



Libraries – Why Sprinklers Prevent Water Damage

**By John Breen*

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**John Breen is the Manager, Risk Reduction & Loss Control at CURIE*

Paper based documents and books make up the bulk of the holdings of libraries. The paper used in documents and books in libraries has been produced at different times and therefore, been manufactured using a variety of techniques and ingredients. Paper composed of cotton was used for writing and book printing until the end of the 19th century. Low-grade cellulose paper, such as newsprint, which has high wood pulp content, has been used in more recent times.

Paper based documents can ignite from open flames (e.g. from sparks caused by defective electrical wiring, or a carelessly thrown match or cigarette). The chances that the documents will ignite depend on the intensity and duration of the heat released from the source of the flame.

When fires ignite and are allowed to burn uncontrolled large losses can occur. Examples are as follows:

- 1986 – Los Angeles Public Library – 400,000 books destroyed
- 1988 – Biblioteca Academia Naulc (BAN), Russia – 400,000 books destroyed
- 1999 – University of Lyon Library, France – 350,000 books destroyed
- 2004 – Duchess Anna Amalia Library, Germany – 30,000 books destroyed
- 2004 – Ramsgate Library, United Kingdom – 1,000's books destroyed

There are basically two types of damage that result from these fires:

1. Material loss of the collections and perhaps the building
2. Social damage

Cost of restoring documents and books damaged in a fire is substantially greater than what would be spent to store the materials under the best fire protection conditions. For the loss of irreplaceable information there is no remedy only the untold damage to society caused by its loss. While it is not possible to assure total fire protection of records and books in libraries it is possible to provide a very high level of fire protection that would limit the potential loss of records to a small amount.

The belief of some is that sprinklers are a greater hazard than fire. Up until the early 1960's this view was reinforced by documents such as the American Library Association's book on fire protection, which advised against sprinklers. It is now recognized by people active in preservation that water damage can be avoided by freezing the books. Fire damage to books on the other hand is largely irreversible.

When automatic sprinklers are not used, responding fire fighting forces have no choice but to attack the fire with fire hoses. The quantity of paper fuel involved is such that the fire department would have to fight the fire from a distance under very adverse conditions. This would normally force them to use heavy hose streams having the characteristics of a hydraulic ram. Wide and forceful disruption of the records storage arrangement would be a normal effect of efforts to prevent total destruction. Fire fighters may also take actions that disrupt and damage records that are not burning in order to reach the actual seat of a fire.

Installation of a sprinkler system of adequate design changes the role of the fire department to one of assisting and supplementing the automatic sprinkler system, rather than direct water attack. Four facts should dispel the thought that these systems cause additional water damage:

1. Sprinklers actually constitute a method of fire control involving a minimum rather than a maximum quantity of water.
2. Each sprinkler operates individually and the operation of any one does not cause the operation of any other sprinkler; therefore, only those sprinklers in the heat of the fire operate and discharge water.
3. Wet records are recoverable, burned records are not.
4. The probability of sprinkler operation at a time when no fire exists is minimal.

The most reliable of all sprinkler systems is a wet-pipe system. A wet-pipe system is one where the overhead pipes are filled with water and the system is always ready for operation.

To alleviate the fear amongst some of accidental water damage to irreplaceable and valuable materials, more complex sprinkler systems and gas based systems have been chosen to protect rooms where these materials are stored.

Pre-action sprinkler systems are systems where the overhead pipes are normally dry. A supplemental fire detection system must be installed in the same area as the sprinklers. Activation of this supplemental fire detection system releases a valve that allows water to fill the pipes, essentially converting the system to a wet-pipe system. Water is not released until a sprinkler head is activated. This type of system minimizes the possibility of accidental water damage due to sprinkler pipe or head being mechanically damaged. However, since a pre-action system is dependent upon a supplemental fire detection system to get water into the pipes, and has other moving mechanical parts, it requires much more maintenance and therefore its reliability in a fire situation, while very good, is not as high as the simple wet-pipe system.

