

A DISSENTING REPORT REGARDING THE CONSUMER PRODUCT SAFETY COMMISSION'S SMOKE DETECTOR SURVEY

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Richard M Patton, FPE

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THE CRUSADE AGAINST FIRE DEATHS INC.



Richard M Patton
Crusade Founder
Fire Protection Engineer



Fighting To Protect You And Your Family

Patton's 'Crusade Against Fire Deaths Inc.' started in 1976 when he sent 3,000 'Smoke Alarm Fraud' reports to Fire Chiefs and fire Engineers across the USA.

Patton's relentless 30 year fire industry Crusade was the inspiration behind the new documentary 'Stop The Children Burning' (see back page for more).

For more information visit our web site at: www.FireCrusade.com

A DISSENTING REPORT BY THE CRUSADE AGAINST FIRE DEATHS INC. REGARDING THE CONSUMER PRODUCT SAFETY COMMISSION SMOKE DETECTOR OPERABILITY SURVEY REPORT OF FINDINGS

Richard M. Patton, President of the Crusade Against Fire Deaths, Inc., Fire Protection Engineer, has reviewed the Smoke Detector Operability Report of November 1993. I am submitting a dissenting report.

The broad reasons for this dissenting report are twofold. First, the information contained within the CPSC report provides irrefutable evidence to the fact that millions of American families are currently subject to a clear and present endangerment which could, at any time, cause injuries, severe maiming, enormous psychological damage and death. This endangerment is so real, and so serious, that immediate and decisive action is warranted by the CPSC. The second reason why this dissenting report is warranted is because the CPSC selected for study only those facets of the problem that were deemed expedient for investigation; completely avoiding other and even more serious problems associated with the early detection of fire in the home.

By choosing to selectively investigate a broad and deadly problem only in the more politically acceptable veins, the study inadequately defines the total danger, avoids identifying those who created the problems, and fails the American public.

My report below consists of three parts. In Part I, I discuss the broad problem that is causing Americans to burn to death on a day by day, week by week basis. The bulk of the issues I discuss in Part I were not even considered within the CPSC study. In Part II, I analyze the data and findings that do appear within the CPSC report, but I provide my own comments and analysis concerning that information, Part III is the summary and recommendations.

It is fitting that I point out that as a fire protection engineer I have been investigating the reasons why so many deaths and injuries occur within homes supposedly protected with ionization detectors, and my studies predate the CPSC study by at least several years. And, my investigations have been far broader in scope. Thus, this report does not confine itself to only the information generated by the CPSC study.

PART ONE: THE BIG PICTURE MAINLY AVOIDED

The scope of the CPSC study was far too narrow and therefore many factors related to automatic fire detection, that are causing fire deaths within homes have been avoided. Here are some of my concerns and recommendations:

A. IMPROPER ORIENTATION OF THE CPSC STUDY

The basic issue is not the smoke detector. The real issue is the automatic fire detection system as related to **human life safety within the U.S. home**. When fire is reliable and promptly detected, while still quite small, deaths and injuries are nearly always avoided. Or, stating it another way, a **reliable** fire detection system in the home could virtually eliminate fire deaths. Due to a too limited perspective, the CPSC study has failed to adequately address the real issue... the repetitive, frequent, unnecessary failure to detect fire in the American home, early enough to prevent injury or death.

B. FAILURE TO CONSIDER FIRE (SMOKE) TYPE AS RELATED TO DETECTOR PERFORMANCE

Not all fires are alike. Some fires are most reliably detected by heat detectors. Also, photoelectric-type smoke detectors detect smoldering fires whereas ionization detectors do not. Photoelectric detectors are slow to detect flaming, clean burning fires. By ignoring the limitations of and the performance reliability of various detectors, the CPSC glossed over the most serious causes of detector failure. Stating it another way, the CPSC investigators 'bought' the false concept that one type detector could have application to all types of fires.

