

USA AND GREAT BRITAIN EXPERIENCE REGARDING THE EXECUTION OF STATE SUPERVISION (CONTROL) OVER THE COMPLIANCE WITH LAW REQUIREMENTS IN THE FIRE SAFETY AREA

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Review article

Abstract. It has been summarized that quite effective systems of state supervision (control) over the compliance and implementation of the requirements of legislation in the fire safety area were formed in most of the leading countries of Europe and the world. Besides, the vast majority of countries have approaches and standards regarding the implementation of control and supervision activities that are similar to Ukraine ones. In particular, appropriate supervision (control) in many states is carried out within the competence of specialized state authorities, such as the State Fire Service or other similar state institutions. However, there are independent agencies in some countries that supervise over the compliance with fire safety requirements, in particular they are the UK and the USA.

The following positive international experience of state supervision (control) over the compliance with and implementation of the requirements of legislation in the fire safety area has been highlighted, which should be used in Ukraine: on the example of the USA and Great Britain, it has been offered to create independent institutions, whose powers will include the assistance to the State Emergency Service within supervision (control) in the fire safety area; to gradually implement in Ukraine the European requirements and standards in the fire safety area, which, a priori, should affect the quality and effectiveness of supervision and control over the relevant area; to create a more effective risk assessment system in the relevant area. This, in turn, will facilitate planning procedures for supervision (control) in the fire safety area; special attention should be paid to the system of training and retraining of inspectors who will be involved in supervising over the compliance with fire safety requirements; to develop a system of information support of controlled objects, which in turn will become an important preventive measure against violations of the norms of the current legislation in the relevant field by the latter.

Key words: international experience, state supervision, control, fire safety, legislation.

1. Introduction

The improvement of the system of state supervision (control) over the compliance and fulfillment of the requirements of the legislation in the fire safety area requires the implementation of comprehensive scientific researches focused on the indicated problems. In particular, international experience of supervision (control) in the relevant area deserves special attention. The study of the latter is important because: first of all, it allows us to identify and familiarize with the best global practices in the construction of legislation in the fire safety area; secondly, to review the procedural aspects of implementing supervision in the researched area; thirdly, to expand the existing knowledge not only regarding the implementation of control and supervision activities, but also regarding the construction of the fire safety area as a subject of supervision and control in general. In addition, it is worth noting that studying international experience will also allow: a) to expand the understanding of the causes of fires, and therefore the areas of control and supervision activities; b) to improve the professional

competence of the employees of specially authorized state authorities.

2. Review of the literature

A number of problematic issues related to supervision (control) in the fire safety area were studied in the scientific works of: V.M. Andriienko, S.I. Bibik, V.M. Harashchuk, V.Yu. Kobrynskyi, K.M. Korobkina, Yu.M. Rahulina, V.S. Shestak and many others. However, despite a considerable number of theoretical achievements, there is a lack of theoretical studies in the scientific literature focused on the characteristics of the experience of the USA and Great Britain in implementing state supervision (control) over the compliance with the requirements of legislation in the fire safety area.

3. Research purpose and objectives

The purpose of the article is to summarize the positive experience of the USA and Great Britain, based on the analysis of domestic and foreign scholars,

regarding the implementation of state supervision (control) over the compliance with the requirements of legislation in the fire safety area and to work out the possibilities of its application in Ukraine. In order to achieve the specified purpose it is necessary to solve the following objectives: to analyze the US legislation on the implementation of supervision (control) in the fire safety area; to summarize the experience of the UK in carrying out the relevant activities.

4. Scientific novelty of the research

It is the fact that the author of the work has carried out a comprehensive analysis of the experience of the USA and Great Britain in the implementation of state supervision (control) over the compliance with the requirements of the law in the fire safety area, and on its basis the author has elaborated the possibilities to apply it in Ukraine.

5. Results

Starting the consideration of the experience of each individual state, first of all, it is worth highlighting the experience of the United States of America (hereinafter - the USA). Studying this country's experience is important because the number of fire deaths has decreased by 20 % over the past decade. The tragic story taught the country to be more careful about fire safety. Every 3 years, the National Fire Protection Association updates its Code, the requirements of which must be followed by all organizations, institutions, residential buildings in the USA [1].

