



New York Farm Bureau • 159 Wolf Road P.O. Box 5330 • Albany, New York 12205 • (518) 436-8495 Fax: (518) 431-5656

August 15, 2019

Jeffrey Hinderliter
Department of State
99 Washington Avenue
Suite 1160
Albany, NY 12231

RE: Comments on New York State Uniform Fire Prevention and Building Code (the Uniform Code) (I.D. No. DOS-27-19-00014-P)

Dear Mr. Hinderliter,

New York Farm Bureau (NYFB), the state's largest general farm advocacy organization, would like to submit the following comments on the proposed New York State Uniform Fire Prevention and Building Code "Uniform Code".

The proposed Uniform Code includes changes to the definition of an agricultural building to read: "a structure that is designed, constructed and used exclusively to house farm implements, poultry, livestock, hay, grain or other horticultural products, excluding any structure that is designed, constructed, or used, in whole or in part for any of the following: for human habitation, as a place where agricultural products are processed, treated or packaged or as a place used by or open to the public."

The current definition excludes any structure designed, constructed or used, in whole or in part as a place of employment where agricultural products are processed, treated or packaged. The proposed changes would delete this part of the definition and agricultural buildings where there is processing being done, whether it is being done by the farmer's family members or employees, will not be exempt from the building code, fire code or existing building code. An example would be sugar houses where maple sap is boiled to produce maple syrup. Since there is processing happening in the sugar house, the sugar house would have to comply with fire code and add substantial costs to the farmer even though employees are not working there, and the sugar house is only used for a short period of time. These potential excessive costs can be detrimental to farmers especially beginning farmers who are trying to enter the agricultural community. We recommend that "a place of employment where agricultural products are processed, treated or packaged" not be deleted from the agricultural building definition.

In the proposed Uniform Code, there is the addition of "open to the public" to the definition of an agricultural building. The current definition of an agricultural building excludes buildings that

are used by the public. By adding that buildings open to the public are also excluded from the definition, there is the potential that many new agricultural buildings would not be exempt from the construction provisions of the code. Farms may host a farm tour for the public once per year or even every few years. Also, someone from the public could deliver items to the farm buildings. Some farms have a seasonal farm stand structure as a place to sell their agricultural products and due to the open-air nature of the structure, the risk to the public is different than entering a farm store that is an enclosed building. These examples are rare instances where the farm might have the public on the premises or where minimal risk to the public exists. We recommend the deletion of “open to the public” in the proposed agricultural building definition so that the definition only excludes buildings that are constantly used by the public.

Another proposed change in the Uniform Code is the deletion of “equipment on the premises” from the agricultural building exemption in the building code, fire code and existing building code. The proposed definition would include farm implements, but these are different from agricultural equipment used on the farm. It is important that equipment is included in the exemption since it can be housed in and around the premises of the agricultural buildings.

Currently, there is not an exemption in the property maintenance code (PMC) for agricultural buildings which leads to farmers being cited for property maintenance issues that are not safety related. Farmers are being cited for cracked windowpanes, peeling paint on barns and other frivolous examples like farm equipment being left outside of farm buildings when this equipment is essential to everyday farm operations. Also, some equipment and implements are too large to fit in the agricultural buildings and must be stored outside. We recognize the importance of the safety provisions included in the PMC and believe that all farms should operate in a safe manner. These frivolous citations add unnecessary costs to an agriculture community already faced with rainy weather and low commodity prices. We recommend that agricultural buildings be exempt from the non-safety related provisions of the property maintenance code.

Farmers are committed to having safe environments for workers, their families and the public. The Uniform Code requires farm families to outlay major capital investments to comply and while the agricultural community recognizes the importance of safety provisions, it is also imperative that the unique aspects of agriculture are taken into consideration when developing the Uniform Code.

Thank you for the opportunity to submit these comments and please contact our office with any questions.

Sincerely,

A handwritten signature in black ink that reads "Renée St. Jacques". The signature is written in a cursive style with a large, looping flourish at the end of the name.

Renée St. Jacques
Assistant Director of Public Policy