C. FAILURE TO ADEQUATELY INVESTIGATE THE INHERENT FLAWS OF THE SMOKE DETECTOR IN RELATION TO THE DEFECTS WITHIN THE NFPA CODE

The defects and/or limitations of the smoke detector (any type) can not be adequately evaluated by examining only the smoke (or fire) detector itself. Of major concern is the code that defines the type and number of detectors to be installed, and where those detectors must be located. When that code fails to properly define the physical limitations of the detector, and recommends its use for the purpose of detecting smoke conditions which it cannot detect; or allows a spacing for that detector that is unsafe, the end result will be a failure to alert the occupants to the danger. A failure to warn is likely to cause injury and death.

D. FAILURE TO INVESTIGATE THE CRUSADE'S EVIDENCE OF FRAUDULENT FIRE TESTING

The Crusade submitted to the CPSC a report on an extensive investigation of a research study conducted during 1974-75-76 called the Dunes Tests. Our findings were that the researchers who conducted this test program improperly structured the testing so as to conceal serious defects of the ionization-type smoke detector. The research report also falsely discredited heat detectors. Further, this flawed research promoted changes within the NFPA-74 fire code that has resulted in many deaths and injuries. Approximately 75 million U.S. homes are now improperly protected because of this fallacious research. There will be no satisfactory solution to the fire problem in the U.S. home until that false "fire science," which was manipulated by dishonest men to aid in the selling of a defective product, is replaced with true fire science.

"The CPSC "Report of Findings - Smoke Detector Operability Study," on page "1" of the Summary reports that 88% of the households (U.S.), or 85 million homes have smoke detectors. On page "ii" of this study, it is reported that of those identified as either photoelectric or ionization, 87% were ionization. This equates to 87% of 85 million homes, or 73.9 million homes "protected" with ionization type smoke detectors.

E. FAILURE TO INVESTIGATE THE VOIDING OF THE 'CAL CHIEFS FIRE TESTS' PROGRAM

The fraudulent nature of the Dunes Tests of the mid 1970's did not pass completely unnoticed by the fire services. Indeed, in 1978 a new study of smoke detector performance, costing more than \$1 million, was conducted by the Los Angeles Fire Department. This research also had support from the California Fire Chiefs Association. This "Cal Chiefs" research program again revealed serious flaws of the ionization-type detector, including its inability to detect the type of smoke usually produced by a smoldering-type fire. However, largely due to the efforts of Mr. Richard Bukowski, who had been involved in the earlier spurious test program (Dunes Tests), the "Cal Chiefs" test report was suppressed and never published.

Every effort should have been made by the CPSC to gain a copy of this report so that the information created by this million dollar test program could be used for the purpose of evaluating the ionization detector and the efficacy of NFPA-74, in the interest of protecting human life.

F. FAILURE TO EQUATE SMOKE DETECTOR ADVERTISING TO INSTALLED SMOKE DETECTOR FAILURES

The Crusade submitted evidence that the manufacturers of the ionization type smoke detectors advertised the ionization smoke detector as being able to detect fire under conditions where it would not detect fire.

It was important, therefore, for the CPSC to examine these false performance claims as an insight into the relevancy of the NFPA code, the current policies of fire officials, and the credibility of the current 'fire science'.

G. FAILURE TO INVESTIGATE APPARENT IMPROPER FIRE CODEMAKING BY THE NFPA

The NFPA-74 code, as it originated in the 1960's, was a complete and conservative code which required heat detectors throughout the home for reliable detection of a flaming fire as well as at least one smoke

detector for the detection of smoke from non-heat producing fires. Then, seemingly, the smoke detector manufacturers influenced the NFPA to revise the code to require only smoke detectors. The end result was fire service policies that allowed most homes to be protected with a single smoke detector en lieu of a complete fire detection system throughout the house.

(Note: If there had been a desire to allow very economical protection as an option, it would have been a prudent option for the NFPA to retain in force a complete system as the 'ideal', while permitting a reduced cost version. This would have defined an excellent system, while allowing a home to contain only one or two smoke detectors as a minimum.

