

FIRE DEPARTMENT • CITY OF NEW YORK



**STUDY MATERIAL FOR THE
CERTIFICATE OF FITNESS EXAMINATION**

F-61

SUPERVISION OF HOOKAH ESTABLISHMENTS

All applicants are required to apply and pay for an exam online before arriving at the FDNY. It can take about 30 minutes to complete.

Simplified instructions for online application and payment can be found here:

<http://www1.nyc.gov/assets/fdny/downloads/pdf/business/fdny-business-cof-individuals-short.pdf>

Create an Account and Log in to:

<http://fires.fdnyccloud.org/CitizenAccess>

This book is provided to the public for free by the FDNY.

Contents

EXAM SPECIFIC INFORMATION FOR F-61 CERTIFICATE OF FITNESS	3
STUDY MATERIAL AND TEST DESCRIPTION	6
DEFINITIONS	8
INTRODUCTION	12
PERMIT REQUIREMENT	12
SUPERVISION REQUIREMENT	14
DESIGN AND INSTALLATION REQUIREMENTS	15
OPERATIONAL AND MAINTENANCE REQUIREMENTS	15
HANDLING AND USE OF LIGHTED HOOKAH COALS	19
GENERAL HOUSEKEEPING AND STANDARDS FOR HOOKAH ESTABLISHMENTS	22
CARBON MONOXIDE AND PORTABLE FIRE EXTINGUISHER REQUIREMENTS	23
LITHIUM-ION BATTERY SAFETY	27
APPENDIX A. WORST CASE SCENARIOS	30
APPENDIX B. AFFIDAVITS OF FLAME RESISTANCE	31
APPENDIX C. SAMPLE FORMAT FOR AFFIDAVIT	34
APPENDIX D. COMMONLY ASKED QUESTIONS	35

EXAM SPECIFIC INFORMATION FOR F-61 CERTIFICATE OF FITNESS

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REQUIREMENTS FOR CERTIFICATE OF FITNESS APPLICATION

General requirements:

Review the General Notice of Exam:

<http://www1.nyc.gov/assets/fdny/downloads/pdf/business/general-notice-of-exam-cof.pdf>

Special requirements for the: F-61 Certificate of Fitness: None

Application fee (Cash is NO LONGER ACCEPTED):

Pay the **\$25** application fee online or in person by one of the following methods:

- Credit card (*American Express, Discover, MasterCard, or Visa*)
- Debit card (*MasterCard or Visa*)
- In person: Personal or company check or money order (*made payable to the New York City Fire Department*)

A convenience fee of 2% will be applied to all credit card payments.

For fee waivers submit: ***(Only government employees who will use their COF for their work-related responsibilities are eligible for fee waivers.)***

- A letter requesting fee waiver on the Agency's official letterhead stating applicant full name, exam type and address of premises; **AND**
- Copy of identification card issued by the agency

REQUIREMENTS FOR ALTERNATIVE ISSUANCE PROCEDURE (AIP)

No AIP available. This certificate of fitness can only be obtained by passing the computer exam at the FDNY Headquarters.

EXAM INFORMATION

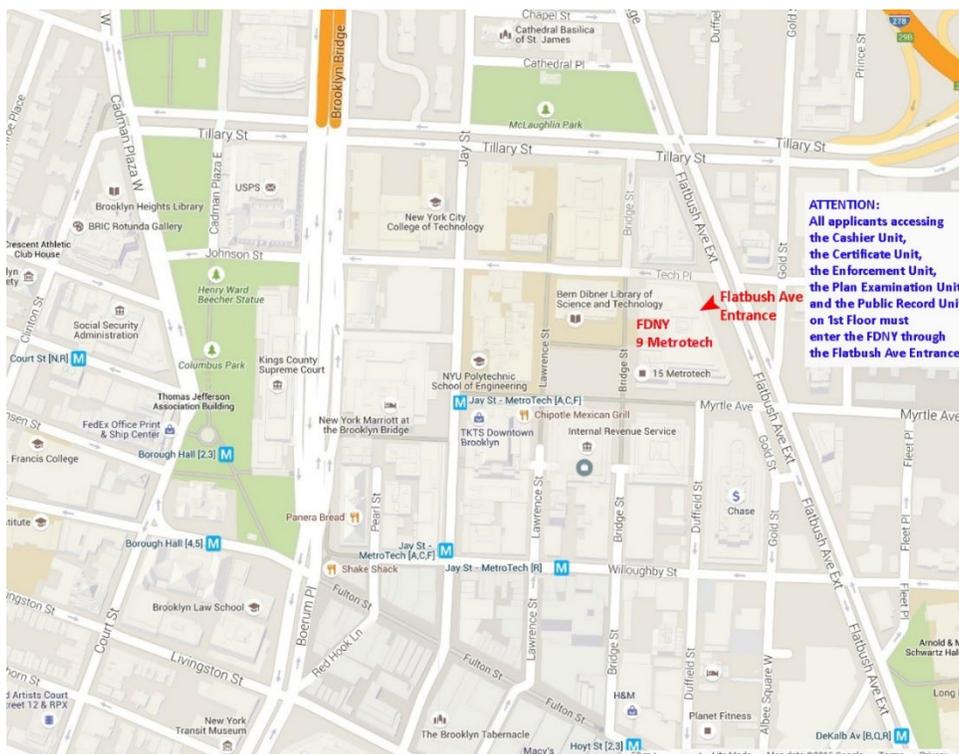
The **F-61** exam will consist of **20** multiple-choice questions. All exams will be administered on a “touch screen” computer monitor. All tests are time-limit exams. Based on the amount of the questions, you will have 30 minutes to complete the F-61 exam.

A passing score of at least 70% is required in order to secure a Certificate of Fitness. Call (718) 999-1988 for additional information and forms.

Please always check for the latest revised booklet at FDNY website before you take the exam.

<http://www1.nyc.gov/assets/fdny/downloads/pdf/business/cof-f-61-noe-study-materials.pdf>

Exam site: **FDNY Headquarters, 9 MetroTech Center, Brooklyn, NY.** Enter through the **Flatbush Avenue entrance (between Myrtle Avenue and Tech Place).**



RENEWAL REQUIREMENTS

General renewal requirements:

Review the General Notice of Exam:

<http://www1.nyc.gov/assets/fdny/downloads/pdf/business/general-notice-of-exam-cof.pdf>

Special renewal requirements for F-61 COF: None

The FDNY strongly recommends the F-61 COF holders to renew the COF on-line.

To learn the simplified on-line renewal:

<http://www1.nyc.gov/assets/fdny/downloads/pdf/business/cof-simplified-renewal-short.pdf>

QUESTIONS?

