

SCHULTE & ASSOCIATES

Building Code Consultants
880D Forest Avenue
Evanston, IL 60202
fgeschulte@aol.com
847/866-7479

FACTS DON'T MATTER (OR IS IT JUST ME?)

By Richard Schulte

According to the National Fire Protection Association (NFPA), the average number of fire fatalities which occur in business occupancies in the United States on an annual basis is one. Yes, that's correct-one.

According to the NFPA, which quotes the National Weather Service, 47 Americans died as a result of being struck by lightning in 2006.

According to the experts at the Building and Fire Research Laboratory (BFRL) at the National Institute of Standards and Technology (NIST), high rise office buildings are "safe", but need to be "safer".

It may be just me, but the NFPA statistics on fire fatalities in office buildings seem to indicate that high rise office buildings are "safe enough". I'd even be willing to bet that if you asked the public after showing them the statistics that most of the public would agree with me.

"*And that my friend*", to quote Cliff Clavin, is why we need government experts. Obviously, the public doesn't know that one fatality is one too many. But, of course, the statistics are useful. Not only do the statistics indicate that office buildings are "not safe enough", but they also tell us that fatalities caused by lightning strikes are also a major problem which needs to be addressed right after we address fire safety in high rise office buildings.

Sorry, but I'm not buying it. As my grandfather used to say, our government experts at BFRL "*are like a cow's tail-always behind*".

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"And that my friend", to quote Cliff Clavin, is why we need government experts.

According to the Texas Supreme Court, in a ruling in *Merrell vs. Wal-Mart Stores, Inc.* dated June 18, 2010, “. . .while Beyler laid a general foundation for the dangers of halogen lamps, his specific causation theory amounted to little more than speculation.”

According to the Texas Forensic Science Commission, Dr. Craig Beyler (Hughes Associates, Inc.) is a renowned fire scientist. The Forensic Science Commission retained Dr. Beyler to review the arson investigation of a fire at the Willingham residence in Corsicana, Texas on December 23, 1991.

“. . .his specific causation theory amounted to little more than speculation.”

Texas Supreme Court, *Merrel vs. Wal-Mart Stores, Inc.*, June 18, 2010

According to Dr. Beyler’s report dated August 17, 2009, the fire investigator from the Texas State Fire Marshal’s Office, Manuel Vasquez, used “*mysticism*” and his “*psychic*” powers to determine that the Willingham residence fire was arson.

It may be just me, but it seems like Craig Beyler used a bit of “*mysticism*” and his “*psychic*” powers to speculate on the cause of the fire at the Merrell residence.

“Before I speak, I have something important to say.”

Groucho Marx

Should we listen to an expert who uses “*mysticism*” and “*psychic*” powers to determine the cause of a fire? According to Craig Beyler, the answer to that question is no.

My guess is that many, if not most Texans would agree with Dr. Beyler about the use of “*mysticism*” and “*psychic*” powers in fire investigations. Given this, it would seem that Dr. Beyler’s opinion would disqualify Beyler from being an expert for the Texas Forensic Science Commission.

To quote Groucho Marx, “*Before I speak, I have something important to say.*”

Oops, I’m sorry, wrong quote.

Let’s try to quote Groucho Marx once again, “*I didn't like the play, but then I saw it under adverse conditions - the curtain was up.*”

“I didn't like the play, but then I saw it under adverse conditions - the curtain was up.”

Groucho Marx

I’m sorry, wrong quote again.

Ah, here’s the right Groucho Marx quote: “*I don't care to belong to a club that accepts people like me as members.*”

That last quote would seem to be applicable to *Merrell vs. Wal-Mart Stores, Inc.* and Beyler's report to the Texas Forensic Science Commission.

Please accept my apologies if I make light of the situation that has developed in the Willingham residence fire incident—a fire where three young children died. It just seems rather amusing that the Texas Supreme Court had to tell Forensic Science Commission's expert that his use of "*mysticism*" and his "*psychic*" powers are no longer acceptable in a court of law in 2009. Of course, the Court used much more professional language than did Beyler in his criticism of Manuel Vasquez.

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Richard C. Schulte