There is no single national Fire Protection Code in the USA (although they exist in certain states), but there are several documents and standards that establish fire protection requirements. Such standards include [2; 3]:

1. National Fire Protection Association (NFPA) Codes and Standards - NFPA sets national fire protection standards, such as NFPA 1: Fire Code, NFPA 101: Life Safety Code, NFPA 13: Standard for the Installation of Sprinkler Systems and others.

2. International Building Code (IBC) - IBC defines the minimum fire safety requirements for buildings and facilities. It includes such sections as "Fire Safety", "Energy Supply", "Fire Protection" and others.

3. Occupational Safety and Health Administration (OSHA) Standards - OSHA sets occupational safety standards, which also include fire safety to protect employees from fire hazards.

4. Underwriters Laboratories (UL) Standards - UL specifies safety standards, including those related to fire protection for various types of products, materials and equipment.

5. National Institute of Standards and Technology (NIST) - NIST is involved in the scientific study of fires and defines recommendations for fire safety and protection of buildings from fires [2; 3].

Therefore, it is the above regulatory documents that enshrine key standards that establish different requirements for fire safety depending on the type of

buildings, materials, equipment and other factors. However, the specifics of the US state system stipulate that certain requirements may also vary according to the state and local regulations. For example, New York State has its own Fire Code (FCNYS). It is the Code that regulates minimum fire safety requirements for new and existing buildings, facilities, warehouses and processes. FCNYS addresses fire prevention issues, fire safety, life safety, and the safe storage and use of hazardous materials in new and existing buildings, facilities and processes. FCNYS provides a common approach to hazard control in all buildings and locations regardless whether the hazard is internal or external. In addition, it should be noted that FCNYS is a design document. For example, the site, before a building is constructed, must be provided with adequate water supply for fire and rescue operations and means of access to the building for operational rescue services in case of a medical emergency, fire or natural or technical disaster. Depending on the occupancy and use of the building, FCNYS identifies various hazards that may be located in the building, including cooling systems, application of flammable finishing materials, fueling of motor vehicles, tall stacks of combustible materials and storage and use of hazardous materials. Thus, FCNYS establishes minimum requirements for these and other risks, indicates requirements to preserve the life safety of people, protect emergency services, and limit damage that may occur in a building in case of a fire, explosion, etc.

As for the directly presented problematic issue, it is worth noting that state supervision in the fire safety area in the United States of America is usually carried out at the state or local government level. In general, state supervision in this area is carried out through national and regional agencies responsible for the supervision over fire safety, in particular, such as: the National Fire Protection Association, as well as the International Association of Fire Chiefs and others.

The National Fire Protection Association (NFPA) is the most influential organization supervising over the fire safety in the United States. It sets standards that state and local authorities can use to develop legislation and regulations in the fire safety area. It is worth noting that fire safety supervision is mostly carried out by local fire departments, whose competence includes building inspection, training and providing information about fire safety to citizens. Additionally, it is important that government supervision over the fire safety in the United States is based on cooperation between state and local governments, relevant agencies and citizens who contribute to fire safety.

Within the framework of the presented scientific research we will further pay attention to the experience of Great Britain. This country pays a lot of attention to issues of public administration in the fire safety area. There is a clear difference between the domestic methodological approaches in making analytical calculations regarding the level of fire risks

and scientific approaches of the UK government. Great Britain, in the context of calculating the level of fire safety, much more carefully studies separated ethnic groups of the population as certain components of a group of communities. Information data in the process of research is systematized, which is applied to terrain maps in order to determine the most vulnerable territorially distributed areas and to compile the "Risk Map" on the basis of such modeling [4].