FDNY Business Support Team: For questions, call 311 and ask for the FDNY Customer Service Center or send an email to FDNY.BusinessSupport@fdny.nyc.gov

STUDY MATERIAL AND TEST DESCRIPTION

About the Study Material

This study material will help you to prepare for the written examination for the F-61 Certificate of Fitness exam for Supervision of Hookah Establishments. This study material includes information taken from the New York City Fire Code, Fire Department rules, as well as industry safety standards. The study material does not contain all the information you need to know in order to perform the responsibilities for Supervision of Hookah Establishments. It is your responsibility to become familiar with all applicable laws, rules and regulations of the federal, state and city agencies having jurisdiction, even though such requirements are not included in this study material. You must be familiar with parts of the New York City Fire Code, including information from Chapters 3, 8, 9, and 10 as well as 3 RCNY 310-03, which set forth the requirements for decorations, maintenance of fire protection systems, means of egress and rules for non-tobacco hookah establishments.

About the Test

You must pass a multiple choice and verbal test to qualify for the certificate of fitness. A score of 70% correct is required in order to pass the multiple-choice section of the test. All questions have four answer options. Only **one** answer is correct for each question. If you do not answer a question, or if you mark more than one answer to a single question, your answer to that question will be scored as incorrect. Read each question carefully before marking your answer. There is no penalty for guessing.

SAMPLE QUESTIONS

1. Which of the following are allowed to be used while taking a Certificate of Fitness examination at 9 Metro Tech Center?

- I. cellular phone
- II. study material booklet
- III. reference material provided by the FDNY
- IV. mp3 player

- A. III only
- B. I, II, and III
- C. II and IV
- D. I only

Only reference material provided by the FDNY is allowed to be used during Certificate of Fitness examinations. Therefore, the correct answer would be A. You would touch "A" on the computer terminal screen.

2. If the screen on your computer terminal freezes during your examination, who should you ask for help?

- A. the person next to you
- B. the firefighters
- C. the examiner in the testing room
- D. the computer help desk

If you have a computer related question, you should ask the examiner in the testing room. Therefore, the correct answer would be C. You would touch "C" on the computer terminal screen.

3. If you do not know the answer to a question while taking an examination, who should you ask for help?

- A. the person next to you
- B. the firefighters
- C. the examiner in the testing room
- D. you should not ask about test questions since FDNY staff cannot assist applicants

You should not ask about examination questions or answers since FDNY staff cannot assist applicants with their tests. Therefore, the correct answer would be D. You would touch "D" on the computer terminal screen.

DEFINITIONS

AFFIDAVIT OF FLAME RESISTANCE. A document confirming that material is flame resistant and must be filed with the Fire Department prior to the installation or maintenance of any decoration on the premises.

AFFIDAVIT OF FLAME-RETARDANT TREATMENT. A document signed by a Certificate of Fitness holder who performed or personally supervised the flame- retardant treatment and testing of materials listed in the document and certified that the treatment procedure complies with the Fire Department rules and a sample of the treated material passed the flame test. This affidavit must be filed with the Bureau of Fire Prevention no later than ten (10) days after the installation or reinstallation of the decoration in the premises following the flame-retardant treatment and/or testing of the decoration in accordance with the Rules of the City of New York.

AFFIDAVIT OF INHERENTLY FLAME-RESISTANT MATERIAL. A document signed by a Certificate of Fitness holder who personally inspected and tested the material listed in the document in accordance with Fire Department rules and confirmed that the material is inherently flame-resistant. This affidavit must be filed with the Bureau of Fire Prevention not later than ten (10) days after the installation or reinstallation of inherently flame-resistant material on the premises. This may also be referred to as a “certificate of flame resistance.”

BUILDING OCCUPANTS. All persons in the building, including employees, building personnel and visitors.

CERTIFICATE OF FITNESS (C of F): A written statement issued by the NYC Fire Department certifying that the person to whom it is issued has passed an examination as to his or her qualifications or is otherwise deemed qualified to use or supervise the storage, handling and use of a material, conduct or supervise an operation, or supervise a facility for which such certificate is required by this code or the rules. It is valid for 3 years. It is required to produce the C of F when asked by any FDNY representative.

DECORATION. Any item that is used for acoustical, aesthetic or artistic enhancement of an interior space, including artwork, banners, curtains, draperies and decorative greens, fabrics, hangings, and streamers, but not including acoustical materials regulated by the Building Code as an interior finish.

EXIT ACCESS. Portion of a means of egress system that leads from any occupied portion of a building or structure to an exit.

FIRE PROTECTION SYSTEM. Approved devices, equipment, and systems or combinations of systems used to detect a fire, activate an alarm, extinguish or control a fire, control or manage smoke and products of a fire, or any combination thereof, including fire extinguishing systems, fire alarm systems, sprinkler systems, and standpipe systems.

FLAME-RETARDANT COATING. An approved coating that, when applied to the surface of scenery in an approved manner, imparts flame resistance and reduces flame spread. Such coating and its method of application shall be approved by the

FDNY. Flame-retardant coatings shall be maintained so as to retain the effectiveness of the coating under conditions encountered in actual use.

FLAME-RETARDANT TREATMENT. An approved chemical that, when applied to a material in an approved manner, imparts flame resistance to a material.

Treatments need to soak or absorb into the material. Such chemical and its method of application shall be approved by the FDNY. Flame-retardant treatments shall be maintained so as to retain the effectiveness of the treatment under conditions encountered in actual use.

FLAME-RESISTANT MATERIAL (Fire resistive). Material that meets the flame propagation performance criteria of NFPA 701, either because it is inherently flame-resistant or because it has been subjected to a flame-retardant treatment.

FLAME RETARDANT MATERIAL (Fire retardant). Material that slows burning across the surface of a combustible product.

FLAME SPREAD. The propagation of flame over a surface. The NFPA groups flame spread ratings into three main categories (A-C), A being the lowest and C being the highest flame spread with a smoke developed index not exceeding 450 (other organizations use Roman Numerals (I-III).)

GENERAL SUPERVISION. Supervision by the holder of any Fire Department Certificate of Fitness who is **NOT** required to be personally present on the premises.

HOOKAH COAL. Charcoal manufactured for use as a heat source in a hookah, or any other combustible material used for this purpose.

INHERENTLY FLAME-RESISTANT FABRIC. Meet NFPA 701 (Test 1 or 2) without a chemical being applied and should retain inherent flame

resistance for the life of the product. (Field test done to verify status).

LIGHTED COALS. *Hookah coal* undergoing combustion.

MEANS OF EGRESS. A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a public way. A means of egress consists of three separate and distinct parts: the exit access, the exit and the exit discharge.