Gas based systems are typically used for protecting the contents of a tightly sealed room that can contain the gas once it is discharged. Any breach to the room, e.g. open door or window, operating ventilation system, wall/floor openings around pipes or conduit, etc., will allow the gas to escape and void its usefulness in extinguishing fire. Through the 1980's "Halon" was the only gas that was "safe" for use around people and collections. Halon was found to cause serious damage to the ozone, however, so further production was banned worldwide. Several replacement gases e.g. FM-200® and Inergen® have been developed and are available, although none of them can be used as a drop-in replacement for Halon. The new gases can provide an effective and "clean" method to control fire in an enclosure, as long as the system is properly designed, tested and maintained. The drawbacks to these systems include: a limited amount of agent; they must be adequately confined within the room of discharge; the discharge velocity of the gas must be considered (most systems are capable of blowing objects about the room); they require above average maintenance; and they do not protect the building structure.

Installation of sprinkler system of adequate design changes the role of the fire department to one of assisting and supplementing the automatic sprinkler system, rather than direct water attack.

Many building and fire codes now require installation of sprinklers because of their proven life safety capabilities. The advantages to installing a sprinkler system in a library are summarized as follows:

1. Minimize fire damage to the building and its contents
2. Drastically reduce water damage resulting from fire fighting operations
3. Prevent injury or loss of life
4. Proven reliability■



Just Another Manic Monday?

For Nick Andrew, Registrar and Secretary at the University of Bradford, it all started with a phone call from the police the previous week. The question was 'if someone needed to be contacted urgently at the University then whom should it be?' It was his first inkling of an impending crisis, and a Monday that would be more than a little manic.

The reason for the phone call was soon revealed: the arrest of three Bradford students under the Prevention of Terrorism Act. "I'd told the police they should contact me if they needed someone, but the first we heard was when they phoned the Vice-Chancellor", says Nick. "Our initial reaction was obviously one of concern – for the students involved and the rest of the students at the University. We really didn't know they would be affected by the arrests.

"On top of that we had to think about the University's reputation, and the city's. There is a tendency for some people to stereotype Bradford and we had to ensure that negative publicity was minimized as far as possible".

With the media already assembling on site, a plan was needed and needed fast.

Preparation is key

"Before the incident we had spent a lot of time and energy on setting up disaster management and recovery procedures", says Nick. "We hadn't planned for a specific situation like this, but the principles remained much the same. So the first thing we did was draw together a small group of people who were able to co-ordinate activities and ensure we were dealing with all aspects of the situation. This included our Head of Corporate Communications, the Press Officer, the Dean of Students and the Pro Vice-Chancellor (Learning and Teaching).

"The first meetings were pretty intense. The media were out in force and that was an immediate problem we had to address. There were a lot of ringing phones. TV companies were telling us that, if we didn't put someone in front of the camera, then they were going to

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come on to campus. That would be unlawful, but we didn't want any unseemly scenes, so we prepared to have interviews". Dealing with the media was of vital importance for Nick and the team. They had to decide who was going in front of the cameras and what sort of messages they were going to give. The police, who were very helpful and supportive throughout, had not released the names of the arrested students, so many of the journalists were on a fishing trip to try and find out who they were. In addition, the authorities were very concerned that inappropriate information didn't get out.

"As well as the media we also had to focus on the students," says Nick. That involved making sure we had effective communication lines with the Students' Union. We were concerned that there was going to be tension, people supporting or opposing what had happened. We tried to consider all the scenarios that might play out and what our response would be so that we weren't caught on the hop".

To Nick's relief things remained under control. Thanks to excellent management of the situation the media also seemed to lose interest fairly quickly when they realized that they wouldn't be getting much more than the basics from the University. By the next day the main press pack had headed elsewhere. Campus life started to return to normal. The manic Monday had transformed into a comparatively tranquil Tuesday.

Lessons Learned

Anyone working on the front line of the university management can learn something from the University's experience.

"I think it was a good test of our response to a major incident", he says. "If others can draw a lesson it's that you need to have a group of people who are given specific duties when it comes to dealing with the crisis. You've got to be careful that you don't overreact, particularly to media pressure. You've got to be prepared to deal with a pretty high level of uncertainty and lack of information. It will be uncomfortable, but you've just got to get on with it and hopefully it's only going to be intense for a brief period of time.