Because the firefighters came to accept and promote a spurious code, and because the public has great faith in the firefighters, the public was fooled into believing that one or two smoke detectors could adequately protect a family. This led to most homes being 'protected' with very inadequate protection... indeed, EXTREMELY DANGEROUS protection due to the false security created.

The CPSC study, in order to be successful and result in a major reduction in fire deaths, must set in motion reforms in the current improper (dishonest) NFPA code making operations.

H. FAILURE TO TAKE PROMPT AND ADEQUATE ACTION DESIGNED TO CORRECT AN EXTREMELY DANGEROUS SITUATION

This CPSC study revealed evidence of the wide scale failure of smoke detectors installed as per the NFPA-74 code. The horrendous number of deaths and maimings resulting from these failures cries out for prompt corrective action. Yet, the CPSC is still treating this awesome endangerment of the public almost as an "academic study". I say that: A National Warning and Alert, and Ionization-Type Smoke Detector Recall, are warranted immediately!

Summary, Part 1: Of all the problems associated with the smoke detector, probably 75% of them were not dealt with in this CPSC study.

PART TWO:

ANALYSIS OF DATA DEVELOPED

As explained above, the CPSC study was far too shallow in its scope. Still, some useful information was developed. Accordingly, in the paragraphs below, I make reference to the findings with applicable comments.

A. TESTING OF SMOKE DETECTORS

Page 5 - Paragraph 2: It is reported that 73% of the detectors worked when smoke and battery tests were conducted.

Crusade Comment: Neither of these tests represents a fully satisfactory testing of the device. Obviously, the 'smoke' used during the testing was of "the right kind" to operate the detector. The battery test is not a complete test. Realistic testing for conditions where the device is known to be deficient should be included. I consider it to be essential that a test program be established, employing true smoldering fires, including cigarette ignited sofas and bedding, in real homes, with honest interpretations of the data.

B. THE CODE PRESCRIBED NUMBER OF DETECTORS IS NOT CORRECT

Page 5, Paragraph 4: It is reported that 26% of the homes had an inadequate number of smoke detectors to meet the 'every level' of protection endorsed by the fire services.

Crusade Comment: Because of "smoke decay" and other reasons, the "every level" number of detectors is most inadequate and dangerous, and has been a factor in tens of thousands of fire deaths.

The concept of "every level" protection that has been promoted by fire officials comes from the NFPA-74 code. The reasons why the NFPA-74 code would promote a grossly inadequate amount of protection was not satisfactorily investigated by the CPSC.

C. NUISANCE ALARMS WERE NOT ADEQUATELY ADDRESSED

Page 5, Final Paragraph: It is reported that one third of the respondents to the questionnaires stated that the reasons why the power source to the smoke detectors was disconnected was because of nuisance alarms.

Crusade Comment: There is a need to investigate why smoke detectors that produce excessive annoyance alarms have been manufactured and widely sold. There is a need for the CPSC to investigate why it is that fire officials, the NFPA and Underwriters Laboratories have failed, over a time period of approximately 30 years, to require detectors not subject to frequent false alarming.

D. A MEASURE OF THE DANGER

Page 11, Paragraph 2: The data suggests that close to 90% of the smoke detectors in homes are of the ionization type. When this information is correlated with the data provided in Paragraph 3 of Page 4 of the report (88% of the households, or 84.5 million homes have at least one smoke detector), it is apparent that there are about 75 million homes presumably "protected" with ionization type smoke detectors in the U.S.

Crusade Comment: We conclude that there are approximately 75 million homes in the U.S. where the fire detection equipment sold to protect life from fire will likely fail to detect a smoldering type fire (such as a cigarette ignited fire) and also will fail to detect flaming fires for a variety of reasons. Again, we believe this warrants immediate warnings and recalls.

E. FALSE SECURITY

Page 14, Figure 3: The chart in Figure 3 implies that when the smoke detector is equipped with a fresh battery it will "work" 73% of the time.

Crusade Comment: This chart fails to indicate the percent of time the detector will fail to detect a fire due to the type of smoke produced being the "wrong type" of smoke to operate that detector; including the "smoke decay" problem where the "right kind" of smoke converts to the "wrong kind" on the way to the detector.