NON-TOBACCO HOOKAH ESTABLISHMENTS. An establishment for the on- premises sale and use of non-tobacco smoking products, as defined in New York City Administrative Code §17-502(aaa).

OCCUPANCY. The purpose or activity for which a building or space is used or designed to be used. References to occupancy classification shall be deemed to include the equivalent occupancy classifications under the 1968 Building Code and all prior Building Codes or other applicable laws, rules and regulations.

PERMIT. A written statement issued by the fire commissioner authorizing the manufacture, storage, handling, use or transportation of a hazardous material, or other material, or to conduct an operation or to maintain a facility, for which a permit is required by the New York City Fire Code.

PERSONAL SUPERVISION. Supervision by the holder of any Fire Department Certificate of Fitness who is required to be personally present on the premises, or other proximate location acceptable to the department, while performing the duties for which the certificate is required.

PUBLIC ASSEMBLY. Space with 75 people or more.

REGULAR BUSINESS HOURS. Times of day and days of the week during which the Non-Tobacco Hookah Establishment is open to the public and business is conducted.

SAFETY DATA SHEET (SDS, formerly MSDS). A document prepared in accordance with the regulations of the United States Department of Labor, as set forth in 29 CFR Part 1910.1200 or a federally approved state OSHA plan which sets forth information concerning a hazardous material.

SCENERY. Any or all decorations ordinarily used in a hookah establishment such as back drops, side tabs, artificial vegetation, borders or scrim, rigid flats, furniture, and all properties.

SITE-SPECIFIC PERMIT. Such permit authorizes the permit holder to manufacture, store, handle, use or sell hazardous materials or combustible

materials, or conduct an operation or maintain a facility at a specific premises or location, for which a permit is required by FC105.6.

Travel Distance is the actual walking distance from any point to the nearest fire extinguisher.

INTRODUCTION

Hookah establishments are now required to follow new Fire Department regulations in order to operate. This study material outlines the fire safety requirements of the New York City Fire Code and Fire Department rules for hookah establishments, which are designed to ensure they operate safely.

The goal of these regulations is to minimize the fire hazards that items like hookah pipes and charcoal may cause. These regulations address how charcoal is stored and prepared for use in hookah pipes, as well as the placement of portable fire extinguishers and flameproofing of decorations.

The Fire Department also requires each establishment have at least one Certificate of Fitness holder, who must be on the premises whenever there are lighted hookah coals open. The designated person is responsible for supervising the handling, use and disposal of lighted coals, as well as the storage of (unlighted) hookah coal.

The Certificate of Fitness holder should be aware of the design and installation requirements for hookah establishments and advise the owners if they are not in compliance.

The Certificate of Fitness for Hookah Establishments is premises-related, which means that the address is required, and Certificate cannot be used in other locations.

This study material, including the compliance dates, follows from Fire Department Rule 3 RCNY 310-03, which is posted on the Fire Department's website.

PERMIT REQUIREMENT

Compliance deadline: October 1, 2021.

An FDNY permit is only issued to those non-tobacco hookah establishments that hold a NYC Department of Health permit. An FDNY will only be issued if the premises is designed, installed, operated and maintained in accordance with the NYC Fire Code and Fire Department Rules.

Non-Tobacco Hookah Establishments require a site-specific permit. Permits are not transferable and any change in occupancy, operation, tenancy or ownership must require that a new permit be issued. The Certificate of Fitness holder is responsible for making sure that all fire safety regulations and procedures are obeyed on the premises. Failure to meet all requirements may subject the location and COF holders to fines, and criminal penalties or both.

An FDNY permit is required to operate a *non-tobacco hookah establishment*. Such permits are required to be posted in an area that is always easily visible and readily available for inspection by any representative of the department.

FIRE DEPARTMENT, CITY OF NEW YORK					BUREAU OF FIRE PREVENTION									
ACCOUNT NUMBER 7777777	TYPE 10	A.P. P	D.O. 12	ADM. CO. E284	ISSUANCE DATE 01/28/10	PERMIT EXPIRES 01/11								
PREMISES ADDRESS 1111 YORK ST STATEN ISLAND NY 11111				ACCOUNT NAME CARI & RENO										
ITEM CODE	SUB CODE	QTY	DESCRIPTION	FLOOR NO.	FEE									
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An example of FDNY permit

Permits are usually valid for 12 months. Every issuance of permit including renewal requires an inspection.

In order to apply for an FDNY permit for a hookah establishment. The following documentation is required:

- **Proof of a NYC Health Department permit for non-tobacco hookah establishments.**
- **Department of Building applications.**
- **Documentation on method of lighting coals, which includes:**
 - a plan or diagram showing the layout of the premises
 - location where hookah coals are prepared and locations of all required clearances
 - description and/or photographs of the equipment used to prepare the *lighted coals*
 - any manufacturers' specifications for equipment used in preparing or maintaining *lighted coals*
 - location and equipment for storage of *hookah coal*
 - and all other relevant particulars relating to the

applicant's storage, handling, use, and disposal of *hookah coals* and *lighted coals*.

All non-tobacco hookah establishments holding an FDNY permits must have one or more employees holding a Certificate of Fitness for such establishments, as described below.

SUPERVISION REQUIREMENT

Compliance deadline: January 1, 2021.

All Hookah Establishments require at least one (1) Certificate of Fitness holder to perform personal supervision over the lighting and disposal of coals and the general supervision of coal storage. The Certificate of Fitness, of the person(s) responsible for such general and personal supervision in *non-tobacco hookah establishments*, must be kept on the holder at all times and a copy of the *certificate(s) of fitness* must **be conspicuously posted at the premises.**

Certificate of Fitness holders should be aware that they may be required to demonstrate their knowledge and ability to perform the duties related to their certificate at the time of original application, renewal, as well as any visit by an FDNY inspector.

The Fire Department reserves the right to deny original or renewal application of a Certificate of Fitness card. The FDNY can also suspend or revoke a certificate for misconduct, which could include the failure of the certificate holder to properly fulfill his or her duties for any reason.

In addition to any other penalties provided by law, misconduct on the part of an applicant or holder of a certificate of fitness shall be grounds for non-renewal, suspension or revocation of a certificate, and denial of an application for a certificate or the opportunity to take a certificate examination. Such misconduct includes, but is not limited to:

- the failure of certificate holders to properly conduct their responsibilities
- any false and fraudulent conduct in connection with an application for a certificate or the duties of a certificate holder, including:
 - false or fraudulent statements or submissions
 - unauthorized changes to or use of a certificate or possession of a fraudulent certificate
 - cheating on an examination
 - impersonating another person or allowing oneself to be impersonated
- the failure to promptly notify the Fire Department of any change in the applicant's or certificate holder's residence

- address, or work location
- any other conduct that decreases the integrity or reliability of an applicant or certificate holder
- compromising the integrity or confidentiality of a Fire Department examination

DESIGN AND INSTALLATION REQUIREMENTS

Compliance deadline: October 1, 2021.