"We've now got a clearer sense of how we would deal with any comparable problem. I'd recommend that other colleges and universities also prepare, maybe not for what we experienced, but something along those lines. Planning ahead made it so much easier for us to cope."■

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☑ ☑ DATES TO MARK ON YOUR CALENDAR ☑ ☑

**Atlantic Workshop – Halifax, NS
November 23, 2006**

**Ontario Workshop – Hamilton, ON
November 23 & 24, 2006**



The Supreme Court, Social Hosts and Liquor Liability

The Supreme Court of Canada imparted some much-needed clarity on the issue of social host liquor liability in its definitive May 5 judgement in the case of *Childs v. Desormeaux*. After several equivocal lower court decisions, Chief Justice Beverly McLachlin concluded that private hosts do not owe a duty of care to monitor intoxicated guests and prevent them from engaging in potentially harmful actions.

“A social host at a party where alcohol is served is not under a duty of care to members of the public who may be injured by a guest’s actions, unless the host’s conduct implicates him or her in the creation or exacerbation of the risk,” Chief Justice McLachlin argued in her unanimously upheld decision.

The judgement came as a relief to many in the insurance industry. It could very well have changed the face of how homeowners insurance – the ultimate payer of social host liability in many cases – is designed and sold in Canada. In the areas of foreseeability of risk, duty of care and the attempt to link liability of private homeowners to commercial providers of alcohol, the Supreme Court rejected the notion that a social host is responsible for this or her guests’ actions.

“This is an important decision,” says Randy Bundus, Vice President and General Counsel for the Insurance Bureau of Canada, which acted as an intervener to the case. “The Supreme Court wrote their decision in a way that provides guidance to the lower courts and to society as a whole as to what the expectations are of social hosts.”

“As a result of the Supreme Court’s decision in this case, the burden for the loss remains squarely on the shoulders of the party responsible for it – the intoxicated driver,” notes Alan D’Silva, a lawyer with Stikeman Elliott, the law firm that handled IBC’s intervener status.

In *Childs v. Desormeaux*, many in the industry felt the issue of social host liability reached a turning point, requiring new guidelines as to if and when private hosts are responsible for injuries caused by guests. The facts of the case illustrate some key issues that muddled the waters. Is there a duty of care among adults who have no commercial or “paternal” relationship, such as server-patron or parent-child? What if the social host does not serve alcohol, but merely provides the venue for a party? Does knowledge of a person’s drinking history compel the host to monitor consumption?

On December 31, 1998, Julie Zimmerman and Dwight Courrier (the social hosts) held a New Year’s Eve party at their home. Desmond Desormeaux attended along with his girlfriend and another friend. Since this was BYOB party, they brought alcohol with them.

The three arrived together and left together, with Desormeaux as the driver. At about 1:30 a.m. January 1, Desormeaux’s vehicle was involved in a head-on collision with another vehicle carrying a driver and four passengers. One passenger was killed, one (Zoe Childs) was left a paraplegic and the other two were seriously injured. A test showed Desormeaux’s blood alcohol concentration was more than double the legal limit.

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Childs and her family sued both Desormeaux and the social hosts, Courier and Zimmerman. Desormeaux had no auto insurance and did not defend the action and was therefore found responsible. He pleaded guilty to a series of criminal charges and received a ten-year sentence. The issue at trial was solely whether the social hosts were responsible along with Desormeaux.

Chief Justice McLachlin found that no duty of care exists between a social host and a guest or third party. “The implication of a duty of care depends on the relationships involved,” she argued. “A person who accepts an invitation to attend a private party does not park his autonomy at the door. The guest remains responsible for his or her conduct.”

There are some important provisos in the Supreme Court decision in Childs v. Desormeaux. The first is the wording “unless the host’s conduct implicates him or her in the creation or exacerbation of the risk.” In other words, simply failing to prevent a guest from becoming intoxicated or from driving does not create a duty of care upon a social host. However, if the host created a liquor risk (For example, encouraging excessive consumption in drinking games, etc.), there could be a finding of liability.

It is also important to note the Supreme Court’s distinction between types of relationships for which a duty of care may exist. Chief Justice McLachlin distinguished the social host from three types of “special relationships” – the defendant who creates the risk or harm and profits from the creation, the defendant who acts in paternalistic role of care and control over an individual or the defendant who is engaged in a public function or commercial enterprise.

