



April 3, 2013

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CAL Fire - Office of the State Fire Marshal
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Dear Kevin,

Last week I had a conversation with you about the ICC FARS Appendix Code Proposal and you expressed a concern to me about the issue of the system being proprietary to RescueAir. I wanted to circle back to you on that with some information and clarifications.

RescueAir does hold patents on aspects of firefighter air systems. The company is also engaged in the ANSI standard process, and meets the standards of an ASD and complies with the ANSI patent policy requirements.

In addition, RescueAir makes assurances that a license to patent claims will be made available to those desiring to utilize the license under reasonable terms and conditions and reasonably free of any unfair discrimination. There are now more than 20 certified, trained and licensed mechanical, plumbing and fire protection contractors operating in more than 6 states competitively bidding on firefighter air system projects.

While it is true that a majority of firefighter air system installations to date have involved RescueAir, either directly or through its network of certified installers, there are other companies out there with patents on firefighter air systems or on elements of firefighter air systems. One such entity is the Mechanical Contractors Association of Las Vegas; another is Eaton Aeroquip.

In addition, I am aware of projects in the Sacramento area that were completed independent of RescueAir's involvement, although some of the buildings now contract with RescueAir for on-going testing and maintenance. A list follows:

Project: Bank of the West Tower – 25-story office (Sacramento) Commissioned: May 2009
Address: 500 Capitol Mall, Sacramento CA
Owner/Developer: Tsakopoulos Investments
Contractor: Rudolph & Sletten

Project: Natomas East Corporate Center – 2x 10-story office (Sacramento)

Address: Natomas Park Drive & West El Camino Ave, Sacramento CA
Owner/Developer: Bannon Investors
Contractor: HMH Builders

Project: CalSTRS Headquarters – 20-story office (West Sacramento) Commissioned: June 2009
Owner: State of California
Address: 100 Waterfront Place West Sacramento CA
Contractor HMH Builders

Project: Thunder Valley Casino – 20-story hotel Commissioned: July 2010
Address: Lincoln, CA
Owner: United Auburn Indian Community/Thunder Valley Casino
Contractor: Davis Reed Construction

As I continue to work on this project, I am continuing to find installations in other parts of the country, but I don't have a good database on that as of yet. However, I would contend that the information that this system is totally proprietary is erroneous based on what I have discovered here in Sacramento and the fact that multiple entities hold patents on elements of firefighter air systems. I also realize that the rumor mill in the fire service works faster than the speed of summer lightening. So, if you get any additional information that requires me to clarify this issue further, I would appreciate hearing from you.

It has not been uncommon in the safety industry for patents to be held by a small number of companies in the early stages of implementing a new technology. This was true of toxic gas treatment systems in the early days of the semi conductor codes, secondary containment systems in the early days of double walled tanks and monitoring systems for annular spaces, and plastic piping and sprinkler technology for residential dwellings. It was the adoption of standards and codes that drove development of new technologies and competition.

Patents in general do not preclude others from dedicating resources to the research and development of means and methods to design and build firefighter air systems that are compliant with national, state or local fire codes. And I believe once the ICC codes include FARS, a larger market will increase competition, not only between contractors, but also among manufacturers and suppliers.

I think I mentioned in an email to you that I had an interesting conversation with Dennis Richardson who used to be the Building Official here in Sacramento. I am going to be doing some more follow-up conversation with him as I proceed getting this issue finalized. Dennis has a lot of good things to say about you.

Please do not hesitate to call upon me to research any additional facts.

Sincerely,



Ronny J. Coleman

cc: Debra Hall