All design and installation requirements must comply with the New York City Construction Codes, including Building and Mechanical codes, New York City Electrical Code, NFPA 211, ASHRAE standards, and manufacturer’s installation instructions for the equipment.



Design and installation requirements that must meet code include but are not limited to the equipment installation, ventilation, weather protection of outdoor equipment, as well as construction requirements of walls, floors and ceilings.

OPERATIONAL AND MAINTENANCE REQUIREMENTS

Compliance deadline: October 1, 2020.

Coals Storage:

For Immediate use:

There should not be more than one (1) day’s supply of hookah coals stored in the same room as the coal heating device used to prepare coals for hookah.

Coals should only be lit for use as the hookah is ordered.

Hookah coals:

- must not be stored within 3 feet of an oven or any other heating device.
- can be stored in a metal or other noncombustible cabinet/container with a securely-fitting lid.

It is recommended that hookah coals be maintained in a sturdy pot (with a lid) of stainless steel or other metal.

Additional Coals:

Hookah coal in excess of one (1) day’s supply can be stored indoors and/or outdoors in accordance with the following requirements.

Outdoors Storage:

Coals for use with hookah can be stored outside as long as storage of combustible materials is not located within 10 feet of a property line or within 50 feet of the nearest wall of any building, structure or premises used for a public gathering (FC 315.3).

Well-constructed metal cabinets or containers with welded seams or hazardous material storage cabinets, constructed in accordance with FC2703.8.7, can be used to reduce the required distance between the storage and the building, structure or premises as long these containers are:

- have a maximum aggregate capacity of 75 cubic feet.
- used for the storage of hookah coals only.
- designed with lids or doors that are secure.
- placed on concrete or another noncombustible surface.
- constructed with 18-gauge steel.

Coals stored outdoors should not be stored near propane or gas line.

Indoor Storage:

Coals for use with hookah can be stored in three (3) approved ways including:

1. a dedicated room designed (according to the Building Code) for storage of solid fuel. This room must be protected by a sprinkler system and enclosed by a 1-hour fire barriers on all sides.
2. Metal cabinets dedicated to storage of solid fuel in a building or occupancy that is protected throughout by a sprinkler system. The cabinets shall not be placed in the corridors, boiler rooms, mechanical rooms, or electrical equipment rooms.
3. Metal cabinets located in a storage room, which is constructed in accordance with the requirements listed in item #1, that is not dedicated to solid fuel. The use of such method is beneficial in premises that are not protected by a sprinkler system throughout and designation of a dedicate solid fuel storage room is not an option.

Coals stored indoors should never be stored or placed near stoves, fryers, grills or any other cooking apparatus.

Protection.

Hookah coal, whether it is stored indoors or outdoors, shall be protected in accordance with the following precautions:

1. keeping the doors or lids to a solid fuel storage room, cabinet or container closed, except when the *hookah coal* is being removed or replenished;
2. posting a durable sign or marking that reads: "SOLID FUEL – KEEP FIRE AWAY" at the entrance to a solid fuel storage room or other room in which *hookah coal* is stored in a metal cabinet or container, or if not in such a room, on the cabinet or container itself; and

3. storing *hookah coal* in its original packaging, or in noncombustible containers with securely closing lids and an internal vertical dimension of not more than 48 inches.

Preparation, use and disposal of coals

Preparation:

It is recommended to use electrically heated options to light hookah coals, but it is not required. If an electric option is not available, light coals must be prepared and maintained using one of the methods below, some of which may need approval from the Department of Buildings:

- *Indoor Electric device*
Listed or approved electric device designed to heat or maintain hookah coals. Have an electrician confirm that the electrical system can handle the electrical load from the device(s).
- *Indoor commercial cooking stove*
Commercial cooking stove, exclusively used to heat *hookah coal* and/or maintain *lighted coals* and protected by an exhaust hood.



- *Indoor Stationary Oven*

Enclosed metal or masonry oven designed to burn wood or other solid fuel and installed indoors in accordance with the following requirements:

- (1) Installed in compliance with the requirements of the Construction Codes, NFPA 211 and/or ASHRAE standards, as applicable to non-space-heating installations.
- (2) Vented to the outdoors through a chimney or suitable metal exhaust duct in accordance with the Construction Codes
- (3) Located at least five (5) feet below the ceiling. The ceiling has a minimum one (1)-hour fire rating.
- (4) All walls located between five (5) feet and two (2) feet of such oven have a minimum one (1)-hour fire rating. Walls located two (2) feet or less from such oven have a minimum two (2)-hour fire rating. All wall surfaces are protected by ceramic tile or other non-combustible surface capable of withstanding the heat generated by the preparation and maintenance of lighted coals.
- (5) Installed on a noncombustible base on ceramic tiles or other non-combustible floor surface.
- (6) A durable sign conspicuously posted on a wall near such oven reads: "Oven installation approved for hookah coal use only. Not safe for wood burning or room heating."
- (7) Either the installation of such oven has been approved by the Department of Buildings, or an application for approval thereof by the Department of Buildings has been filed.

- *Outdoor Stationary Oven*

Permanent or partially enclosed masonry or metal oven designed to burn wood or other solid fuel and installed outdoors in accordance with the following requirements:

- (1) Vented through a chimney or suitable metal exhaust duct in accordance with the Construction Codes.
- (2) Provided with an overhead weather protection.
- (3) All surfaces within five (5) feet of such outdoor stationary oven are noncombustible, including floors, ceilings and walls. All such noncombustible surfaces shall be constructed of brick, concrete or

other weatherproof material capable of withstanding the heat generated by the oven for at least two (2) hours; combustible floors may be covered by a noncombustible mat; and

- (4) Either the installation of such oven has been approved by the Department of Buildings, or an application for approval thereof by the Department of Buildings has been filed.

- *Outdoor portable heating device*

Listed or approved electricoven, portable electric device, metal/masonry oven, or barbeque, that is secured against movement, installed outdoors at an approved location in accordance with the following requirements:

- (1) Provided with an overhead weather protection.
- (2) All surfaces within five (5) feet of such outdoor stationary oven are noncombustible, including floors, ceilings and walls. All such noncombustible surfaces shall be constructed of brick, concrete or other weatherproof material capable of withstanding the heat generated by the oven for at least two (2) hours; combustible floors may be covered by a noncombustible mat; and
- (3) For an electric device, if the total electrical current required to operate the device(s) exceeds 12 amperes, a master electrician licensed by the Department of Buildings has certified that the electrical wiring in the building or occupancy is sufficient to safely operate the device, or, if more than one device, sufficient to safely operate them simultaneously.

