatives and the dissemination of technical and economic facts within their area of expertise to the general public and to public bodies. The Society stands ready to work with organizations, both private and public, in the advancement of public safety through application and improvement of engineering science and technology.
As your elected President, it is appropriate that I communicate periodically to you . . . the SFPE member . . . concerning events and Society activities of particular significance. During the coming two years of my stewardship as your chief elected officer I plan to use this "Reporting to You" format.

Your Society Board of Directors at their May 15 meeting in Washington, D.C. adopted a resolution urging withdrawal of Senate Bill 825, "The Voluntary Standards and Accreditation Act of 1977". The Board further recommended that Society members and chapters take a similar position and most importantly urge withdrawal of S.825 by direct contact with elected representatives.

S.825 was introduced on March 1, 1977 by Senator James Abourezk (D-S.D.). Hearings were held before the Senate Judiciary Subcommittee on Antitrust and Monopoly chaired by Senator Edward M. Kennedy (D-Mass.) on April 18, 19 and 20 and on May 19.

The bill would . . .

. require the Federal Trade Commission (FTC) to develop rules and procedures for standards development organizations, testing laboratories and certification agencies.

. establish a National Standards Management Board to develop necessary rules, procedures, policies and criteria to manage and coordinate national standards development activities.

. ensure adequate U.S. representation in international standards activity.

The SFPE resolution . . .

SOCIETY OF FIRE PROTECTION ENGINEERS - BOARD OF DIRECTORS

position on

Senate Bill 825, "The Voluntary Standards and Accreditation Act of 1977"

The Board of Directors of the Society of Fire Protection Engineers (SFPE) believes that the present voluntary consensus system for the development of codes and standards as practiced by private sector organizations has brought to the United States of America the most technologically advanced standards in the world. Those shortcomings which do exist are in the form of technological gaps in the state-of-the-art rather than shortcomings in the standards development process. The present free system permits and encourages a
multitude of voluntary standards through a diverse group of organizations. The addition to this on-going system of a redundant, costly, bureaucratic type process including oversight and control would stifle and suppress the application of technology to national problems.

Further, the Board of Directors believes that the American consuming public would automatically bear the significant cost of federal accreditation, record-keeping, judicial redress of grievance and complaint processing. Such cost would be an unnecessary burden on the already overburdened consumer and taxpayer. Consumers have been and should continue to be the beneficiaries of the highly successful, voluntary, cost-effective, self-regulating system which has brought improved product performance, reliability and safety.

Therefore . . . be it resolved that the Board of Directors of the Society of Fire Protection Engineers urges that S.825 "The Voluntary Standards and Accreditation Act of 1977" be withdrawn. The Board further recommends that Society members and chapters in the United States of America likewise urge withdrawal of S.825 by direct contact with elected representatives and the dissemination of technical and economic facts within their area of expertise to the general public and to public bodies. The Society stands ready to work with organizations, both private and public, in the advancement of public safety through application and improvement of engineering science and technology.

Engineers . . . fire protection engineers . . . can input into the issues of the day through their own professional society and most importantly through individual action. Your Board of Directors has advanced a position . . . now it's your turn.

Harry C. Baglestone, President
Society of Fire Protection Engineers
May 27, 1977
The Board of Directors of the Society of Fire Protection Engineers (SFPE) adopted on May 15, 1977 a resolution urging that Senate Bill 825, "The Voluntary Standards and Accreditation Act of 1977" be withdrawn. The Board in its resolution further recommended that Society members and chapters in the United States likewise urge withdrawal of S.825 by direct contact with their elected representatives.

In taking this position, the Board confirmed its belief in the voluntary consensus system for the development of codes and standards as practiced by private sector organizations which has brought to the United States of America the most technologically advanced standards in the world. "Those shortcomings which do exist are in the form of technological gaps in the state-of-the-art rather than shortcomings in the standards development process", the resolution stated.

Addressing the impact of the bill on the consumer, the Board commented that the American consuming public would automatically bear the significant cost of federal accreditation, record-keeping, judicial redress of grievance and complaint processing. Such cost would be an unnecessary burden on an already over-burdened consumer and taxpayer.

SFPE is the multi-national technical organization of engineers who are applying their engineering expertise and discipline to the safety of life and property from unwanted fire. Chapters of the Society are located in major cities of the United States and in Australia, Canada, England and Europe.