James Hansen
Director of Code Development
Bureau of Fire Prevention
Fire Department of New York
9 MetroTech Center
Brooklyn, NY

Dear Mr. Hansen:

We appreciate the opportunity to comment on New York City's fire code updates on behalf of the US Fuel Cell Council and the companies listed below.

Our members are interested in demonstrating and selling fuel cell units and supporting infrastructure to customers and government agencies within the City.

As you know, fuel cells are energy conversion devices that harness the chemical energy of hydrogen, or hydrogen rich fuels like natural gas, directly, without combustion, into electricity and useful heat. A number of fuel cells have already been successfully employed in New York City. From the Central Park Police Headquarters, and the Sheraton New York Hotel & Towers, to the GM Equinox fuel cell vehicles that are participating in Project Driveway, fuel cells are showing their commercial promise in the City and elsewhere.

Our comments relate to fuel cell equipment utilizing bottled hydrogen and, eventually, to fueling stations for hydrogen vehicles. We understand the City places restrictions on bottled hydrogen and recognize that their placement inside buildings is new to many jurisdictions. Knowing that, we have worked, and continue to work with, myriad code organizations including I-Codes and NFPA (specifically NFPA 55 and NFPA 2), to ensure safe, compliant deployment of these technologies. We also understand that in the proposed draft fire code for New York City based on the 2003 IFC, Section 2209 dealing with Hydrogen Motor Fuel-Dispensing and Generation Facilities is noted as "reserved" due to some concerns about the safety of such facilities.

In the spirit of greater understanding, we would like to work with the Fire Department of New York, the New York State Fire Prevention Office, and other key City and State institutions, to explore how existing I-Codes and NFPA provisions can guide the safe installation and operation of fuel cells, whether using bottled hydrogen or hydrogen rich fuels, and hydrogen fueling stations.

In a practical sense, we feel such an effort will demonstrate how fuel cell installations utilizing bottled hydrogen or hydrogen rich fuel are comparable to running everyday gas appliances. In addition, it will help determine if additional guidelines are needed for such fuel cell installations and address how fueling stations for hydrogen vehicles can be installed and operated safely in the City.

To help further this cooperative process, the Department of Energy, together with industry and the community of fire and building code officials, is considering holding a workshop in the New

York City area to address safety of hydrogen and fuel cell technologies and permitting of hydrogen fueling stations. The workshop will be comparable to those held in other parts of the country that have been well received by code officials and industry. We hope that we can work with you and the Fire Department of New York in planning and conducting such a workshop in the first half of 2008.

Thank you for considering our request. Should you have any questions, please feel free to contact Robert Wichert, the USFCC Technical Director, at 916 966 9060, email : Wichert@fuelcells.com.

These comments are submitted in behalf of the 100 members of the US Fuel Cell Council, and on behalf of the following companies: Air Products, Ballard Power Systems, Chrysler, Hydrogenics, IdaTech, Johnson Matthey Fuel Cells, Millenium Cell, Plug Power, UTC Power, and W.L. Gore.