HANDLING AND USE OF LIGHTED HOOKAH COALS

Preparation

- A maximum of 2.2 pounds of hookah coals are allowed to be prepared and maintained at one time (not in use).
- All flammable and combustible materials must be kept at least five (5) feet away from all hookah coals that have already been lighted.
- Do not use any type of gas, flammable or combustible liquid to light hookah coals.
- Only a small, 16.4-ounce LPG torch (for culinary or household use) or approved installation of piped natural gas may be used to light hookah coals.

Handling

Lighted coals used for hookah are considered an open flame. When not in an oven or approved heating device the following safety measures must be followed:



- Customers should not to handle lighted hookah coals for any reason, even if using proper utensils.
- Lighted coals can only be handled by a person holding this Certificate of Fitness or a trained and knowledgeable employee.
- Lighted coals that are not yet used for a hookah device, must be maintained in an oven, approved heating device or metal container that is covered to control flames.
- Lighted coals must only be placed in hookah devices ready for immediate use.
- Used or discarded coals must be kept in a metal or other noncombustible container with a cover.

All ashes, cinder to fire debris must be wetted down thoroughly to put out possible continuation of fire in lighted coals.

Smoking area and hookah devices:

All surfaces including tables and floors where hookah may be located must be made of noncombustible material or fully protected by a non-combustible mat.

Flame retardant treatment

The New York City Fire Department enforces regulations that require all decorations in certain occupancies, including smoking areas of a non-tobacco hookah establishment, be flame resistant.

Decorations:

Fabric Partitions

Fabric partitions suspended from the ceiling and not supported by the floor must be inherently noncombustible or treated to meet the flame propagation performance criteria in accordance with the Fire Code and NFPA 701.

Artificial vegetation

Artificial decorative vegetation, including artificial trees, must be flame resistant. Alternatively, the artificial decorative vegetation shall have a maximum heat release rate of 100 kW when tested in accordance with NFPA 289, using a 20-kW ignition source.

Documentation of such certification shall be submitted to the department upon request and as required by the rules.

Some synthetic materials resist absorbing flame-retardant treatment. As a general rule, if the material does not absorb water, it probably will not take the flame retardant either.

Fabric awnings, canopies, decorations and umbrellas

Fabric awnings, canopies, decorations and umbrellas installed or used in any outdoor public gathering place are required to obtain a permit from the Department of Consumer Affairs or other New York State of New York City agency must also be treated to be flame-resistant or made of inherently non-combustible materials. An affidavit signed by the C-15 C of F holder attesting to such flame-retardant treatment or inherently noncombustible material must be filed with the Fire Department prior to the installation or use of such articles as per the Rules of the City of New York.

FDNY ENFORCEMENT for use of Fire-Retardant Material

In addition to the other penalties that may be applicable for failing to comply with these requirements, the Fire Department may order an owner of any premises containing a decoration or scenery for which no affidavit has been filed with the Department or that fails a flame test to remove such decoration or scenery immediately. The owner cannot reinstall or maintain the decoration or scenery in any affected occupancy until the decoration has been subjected to a flame-retardant treatment or coating and passed a test and an affidavit (example affidavits can be found in Appendix B of this document) has been filed.

Best Practice regarding Flame Retardancy:

- After purchasing decorations that are inherently flame resistant or has been treated to be flame-retardant, the FDNY encourages consumers to verify the flame resistance of these materials. The FDNY suggests that upon delivery of these materials, consumers should ask to witness a field flame test performed by the C-15 holder who signed the affidavit of flame resistance. This will help to avoid any surprises when a Fire Department representative arrives on site to conduct a field flame test. Even if an affidavit of flame resistance has been filed with the department, the consumer should be confident that the material will pass the flame test.
- Make sure that you are informed of any practices (such as dry cleaning, washing, allowing the accumulation of dust) which could potentially lower the flame resistance of the materials.
- Be aware that even if decorations are deemed inherently flame resistant or have undergone a flame-retardant treatment AND pass a

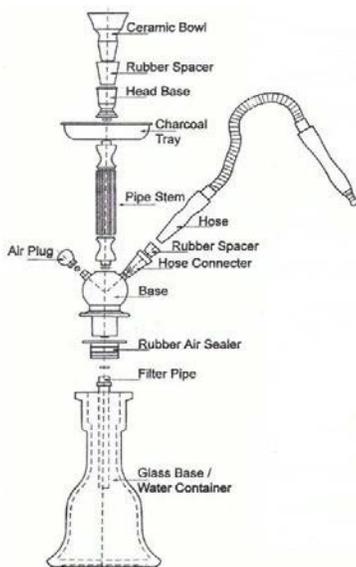
flame test, these materials will burn in a fire situation. The most reasonable assumption is that decorations or scenery that meet the requirements outlined in this study material will not contribute to the fire but will burn slow enough that the fire could be successfully extinguished or controlled long enough that occupants will have enough time to evacuate safely.

It is recommended that:

- Ignited coals placed in use on a live hookah should be protected by aluminum foil or other type of protection around the hookah head.
- Coal that have been ignited should never be left unattended on the floor
- Hookahs that are in use on tables must be placed on tables that are made of non-combustible materials.
- Coals must be fully extinguished at the end of use by dropping them in water prior to disposing them in a trash bag or bin.

GENERAL HOUSEKEEPING AND STANDARDS FOR HOOKAH ESTABLISHMENTS

- Access doors, aisles and exit doors clear of obstructions. Keep storage of items out of hallways and stairwells. The Fire Code contains various requirements for aisle spacing depending upon stacking arrangements.
- Whenever feasible, outdoor storage areas should be covered to prevent contamination by the elements.
- Secure storage areas to minimize liability and hazards of intrusion or dumping.
- Be familiar with the use, limitations and location of emergency equipment such as fire alarms, exits and fire extinguishers.
- Be aware of Fire Code storage requirements for permit and Certificates of Fitness.



- Safety Data Sheets (SDS, formerly MSDS) information should be readily available.

Use

- Parts of hookah that are designed to hold lighted coals must be used in accordance with manufacturer's instructions.

- When devices are found to be damaged in any way they must be removed from use.

- No combustible materials other than coal should be used inside of hookah

Storage

- Containers must be in good condition and closed when not in use.
- Defective containers must be immediately removed from service or disposed of in approved manner.
- Flammable/combustible material must be stored away from open flame or other ignition sources.
- Storage area must be checked periodically for container integrity, leaks, older stock, faded/missing labels etc.

CARBON MONOXIDE AND PORTABLE FIRE EXTINGUISHER REQUIREMENTS

Compliance Deadline: September 1, 2020.

