

## OFFICE OF STATE FIRE MARSHAL

**Sussex County**  
Delaware Fire Service Center  
22705 Park Avenue  
Georgetown, DE 19947-6303  
302-856-5298/Fax 302-856-5800

**Kent County (Headquarters)**  
Delaware Fire Service Center  
1537 Chestnut Grove Road  
Dover, DE 19904-1544  
302-739-4394/Fax 302-739-3696  
[www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov)

**New Castle County**  
Delaware Fire Service Center  
2307 MacArthur Road  
New Castle, DE 19720-2426  
302-323-5365/Fax 302-323-5366

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### MEMORANDUM:

TO: All Interested Parties

FROM:  Grover P. Ingle, CFPS, CFI II  
State Fire Marshal

SUBJECT: REQUEST FOR ALTERNATIVE  
REGULATION 701, CHAPTER 1, SECTION 5.2

For proper evaluation, an alternative, as defined in the Delaware State Fire Prevention Regulations (DSFPR), Regulation 701, Chapter 1, Section 5.2 Alternatives, the alternative must be a **substitute, which meets or exceeds** a requirement of the DSFPR. The Regulations state under Regulation 701, Chapter 1, Section 5.2.1 "The State Fire Marshal may accept alternatives to specific systems, conditions, arrangements, materials, or equipment required by these Regulations. Such alternatives shall afford an equivalent level of fire safety, in the opinion of the State Fire Marshal. An alternative provided for by this Section does not constitute a variance, waiver, or special exception to these Regulations. (See §7.0)." Section 5.2.2 "Each request for an alternative shall be filed with the State Fire Marshal and shall be accompanied by such evidence, letters, statements, results of tests, or other supporting information as may be required to justify the request. The State Fire Marshal shall keep a record of his actions on such applications and a signed copy of his decision shall be provided to the State Fire Prevention Commission and the applicant."

The alternative is required to be submitted on the prescribed form which is available on the State Fire Marshal Web site at [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov) or at any one of our three divisional offices statewide. Alternatives may be submitted and signed by a representative on behalf of the owner(s); however, the owner(s) must also sign the alternative request.

If you are unable to provide a substitute for the requirement of the DSFPR, the State Fire Marshal will not entertain your request for an alternative and advises you to proceed to the next level which is an appeal to the State Fire Prevention Commission, as set forth in the DSFPR, Regulation 701, Chapter 1, Section 7.0.

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The procedures for requesting an Alternative are as follows:

1. Request for Alternative shall be made on the prescribed "Request for Alternative" form.
2. In Box 1, identify code (NFPA, DSFPR) for which the alternative is requested, and list specific code references.
  - Be sure to check appropriate NFPA or DSFPR (Delaware State Fire Prevention Regulations) box that applies. For assistance you may contact the Technical Services divisional office from where the alternative will originate.
3. In Box 2, list the substitute method, system, or arrangement to the regulation required and all pertinent correspondence and/or documentation.
4. The Request shall be forwarded to:
  - a. Copy to the State Fire Marshal at the headquarters division, and
  - b. Original to the local office where the Request originated.
    - All original documents **shall be type written**. Hand written documents will NOT be accepted by this Agency.
5. The Fire Protection Specialist in the local office shall evaluate and complete their portion of the prescribed form with their comments.
6. Chief of Technical Services shall evaluate and complete his portion of the prescribed form with his comments.
7. The State Fire Marshal shall evaluate and complete his portion of the prescribed form with his comments and final decision.
8. Original Request for Alternative form shall be kept in the Dover Office, Technical Services Division.
9. Copies of the completed Request for Alternative form shall be forwarded by this Agency to the following:
  - a. Submitter
  - b. Local office file
  - c. State Fire Prevention Commission, and
  - d. Technical Services Alternative Book.
10. The Office of State Fire Marshal will supply the Request for Alternative Number, date and the Plan Review Report Number (which shall correspond with the original file).

gpi/blw