F. HIGH INCOME FAMILIES ARE NOT WELL PROTECTED

Page 17, Paragraph 3: The data implies that families with incomes above \$50,000 are far more likely to have a working smoke detector in the home; hence higher income families are significantly better protected.

Crusade Comment: When the tendency of the ionization detector to not detect the smoldering fire (and also its other failure modes) are factored in, the high income family home is far less safe against fire than the CPSC report would imply.

G. EVIDENCE OF PRIOR COVER UP

Page 21, Paragraph 2,3 and 4: Clear statistical data has been developed indicating wide scale problems with the smoke detector.

Crusade Comment: These performance and false alarming problems have widely existed for more than two decades. The Crusade says that a CPSC study is in order to find out why such serious performance problems could exist, endangering millions of Americans, without corrective action being taken long ago. Clearly, the fire officials and the NFPA's staff should have issued warnings to the public many years ago.

H. WHY DID U.L. NOT TAKE CORRECTIVE ACTION?

Page 23, Paragraphs 1 through 6: The CPSC report speaks of serious performance problems and the role of Underwriters Laboratories.

Crusade Comment: The smoke detector failure rates are absolutely enormous for a device intentionally designed to protect human life, and especially the lives of children.

I defy the CPSC investigation team to name any other "safety device" intended to protect life, with a more sorry performance record. An explanation is needed as to why the U. L. listing process did not uncover these flaws, and why the manufacturers were not required to produce more reliable products in order to gain U. L. listings?

Summary Part II: In addition to the above observations, there is much more in the report that could be commented upon. However, the point is made, the findings reveal that approximately 75 million families are endangered with a defective safety device. Immediate corrective action is warranted.

PART THREE: OVERALL CONCLUSIONS AND RECOMMENDATIONS

These conclusions and recommendations are based partially on the information within the CPSC report, partially on my own research.

The ionization smoke detector is a 'specialty' detector having attributes applicable only to limited fire (smoke) conditions. But, it was cruelly marketed as an 'all purpose' detector. When researchers produced clear evidence of its limitations, they then concealed that information. By doing so they cooperated with those who would market a safety device to protect life under conditions where it would not.

The National Fire Protection Association decision makers, perhaps paying more attention to the advertising dollars coming into their system than to their responsibility to the public, allowed their code number 74 to be manipulated to become both a tool for selling detectors and an endangerment to the public.

Underwriters Laboratories created a smoke detector testing program that never included a test procedure designed to detect a true smoldering (cool smoke) fire. Hence, it was possible to test and list a detector as having passed the test, even though it would fail to detect perhaps a majority of the fire conditions that would occur within the home.

During the 1970's fire officials came to realize that the ionization detector was failing to warn of fire early enough to save life a high percentage of the time. Many fire officials expressed concern in writings at the time.

However, because the NFPA, Underwriters Laboratories, the smoke detector manufacturers and government researchers were all "certifying" to the usefulness of the detector and the validity of the NFPA-74 code alterations, the fire officials finally lined up in support of that which was being promoted. Seemingly they concluded something was better than nothing... but the alternate need not have been a deception, it could just as well have been an honest and reliable system that would detect the early fire near 100% of the time.

So, like a flowing river that flows without pause, the smoke detector promotions swept all opposition, and the truth itself, into oblivion.

Now, the first CPSC study of the smoke detector is history. This study uncovered more than enough to reveal the truth of what I write above. But, a reluctance to explore too deeply still exists.

There is a danger, however. There is a danger that if the investigations remain too thin, by failing to research and reveal the worst, the worst may be reinforced and compounded, and tens of thousands more may needlessly die.

Here are my recommendations:

1. Immediately issue warnings to the public. Reveal the whole story relative the ionization detector, including its performance limitations.

Undue the false security that endangers so many lives.