Carbon monoxide

A listed and labeled carbon monoxide alarm is required to be in every room where lighted colas are prepared and used.

Fire Extinguishers

At least one portable fire extinguisher having a minimum 2A:10-B: C rating shall be provided and maintained within a 75-foot travel distance in:

1. all areas where lighted coals are prepared or maintained;
2. each room or area in which hookah or other smoking paraphernalia containing lighted coals is used or handled; and
3. each room or area in which smoking occurs.

According to the ***National Fire Protection Association (NFPA) standards***, *portable* fire extinguishers are categorized according to their compatibility with the fuel they are expected to extinguish, or the danger of energized electrical equipment. Fuels include four basic groups: wood, liquids, metals, and animal fats; and the hazard of electrical conductivity. Further, extinguishers are designated by alphabetical letters and symbols as shown in the table below:

CLASSES OF FIRES	TYPES OF FIRES	PICTURE SYMBOL
A	Wood, paper, cloth, trash & other ordinary materials.	
B	Gasoline, oil, paint and other flammable liquids.	
C	May be used on fires involving live electrical equipment without danger to the operator.	
D	Combustible metals and combustible metal alloys.	
K	Cooking media (Vegetable or Animal Oils and Fats)	

In case of any fire, immediately call 911.

Fire extinguishers must be used in accordance with the instructions painted on the side of the extinguisher. They clearly describe how to use the extinguisher in case of an emergency. The Certificate of Fitness holder should be familiar with the use of portable fire extinguishers. When it comes to using a fire- extinguisher just remember the acronym P.A.S.S. to help make sure you use it properly. **P.A.S.S. stands for Pull, Aim, Squeeze, Sweep.** An example of these instructions is depicted in the picture below.



Fire Extinguisher Tags

Installed portable fire extinguishers must have an FDNY standard PFE tag affixed. This tag will have important information about the extinguisher. By November 15, 2019, all portable fire extinguishers must have the new PFE tags. The FDNY will only recognize new PFE tags and will be issuing violations to business that have PFE installed without a proper tag.

The color of the fire extinguishers may be changed by the FDNY every few years. The FDNY recommends two ways to verify the tag's legitimacy:

1. Hologram:

A real hologram strip shown on the tag is 3 inches long by 1/4 inch wide. Counterfeit tags will NOT have a high quality silver hologram. The hologram on a counterfeit tag will NOT change color as it is moved against the light.

2. QR code

IF you scan the QR code, it should direct you to the updated FDNY approved fire extinguisher company list. You can use the company list to verify if the company printed on the tag is currently approved by the FDNY.

If your PFE tags cannot be verified via these two methods, contact your supervisor. If you suspect your PFE is a counterfeit, contact FDNY immediately by e-mail:

Tags.Decal@fdny.nyc.gov



PFE tag (This tag is released for 2021-2023)

Information included on an official FDNY Portable Fire Extinguisher tag:

- Type of Extinguisher
- Month/Year of servicing
- Type of service conducted
- Logo of Company conducting service (*not required on tag*)
- Stamp with information of Certificate of Fitness holder conducting service
- Hologram
- QR code (which takes you to FDNY approved companies list)
- Information of company conducting service
- Serial number of the extinguisher
- Location of the extinguisher

Portable Fire Extinguisher (PFE) Inspections

MONTHLY

The portable fire extinguishers are required to be checked monthly. The owner of the business is responsible to select a person to do a monthly inspection. This monthly inspection is called a "quick check".

The **QUICK CHECK** should check if:

- (1) the fire extinguisher is fully charged;
- (2) it is in its designated place;
- (3) it has not been actuated or tampered with;
- (4) there is no obvious or physical damage or condition to prevent its operation.

The information of the monthly inspection record must include the date of the inspection, the name/initials of the person who did the inspection. This monthly quick check is documented on the back of the PFE tag or by an approved electronic method that provides a permanent record.

ANNUALLY

At least annually all Portable Fire Extinguishers must be checked by a W-96 Certificate of Fitness holder from FDNY approved company. After each annual inspection W-96 COF holder will replace the PFE tag. The information of the annual inspection record must be indicated on the new PFE tag.

LITHIUM-ION BATTERY SAFETY

Lithium-ion safety

Lithium-ion batteries are rechargeable batteries found in electric bikes, scooters, cars, laptops, tablets, phones, and many other common household devices.

Lithium-ion battery fires have caused deaths, serious injuries, and devastating damage to property around the city. It's important to follow rules for safe storage, charging, and disposal for these types of batteries.

If you own a lithium-ion powered device or plan to buy one, the FDNY has important safety tips that you should follow. These tips apply to all devices powered by lithium-ion batteries, including phones, tablets, laptops, e-cigarettes, toys, high-tech luggage, and even robotic vacuum cleaners.

Immediately stop using or charging battery and call 911 if you notice:

- **Fire or Smoke**
- **Overheating**
- **Change in color or shape**
- **Odd noises**
- **Leaking**
- **Strange smell**

ALWAYS:

- purchase and use devices certified by a Nationally Recognized Testing Laboratory (NRTL). 
- follow the manufacturer's instructions for:
 - charging and storage.
 - correct battery, cord, and power adapter
- **keep exit path clear at all times.**
- plug directly into a wall electrical outlet for charging.
- keep batteries and devices at room temperature.
- store and/or charge batteries away from anything flammable.
- keep away from heat sources.
- bring batteries to a **NYC Battery Recycling Center**. Visit nyc.gov/batteries for more information.

NEVER:

- use aftermarket batteries or chargers.
- use damaged or altered batteries
- plug into a power strip or overload an outlet.
- overcharge or leave battery charging overnight.
- charge a battery or device under your pillow, on your bed, or near a couch.
- leave e-bikes or e-scooters unattended while charging.
- block your primary way in or out of a room/space with e-bikes, e-scooters, wheelchairs, etc.
- place batteries in Trash or Recycling bin. **It is ILLEGAL.** Visit nyc.gov/batteries for disposal locations and information.

In the event of a Fire, Leave and CLOSE the door. Call 911 once you are in a safe location.



Charging Lithium Ion

Lithium-ion batteries do not have to be fully charged; partial charge is the most suitable.

When **charging more than five (5)** personal mobility devices or their removable batteries, it must be in a **dedicated room with ventilation** and a self-closing door. For a total battery capacity of 20 kilowatt-hours (kWh), a 2-foot separation between charging batteries is required. For a total battery capacity up to 50 kWh, a 3-foot separation is needed.

Chargers must only be used with a compatible battery pack. The original equipment manufacturer (OEM) charger interplays with the battery pack using the battery management system (BMS). The wrong battery/charger combination may not work safely. For example, the 100% cutoff to prevent overcharging, which damages batteries, may not work which can easily create hazardous conditions such as fires, explosions and/or injuries.