The scope of alcohol-related liability has expanded dramatically in Canada over the past 25 years. The numbers and types of civil suits against alcohol providers who are responsible for intoxicated people have increased significantly. And much of this activity has been targeted at commercial providers of alcohol, such as bars and taverns, but also at employers or organizations that hold office parties. At a time where summer events, such as golf tournaments or boat cruises, are common in the insurance industry, it’s crucial to recognize that this liability still exists.

In Canada, there has been a long trend of commercial host liquor liability cases, with several court decisions holding taverns and bars to a higher standard of care. In addition, courts have generally found that an employer owes the same duty as a commercial alcohol provider to take positive steps to prevent the employee from driving while impaired. Cases such as Hunt v. Sutton Group Realty Inc. (2001), Jacobsen v. Nike Canada Ltd. (1996) and John v. Flynn and Eaton Yale Ltd. (1995) have established some legal guidelines for employer liability in drinking-related incidents.

“Generally, the standard of care that the law imposes is to act reasonably to avoid the risk of foreseeable harm,” notes Bundus. “Of course, defining ‘reasonable’ and ‘foreseeable’ is the area in which question marks exist for employers and risk managers. Insurers are also concerned, as most CGL policies currently cover this type of loss.”

When it comes to social hosts and homeowner insurance, the Supreme Court’s decision in Childs v. Desormeaux gives the industry some welcome relief. But for commercial general liability policies and the expanding area of liquor liability, the industry is still very much on the hook. Insurance companies are indeed involved not just as an insurer of risks, but also as organizers of events where alcohol is served. ■

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?? Questions & Answers ??

Q.

We have a couple of questions about co-op students. First, when they are on a work term, and are being paid by the company, that hires them, we believe they should be covered by the company. Is this correct?

Second, we have some instances where students will work for the company on a contract basis. The company does not pay them, nor do they include these students in their insurance coverage. We pay the student and bill the company. In this case, because they are University employees contracted out to another company, they would be covered under the CURIE policy, correct?

A.

You are correct in both cases. I would think if the company hires them and puts them on their payroll, they would be employees and covered by the employers insurance. If you pay them, then it makes sense they are University employees.

Q.

Could you confirm as to whether the University would be protected under its Comprehensive General Liability Policy in the event that a Research Assistant was to become infected with Hep A as a result of working with blood and urine samples. We have established a number of procedures to reduce the risk of this occurring, however a complicating factor is that although the assistant has undergone a number of vaccines to boost her immunity to the virus ,the assistant appears to be a person who is incapable to developing such an immunity.

A.

I would assume the research assistant is not entitled to workers compensation. If that is the case and the assistant sued the university, yes CURIE would defend the University. If the assistant is not entitled to workers compensation, and really wants to keep doing the research, I would suggest that you get a waiver from the assistant, in order to allow the assistant to continue.

CURIE UPDATE

Statement of Income and Expenses For the six months ended June 30, 2006

	2006	2005
Written Premium	\$ 19,754,189	\$ 16,024,891
Earned Premium	9,875,161	8,009,906
Less Reinsurance Costs	824,617	1,490,109
Net Earned Premium	9,050,544	6,519,797
Net Incurred Claims	6,502,613	6,635,451
<i>Net Loss Ratio</i>	71.85%	101.77%
Underwriting Profit (Loss) Before Operating Expenses	2,547,931	(115,654)
Operating Expenses	1,211,436	1,304,603
<i>Net Operating Expense Ratio</i>	13.39%	20.01%
<i>Combined Ratio</i>	85.23%	121.78%
Underwriting Profit (Loss)	1,336,495	(1,420,257)
Income from Investment	1,011,288	808,525
Other Income	1,500	1,500
NET PROFIT (LOSS)	\$ 2,349,283	\$ (610,232)

2nd QUARTER CLAIMS HIGHLIGHTS

Although we didn't close any CURIE II files, we did have two claims heard in the Court of Appeal in Ontario. We are awaiting the decisions from the Court.

The CURIE III claims run-off continued with favourable results.

The CURIE IV liability program continues with low claims frequency. There are a few files that will be costly to defend, but don't merit settlements. The property program continues to be much improved over last year. Frequency is down slightly, but severity is down significantly.