



FireOx International

SI AUBURN HILL , AUGHMIM STREET , DUBLIN 7, IRELAND

PHONE / FAX : + 353-1-838 6078

Mr. Dick Roche T.D.,

2005-09-16.

Minister for the Environment, Heritage & Local Government,
Department of the Environment, Heritage & Local Government,
Custom House,
Dublin 1.

Re : DoEHLG's 'Outline' Disability Sectoral Plan (September 2004).

Dear Minister,

FireOx International is an independent, multi-disciplinary design, consultancy and research practice - www.fireox-international.com - with extensive practical experience in the complex area of fire engineering and its dynamic interaction with other aspects of performance in buildings and the built environment.

From a distance, we have looked at progress of the 2004 Disability Bill with increasing concern and impatience. The time has now arrived to shout "STOP" ! This is a time for direct talk.

The **2005 Disability Act** (Number 14 of 2005) is a deeply flawed and inadequate piece of legislation ; and every individual and/or organization associated with its inception and development should be thoroughly ashamed. It is an outrage, and a national disgrace.

In particular, we do not understand why every Board Member of the **National Disability Authority** has not already tendered his/her resignation. We demand that this should now happen, and without any further delay.

Registered as ' Sustainable Design International Ltd.' in the E.U. - Ireland / No. 274818

Value-Added Tax Registration No. IE 8274818G

For information about our organization, visit 'www.fireox-international.com'

This short communication, however, is a **Technical Submission** ... and deals with limited aspects of the 'Outline' Disability Sectoral Plan, published by the Department in September 2004. At all technical levels, there are problems with this Plan. And your Department lacks the competence to correct the situation.

The Final Draft of the Plan must contain more detail, direction and guidance.

1. Robust Linkage Between Parts M & B of the Building Regulations

Many references are made throughout the Sectoral Plan (and the 2005 Disability Act) to Part M of the Building Regulations. But, this is only one side of the 'Accessibility' Coin. Access provision to a building for people with activity limitations **must be linked** to protection from fire, and evacuation in the event of an emergency. A clear, direct and robust linkage must be identified between Parts M & B of the Building Regulations in all documentation. [Please see a reference to this linkage in the general introduction to Technical Guidance Document M under the shaded box containing Requirements M1-M5.] Yet, this essential linkage is not explained or elaborated anywhere in the Plan.

Furthermore ... in an earlier submission to **Minister Noel Dempsey T.D.**, dated 1999-10-27, we stated ...

Regrettably, it must now be finally and clearly stated, for public record, that the guidance offered in Technical Guidance Document B, concerning the protection of disabled people from fire in buildings, is entirely inadequate. Use of the British Standard which is referenced in TGD B (BS 5588 : Part 8), while it introduced some innovative and badly needed fire engineering concepts at the time of its publication, must now also be thoroughly reviewed in Ireland. The Standard's drawings, for example, are dangerous and inept. Furthermore, some of the contents of the Technical Guidance Document and the British Standard actually conflict with other provisions of the Irish Building Regulations.

We forcibly re-state these comments in relation to BS 5588 : Part 8 : 1999, and the current Technical Guidance Document B.

Following our 1999 submission, we are aware that an '**Internal**' Working Group was established by the Department to consider BS 5588 : Part 8, but it is our understanding that it never completed its work, or reported. Please give us an update on the exact position.

It should also be noted that the linkage, and its elaboration, between Parts M & B of the Building Regulations is absent from the unfortunate and misguided attempt by the **Office of Public Works** to produce an Accessibility Audit Checklist in 2002.

2. Conflicting Disability-Related Language & Terminology in Irish Legislation

Of course, much time has passed, and many issues have evolved since 1999. But, following the adoption by the World Health Organization, in May 2001, of the International Classification of Functioning, Disability & Health (ICF) ... we would now refer to 'people with disabilities' as People with Activity Limitations. Harmonization in Europe of disability-related language and terminology has allowed more and better technical progress to be made in every country.

See the enclosed Definition of **People with Activity Limitations**. Please also examine the **Vocabulary** in Appendix IV of the 2004 Rio Declaration (see below).

The definition of 'people with disabilities' in Requirement M4 of the Building Regulations is inadequate, and unacceptable.

The definition of 'disability' in the 2005 Disability Act has all the appearance of being purposefully and maliciously limited in scope and application by use of the phrases 'substantial restriction' and 'enduring impairment'. A bureaucratic quagmire of ambiguity has thus been created ... and People with Activity Limitations will suffer greatly.

The definition of 'disability' in Irish Equality Legislation should instead be used as the model.

Unless these different definitions are harmonized, serious legal difficulties will be caused for anyone involved in the design, construction and/or operation of buildings in Ireland.

3. Outdated & Inadequate Employment Quota of 3%

Directly associated with the important issue of adequate protection from fire and evacuation in the event of an emergency is the real number of People with Activity Limitations who will be working in, or visiting, buildings. The **3% Employment Quota**, in various forms, has been with us since the 1970's. It is now outdated and inadequate.

If the **High Level Goal** of the Sectoral Plan actually is 'to promote and pro-actively encourage equal opportunities for persons with disabilities to participate in the economic, social and cultural life of the Community', the Employment Quota must be raised to **5%**, and become mandatory ...

- even the most unreliable of statistics suggest that 10% of any national population in Europe is 'disabled' - real rates are higher ;
- the real rate of unemployment among People with Activity Limitations, generally in Ireland, is extremely high ;
- the 'quality' of work for employed People with Activity Limitations in Local Authorities can best be described as menial and poor.

4. Effective Monitoring of Implementation is Critical

Requirements with regard to the 'adaptability' of Local Authority Housing, which were contained in DoE Memorandum N8/82 'Memorandum on the Procedures to be Followed and the Standards to be Applied in Providing Local Authority Dwellings' (April 1982), were ignored by every Local Authority in the country ; and this was facilitated because nobody within the Department was tasked with monitoring implementation.

It is most regrettable to state that there is a widespread antagonism towards Design for Accessibility among technical personnel, at all levels, throughout the Local Authority System.

A concerted effort, involving much more than a mere Awareness Raising Campaign, must be made to ensure that the Built Environment (buildings, public spaces, transport, infrastructure, etc.) becomes Accessible-for-All.

This Will Not Happen Without Effective Monitoring of Implementation.

Please understand that we are much more interested in presenting positive solutions, than being negative and critical :

Protection from Fire & Evacuation -

<http://www.fireox-international.com/fire/appendixd.htm> ;

Towards a Sustainable Social Environment & Design for Accessibility -

<http://www.accessibility-for-all> .

Finally, find enclosed a copy of the **2004 Rio de Janeiro Declaration on Sustainable Social Development, Disability & Ageing**. This document, adopted at an International Conference in Brazil last December, formed the basis for my Keynote Presentation there ; its purpose is to give much more emphasis to the 'social' aspects of Sustainable Development, and to ensure that People with Activity Limitations are able to claim their rightful place in this new Social Agenda.

Thank you for your attention.

Yours sincerely,

C.J. Walsh,

Chief Technical Officer, FireOx International.

Member, CIB Working Commission 14 : Fire.

Member, EU 2003 (EYPD) Expert Group on Accessibility.

Member, EU 2004 Working Group on Urban Environment Research.