Always check with the manufacturer or retailer of the personal mobility device, an authorized repair shop or a testing laboratory such as Underwrites Laboratories (UL) to see if replacement is recommended or listed and safe for use with that device. Using unauthorized parts, including batteries and/or chargers, may cause damage, fire and possibly void your warranty.

Extinguishing Lithium-ion

Water may not prevent a battery from burning and spreading. Battery cells are known to explode and quickly spread to another battery. It can spread to another devices.



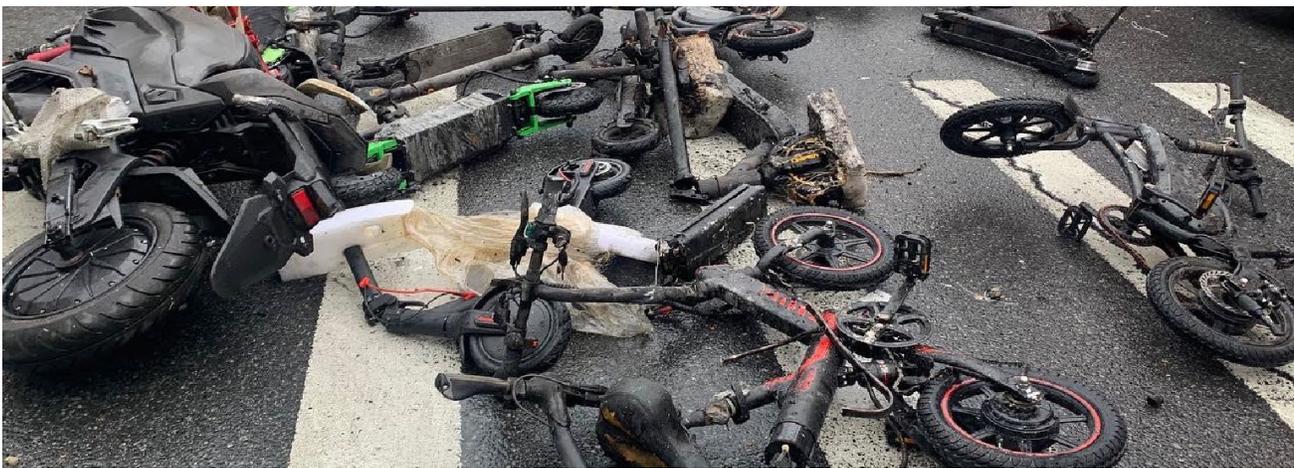
Fire Extinguishers
do not work
on lithium-ion batteries
fires.

Unexpected Re-ignition.

Reignition is common. Lithium-Ion Batteries are known to unexpectedly re-ignite (without warning) minutes, hours and even days after all visible fire has been put out.

Lithium-ion batteries can enter an uncontrollable, self-heating state. This can result in the release of gas, cause fire and possible explosion.

These batteries may continue to generate heat even when there is no visible sign of fire. Once heat reaches a certain level fire may reignite on the battery and surrounding area.



APPENDIX A. WORST CASE SCENARIOS

Charges: Minneapolis man accidentally burned down park pavilion with discarded hookah coals

PUBLISHED: June 5, 2019 at 6:57 p.m.

Authorities say a man has been charged with accidentally starting the May fire that destroyed a popular park pavilion restaurant on the Minneapolis Chain of Lakes.

According to the Hennepin County attorney's office, defendant, 23, was charged Wednesday with a single count of negligent fire causing property damage of more than \$2,500.

Defendant was charged by summons and will make a first court appearance on July 10.



According to the criminal complaint, the fire was started by the carelessly discarded coals of a hookah, a type of water pipe used for smoking tobacco.

Defendant took a hookah out of a bag and then managed to light the pipe despite an approaching thunderstorm. About 20 minutes later, the video showed defendant dumping the hookah's embers behind several trash cans next to the pavilion.

The area was protected from the rain but not the wind, igniting a fire that destroyed the pavilion.

Damage was estimated at \$2 million.

APPENDIX B. AFFIDAVITS OF FLAME RESISTANCE

Affidavit of Flame-Retardant Treatment

covers fabrics that are not inherently flame retardant and:

- have had an initial treatment **or**
- need re-treatment after washing, dry cleaning, etc.; unless the certificate of approval used states otherwise **or**
- need re-treatment after failing a field flame test **or**
- must be re-treated at the end of the warranty period or the application validity has exceeded three (3) years

The owner of the premises where the treated decoration or scenery will be located must obtain an affidavit of flame-retardant treatment from the C-15 certificate of fitness holder. Specifically, the C-15 holder who performed the treatment on the decoration or scenery must be the signee on the affidavit.

The owner must then:

1. File the affidavit with the Bureau of Fire Prevention no later than ten days after the installation or reinstallation of the decoration or scenery in the premises following the flame-retardant treatment and/or testing of the scenery or decoration
2. Maintain a copy of the affidavit on the premises for inspection by a Fire Department representative
3. Maintain a record of each washing, dry cleaning, or other processing of the decoration that might impair the effectiveness of its flame resistance

The affidavit must be signed by the C-15 certificate of fitness holder who performed or personally supervised the flame-retardant treatment and the testing of the flame-resistant material or flame-retardant scenery.

The affidavit must contain the following information:

1. The name of the person who performed the flame-retardant treatment or coating, and the number and expiration date of his or her C-15 certificate of fitness
2. The date of the treatment and/or testing
3. The name of the manufacturer of the flame-retardant chemical or coating, its trade name and its Certificate of Approval number
4. A detailed description of the materials treated and a statement indicating that the flame-retardant treatment or coating used has been approved under the certificate of approval for the materials treated

5. The period of time that the manufacturer of the flame-retardant chemical or coating warrants that the material's flame resistance will be effective
6. The name of the person who performed the flame-retardant treatment's certification that the material, and that the flame-retardant treatment or coating comply with the Rules of the City of New York and that he or she personally subjected a sample of the treated material to a test in accordance with the requirements of the Rules, or personally supervised such test, and the material or scenery passed the test

Affidavit of Inherently Flame-Resistant Material

covers fabrics that meet NFPA 701 tests without any additional treatment

The owner of a premise in which there is any decoration made of inherently flame-resistant material, or scenery made of inherently flame-retardant material must:

1. File an affidavit with the Bureau of Fire Prevention signed by a C-15 Certificate of Fitness holder for each such decoration or scenery attesting to its inherently flame-resistant or flame-retardant properties. The affidavit must be filed no later than ten (10) days after the installation or reinstallation of the decorations on the premises.
2. Maintain a copy of the affidavit on the premises for inspection by any Fire Department representative.

