

Richard Rosen Responds to Release of Fire Report

October 29, 2010

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Post & Courier

A long-awaited federal study of the Sofa Super Store fire released Thursday could prove pivotal in ongoing lawsuits, potential criminal charges and efforts to enact state sprinkler standards.

Officials from the Gaithersburg, Md.-based National Institute of Standards and Technology came to Charleston to unveil a two-volume draft report and a computer simulation showing how the June 2007 blaze spread through the massive West Ashley furniture outlet, killing nine city firefighters.

A key finding was that sprinklers likely would have contained the fire to the loading dock and prevented it from spreading into the sprawling showroom, where it became an inferno.

Computer models also showed the blaze was hungry for oxygen and moving slowly until firefighters smashed the front showroom windows to vent smoke. Fresh air poured into the store, igniting combustible gases swirling just below the drop ceiling like a ticking time bomb.

The blaze then tore rapidly and dramatically through the store, trapping the doomed firefighters inside, the study found.

The windows were broken about 24 minutes after firefighters arrived at the store and four minutes after a firefighter radioed a Mayday call for help.

The NIST report is the last major study of the blaze, the largest single loss of firefighters in the country since the Sept. 11 terrorist attacks. Previous reports found fault with the store's practices and the Charleston Fire Department's training, tactics and leadership.

The city has spent more than \$8 million on improvements to its fire department since that time.

Ann Mulkey, who lost her son in the blaze, said she and others believe at least some of the men could have escaped their fate had the windows not been shattered, feeding the fire. "Had they not broken the windows, I think they could have gotten at least four or five of them out," she said.

Nelson Bryner, leader of the NIST study team, said the models showed the inside of the store had become "untenable" by the time the windows were shattered, with excessive heat and

dwindling oxygen in sections.

He said, however, that NIST investigators did not determine the exact locations of the firefighters at that point inside the building.

Bryner also stressed that the NIST's work is scientific in nature and does not assess blame for decisions or attempt to determine whether those calls were right or wrong.

Witnesses have said then-Fire Chief Rusty Thomas ordered firefighters to break the windows, though Thomas has said he does not recall giving that command. Reached by phone Thursday, Thomas said he had not seen the NIST study and had no comment on its findings.

At an afternoon news conference, Charleston Mayor Joe Riley said the conditions inside the store were already dire when the windows were smashed, and he doesn't believe the move changed the outcome.

Riley said the greater "take-away" from the study was the finding that the fire would have been contained had sprinklers been in place. The computer models showed sprinklers would have activated 50 to 75 seconds after the fire started in trash by the loading dock.

The study did not pinpoint what started the blaze, though other investigators suspect a carelessly discarded cigarette was to blame.

Riley and Fire Chief Tom Carr said the NIST's findings will be a valuable tool in renewed efforts to enact standards that would require sprinklers in homes and older businesses. Builder groups and others have opposed such legislation.

"An important legacy of the Sofa Super Store fire nationally will give strength to the movement ... for states to more aggressively adopt building codes that have automatic sprinkler standards," Riley said.

NIST officials have offered to lend support to that effort, city leaders said. The NIST also is recommending that state and local communities adopt model building and fire codes for furniture stores and step up fire inspections.

In addition, it recommends that governments require sprinklers in all new retail furniture stores and older stores with single display areas greater than 2,000 square feet.

Ninth Circuit Solicitor Scarlett Wilson had been waiting on the study to help her determine whether criminal charges are warranted in the case. Wilson said Thursday she is still waiting to receive the report and it is too soon to say what her decision will be.

Randy Hutchinson, who lost his brother in the fire, said he was among a group that met Tuesday with investigators from the State Law Enforcement Division who are probing the actions of commanders who trained and led the firefighters who died.

He said he came away optimistic that criminal charges will be filed in the case.

The study could also prove useful to lawyers involved in civil lawsuits against the Sofa Super Store filed by the fallen firefighters' families and several former firefighters.

The lawsuits allege that illegal additions to the store violated building codes and allowed the fire to spread rapidly through a building with highly flammable furniture and no sprinklers.

In addition to an absence of sprinklers in the store, the NIST study noted that the fire's spread was aided by four fire doors that didn't deploy and metal walls in the warehouse and west showroom that allowed heat from the fire to ignite items next to the walls.

A large open display area and great quantities of highly flammable furniture also contributed to the blaze's quick spread.

Richard Rosen, the store's attorney, issued a release late in the day noting that the West Ashley store was last inspected by the city a little more than a year before the fatal fire.

"The fact that this building contained a large quantity of furniture and was not equipped with sprinklers was noted by the city," he stated. "It was found to be in compliance with applicable codes. The report as well as hand-drawn sketches by fire inspectors did not reveal any violations or recommendations by fire inspectors."

The NIST is inviting public input on its draft report and recommendations until noon on Dec. 2. A final report will follow, though a firm date has not been announced.