2. Initiate a recall of all "home quality" (not industrial) ionization type smoke detectors.
3. Define a reliable fire detection system for the home, albeit a relatively costly one. Also, realistically equate the level of safety for a less than a full and reliable system so the citizen can make intelligent choices.
4. Stop treating the issue as a "smoke detector" issue. The issue is "fire detection."
5. Demand the establishment of appropriate quality control and reliability criteria. For example, I recommend that every fire detector for the home be so constructed and tested that 98% will reliably operate 25 years from the date of manufacture.
6. Broaden the investigation to cover all areas of concern as defined in Part I of this report.

Research Documents Available

The investigations conducted by The Crusade Against Fire Deaths, Inc., has produced much evidence of deceptions, performance lies, rigging of research and other criminal activities and our studies and reports are now available to the public.



Richard M Patton
Registered Fire Protection Engineer
President, Crusade Against Fire Deaths Inc.

**SEE BACK PAGE FOR DETAILS ABOUT
THE CRUSADE AND ITS FOUNDER
MR RICHARD M PATTON**

The logo for Crusade Against Fire Deaths, Inc. features a stylized hand holding a sword. The word "Crusade" is written in a large, gothic-style font, and "Against Fire Deaths, Inc." is written in a smaller, serif font below it.

Crusade
Against Fire Deaths, Inc.

Crusade Against Fire Deaths Inc.

The Crusade

"In 1980 The International Association of Fire Chiefs said they could take no other course but to recommend photoelectric, (not ionization) smoke alarms. Since then, despite overwhelming evidence of defects, more than 50,000 deaths and 250,000 injuries have occurred in homes 'protected' by ionization smoke alarms."

Richard M Patton, F.P.E.



www.FireCrusade.com

The Founder



Richard M Patton
Fire Protection Engineer

In August 2001, the 'Fire Protection Contractor' Magazine named Richard M Patton, 'Person of the Year.' Patton's 'Crusade Against Fire Deaths' started in 1976 when he sent 3,000 'Smoke Alarm Fraud' reports to Fire Chiefs and Fire Engineers across the U.S. Patton's relentless 30 year Crusade was the inspiration behind the documentary '*Stop The Children Burning.*' More info is at: www.StopTheChildrenBurning.com

"What Dick Patton has to say... should be the starting point for a full-fledged investigation... at a senior government level - with qualified professionals..."

Garth Stouffer, Manitoba Sun Newspaper

EXPERT WITNESS

Mr Patton has been involved in court cases involving death and injury as a result of defective fire protection equipment. In every case when Mr Patton has laid out the evidence against the fire industry the case has been settled out of court in favor of the plaintiff. Mr Patton is available at:

Crusade Against Fire Deaths Inc.

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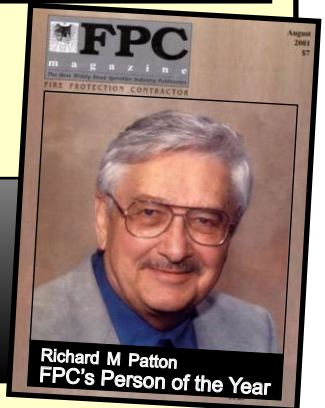
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Click Here to read this independent fire industry report detailing Mr. Patton's credentials and achievements.



Position Statements

The Radioactive Ionization Smoke Alarm

THE SILENT KILLER



Decades of scientific testing and evidence from tens of thousands of 'real world' fire deaths, substantiates conclusively, that the ionization smoke detector is proven to be defective in BOTH smoldering and fast flaming fires.

Radioactive, ionization alarms have kept proper fire protection out of the home and should be banned and replaced with a combination of properly installed, interconnected, heat alarms and photoelectric smoke alarms.

DOMESTIC SPRINKLERS

Sprinkler systems protect people in commercial buildings - but over 90% of fire deaths occur at home. Less than one percent of homes have sprinkler systems. Technology exists for home owners to economically self-install a domestic sprinkler system, that together with proper fire detection devices, could virtually eliminate home fire deaths. Unfortunately, the codes of the NFPA, with the cooperation of a monopolistic style sprinkler industry, have made it difficult to self install sprinklers. Information regarding self installation can be provided upon request.