The affidavit of inherently flame-resistant material or flame-retardant scenery shall contain the following information:

1. The name of the person who personally inspected and/or tested the decoration/scenery, and the number and expiration date of his or her C-15 certificate of fitness
2. The name of the manufacturer of the material
3. An exact description of the material, and a description of the properties of the material that render it inherently flame-resistant

The FDNY may reject any affidavit of flame-retardant treatment or inherently flame-resistant material that it determines is not in compliance with the requirements of the New York City Fire Code and the Rules of the City of New York. If the affidavit is rejected:

- The FDNY must give written notice to the owner of the occupancy containing the decoration
- The FDNY must give written notice to the certificate of fitness holder who

executed the affidavit.

- The decoration or scenery shall be removed from the affected occupancy and will not be reinstalled until it has been subjected to a flame-retardant treatment and a satisfactory affidavit of flame-retardant treatment has been filed with the Fire Department
7. The period of time that the manufacturer of the flame-retardant chemical or coating warrants that the material's flame resistance will be effective
 8. The name of the person who performed the flame-retardant treatment's certification that the material, and that the flame-retardant treatment or coating comply with the Rules of the City of New York and that he or she personally subjected a sample of the treated material to a test in accordance with the requirements of the Rules, or personally supervised such test, and the material or scenery passed the test

APPENDIX C. SAMPLE FORMAT FOR AFFIDAVIT

Certificate of Flame Resistance

For: _____

Certificate Holder: _____

Certificate Number: _____

Certificate Date: _____

Expiration Date: _____

This is to certify that the following items have been treated with a flame-retardant chemical approved by the FDNY and in accordance with NYC Fire Code Section 805, NYC Fire Rule § 805-01. The items have been tested and meet or exceed the guidelines of the NYC Bureau of Standards and Appeals for Fire Resistive Materials and NFPA (701 or 705).

FDNY Certificate of Approval # _____

(Please list items below, if more space is need use additional paper)

The warranted period of effectiveness is one (1) year. The application is valid for up to three (3) years, with annual testing recommended. Any washing, cleaning or alteration of any kind of this material will void this certificate.

Sworn before me on

Signature of Certificate of Fitness holder

COF Number

COF Expiration Date

Notary

APPENDIX D. COMMONLY ASKED QUESTIONS

Design and Installation Requirements

Q: Why can't the same stove be used to heat charcoal and prepare food?

A: The New York City Mechanical Code (MC) regulates the design and installation of exhaust systems. MC506.3.5 requires that a separate exhaust system serve a solid fuel burning appliance. Exhaust systems serving solid fuel equipment is designed slightly differently and requires more stringent maintenance. For example, different types of filters (with spark arrestors) are used in the exhaust system for solid fuel-fired appliances. Such filters are not compatible with the exhaust systems used for commercial cooking equipment producing grease.

Q: Is a sprinkler required for outdoor storage of solid fuel?

A: No.

Q: The threat posed by lighted charcoal is so minor that a sprinkler system should not be required. Is a sprinkler really necessary?

A: This rule does not establish sprinkler system requirements but references existing New York City Building Code and Fire Code requirements. The rule implements Local Law 187, which requires that the storage of charcoal in hookah establishments be treated in the same way as the storage of wood in restaurants. Existing code requirements require a sprinkler head in solid fuel storage rooms.

Consult with a Licensed Professional for information on sprinkler and ventilation installation.

The rule further offers the practical, low-cost alternative of outdoor storage of charcoal, which eliminates the need for a sprinkler system.

Q: Is my new ventilation system with a special filter adequate? What are the ventilation requirements?

A: Ventilation requirements for all kinds of buildings and businesses are addressed in the New York City Mechanical Code. Please consult with a qualified professional.

Q: Does my existing oven and/or ventilation system comply with the rule?

A: Business owners should consult a qualified professional and be prepared to

present DOB documentation and/or documentation from the qualified professional attesting to the lawful installation of the system and its adequacy for purposes of exhausting the heat and gases from hookah charcoal preparation. The Fire Department will review such documentation when it inspects the premises for the purpose of granting a Fire Department permit.

Q: Are there specific requirements for furniture?

A: Requirements for surfaces and decorations in the smoking area are set forth in Section 310-03(d)(2) of the rule.

Q: The rule may require involvement of design professionals and installation of other systems (including engineers, ventilation, and special rooms for storage of charcoal).

Establishments are already required to get a Health Department permit and comply with other new restrictions.

A: The requirements to which objection is made are set forth in Local Law 187, which this rule implements. As noted above, the Fire Department endeavored in its rule to provide practical, low-cost alternatives to facilitate compliance with the requirements of the local law.

Certificate of Fitness Requirements

Q: It is necessary to require a Certificate of Fitness holder at all times on the premises?

A: This requirement is set forth in Local Law 187, which this rule implements. The Certificate of Fitness requirement is designed to protect the public by ensuring that the business is being operated and maintained in accordance with the applicable code requirements. Requiring a Certificate of Fitness holder to be present on the premises is consistent with how the Fire Code regulates other businesses that present fire safety concerns.

Q: How many people at the premises are required to have a Certificate of Fitness?

A: Only one Certificate of Fitness holder needs to be present at the premises, but such an individual must always be present when there are lighted charcoals at the premises.

Q: The Certificate of Fitness requirement is burdensome and expensive because

there is very high turnover of staff at hookah establishments. There should be ways to minimize the burden on business owners, such as offering group classes at the business establishment.

A: Obtaining a Fire Department Certificate of Fitness is neither time-consuming nor expensive. Free study materials will be posted on the Fire Department's website. The required test, which is computerized, is offered Monday through Friday at Fire Department Headquarters without an appointment. The cost of the test is \$25. Upon passing the exam, the certificate can be obtained on the same day. Special arrangements can be made to provide for large groups. Appointments can be scheduled online at <https://www1.nyc.gov/site/fdny/business/all-certifications/cof-online-scheduler.page>.

Other Requirements

Q: Most hookah lounges use coconut charcoal, which takes longer to ignite than the easy light variety (five minutes as opposed to one). The easy light is "bad."

A: The Fire Department has determined to refrain at this time from regulating the type of charcoal used in the hookah, which is central to the business operations of hookah establishments.

Q: How do I obtain a Fire Department permit?

A: Section 310-03(c)(3) of the rule specifies what information must be provided to the Department in order to obtain a permit. Information about when and how to provide this information to the Department will be posted on the Fire Department website following publication of this final rule. Hookah establishments will be inspected by the Fire Department before a permit is issued.

Q: When will my business have to start complying with this rule?

A: Section 310-03(c)(2) specifies the compliance timeframes.