The UK has fairly strict fire safety regulations and supervision over their enforcement is accomplished by several organizations. The main organization responsible for ensuring fire safety is the Fire and Rescue Service. This Service ensures fire safety in all buildings and facilities, where there is a risk of fire. The Fire and Rescue Service also provides fire safety training and education and conducts fire investigations and examinations. In regard to the supervision (control) over the compliance with fire safety, the above Service conducts inspections in buildings and facilities to ensure the compliance with fire regulations and rules. Inspectors check the presence of fire safety measures, such as: fire alarm, fire doors, automatic fire extinguishing systems, etc. If any deficiencies are found, the Fire and Rescue Service requires them to be corrected within a specified period. In some cases where a building or facility is particularly at risk for fire, the Fire and Rescue Service may require the installation of additional fire safety measures, such as fire escapes, fire lines, fire hydrants, etc. Besides, it should be noted that large organizations, such as hotels, schools, business centers and others, must have their own Fire Safety Officers (fire inspectors) who ensure the compliance of buildings with fire regulations and rules. There is also the fire safety law in Great Britain that regulates liability for violations of fire safety rules. If any organization violates the fire safety regulations, it may be deprived of its license, may receive a fine or even be the subject to criminal prosecution. In light of the above, it is completely fair to emphasize that there is a significant number of documented cases in the UK, which indicate the position of the judicial system, when the case concerns to non-compliance with fire safety regulations. Cases vary, however, the commonality is that fines are severe regardless of the size of the company or its impact on the economy in the whole. In particular, the British global retailer "New Look", which has the network of stores in the UK, received the maximum possible fine of £400,000 after a fire that destroyed its Oxford Street store in 2007. There were 35 vehicles and 150 firefighters combating the consequences. Crews remained on site for three days. Trading was disrupted in more than 50 shops on the Oxford Street. "New Look" pleaded guilty to two breaches: violation of the Regulatory Reform (Fire Safety) Order of 2005 after being prosecuted by the London Fire Brigade and violation of the fire safety, which included failing to train staff and storing items near emergency exits, which blocked the escape routes [5]. Thus, V.I. Holub

summarizing, the fire safety is taken seriously in the UK. In case of a violation, any persons, even state legal entities, are prosecuted. On the other hand, the author quite rightly emphasizes that even the scope of sanctions for violating the fire safety requirements established by law is insignificant in Ukraine, which does not make it possible to prevent offenses and requires improvement [5].

It should be summarized that quite effective systems of state supervision (control) over the compliance and implementation of the requirements of legislation in the fire safety area have been formed in most of the leading countries of Europe and the world. Besides, the vast majority of countries have approaches and standards regarding the implementation of control and supervision activities similar to Ukrainian ones. In particular, appropriate supervision (control) in many states is carried out within the competence of specialized state authorities, such as the State Fire Service or other similar state institutions. However, there are independent agencies in some countries that supervise over the compliance with fire safety requirements, in particular the UK and the USA. For example, the fire safety organization in the UK is part of the Home Office Department, namely Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS). The latter is an independent agency that supervises over the fire protection activities and compliance with fire safety requirements. The organization carries out scheduled fire safety inspections and also conducts investigations after fires. State supervision of compliance with fire safety requirements in the USA is carried out at the level of states. Each state has its own fire safety regulations and requirements, as well as its own agencies supervising over their compliance. Many states have special fire safety commissions or departments that ensure the safety of people and property from fires. Fire safety departments conduct regular inspections of premises, where people are located and determine whether they meet fire safety requirements.

6. Conclusion

Therefore, the conducted scientific research makes it possible to single out the following positive international experience of implementing state supervision (control) over the compliance and fulfillment of the requirements of legislation in the fire safety area, which should be applied in Ukraine:

- based on the example of the USA and Great Britain we should initiate independent institutions, whose powers will include assistance to the State Emergency Service in the sphere of supervision (control) in the fire safety area. Such a step, to our mind: first of all, will make the relevant supervision (control) more impartial and independent; secondly, it will reduce the burden on the State Emergency Service;
- European requirements and standards in the fire safety area should be gradually introduced in Ukraine, which, a priori, will affect the quality and ef-

fectiveness of supervision and control in the relevant area;

- to create a more effective risk assessment system in the relevant area. This, in turn, will facilitate planning procedures for supervision (control) in the fire safety area;

- special attention should be paid to the system of training and retraining of inspectors, who will be involved in supervising over the compliance with fire safety requirements;

- to develop a system of information support for objects under control, which in turn will become an important preventive measure against violations of the norms of the current legislation in the relevant area by the latter.

- it is advisable to consider the possibility of using modern technologies, such as video surveillance, which allows remotely supervise over the state of fire safety at controlled objects. The latter will also allow for more prompt detection of violations in the researched field;

- the creation of organizational and legal conditions for involving the public into the implementation of control and supervision measures is an important area for improving state supervision (control) over the compliance and fulfillment of the requirements of legislation in the fire safety area. This will make the supervision (control) process more transparent and effective.

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