

## Fire Hazard: Plexiglass Glazing is Inflammable

As we grow accustomed to the new normal of face coverings during a haircut, social distancing on walks and daily employee health screenings, we also have gotten used to the see-through plastic barriers at grocery stores, car dealerships and even in restaurant booths. These barriers are intended to comply with current requirements for physical separation. For example, under current guidance, restaurants must enact physical barriers of at least five feet in height if tables cannot be separated by at least six feet. The restaurant guidance suggests the use of plexiglass, among other materials, to create physical barriers. Plexiglass, however, is inflammable. The Building Code of New York State (BCNYS) prohibits the use of inflammable material for interior finishes in most buildings in the state. This creates an issue. We have learned from a credible source in the Department of State Division of Building Standards and Codes (DSDBSC) that guidance on this issue is forthcoming. The memo below details what we currently know about plexiglass and its use to help prevent COVID-19.

The issue of plexiglass as an inflammable material came to our attention recently from a publication (the Publication) issued by the Office of Facilities Planning within the New York State Education Department. The Publication may be found [here](#) and directly applies only to school districts, but contains useful information about the inflammable nature of plexiglass.

The State Building Code prohibits the use of inflammable materials for interior walls and ceiling finishes, which are defined as follows:

The exposed *interior surfaces* of buildings, including but not limited to: fixed or movable walls and partitions; toilet room privacy partitions; columns; ceilings; and interior wainscoting, paneling or other finish applied structurally or for decoration, acoustical correction, surface insulation, structural fire resistance or similar purposes, but not including *trim*.

Interior surfaces are defined as “surfaces other than weather exposed surfaces.”

The BCNYS details the performance requirements for controlling fire growth within buildings by detailing the acceptable “classes” of products to be used for interior wall and ceiling finishes. These materials must meet certain “flame-spread index of fire-propagation criteria based on the relative fire hazard associated with the occupancy.” According to the Publication, plexiglass does not fall into an acceptable class of material.

One confusing aspect about plexiglass is the trade name Plexiglas. Plexiglas—with one “s”—is the registered trade name for an inexpensive acrylic plastic glazing product. The generic “plexiglass” is also made from acrylic plastic. Acrylic plastic is inflammable. Neither Plexiglas nor plexiglass are acceptable classes of building materials for interior walls and ceilings.

What, then, should your business do? First, remember that plexiglass may be used, just not as an interior wall or ceiling. For example, creating a “pod” out of plexiglass for people to work out in at a gym should be avoided. That may be considered an interior wall. Plexiglass barriers sitting on top of a bank teller desk, however, would not be considered a wall. It may instead be considered a decoration, but we do not know at this point how the DSDBSC will categorize this type of use.

In addition, polycarbonate is a clear plastic glazing product that is significantly less inflammable than plexiglass. Tempered safety glass is another option.

Remember, if your business is eligible to reopen, you need a plan. The attorneys at Bond, Schoeneck and King can help you develop a reopening plan. Our attorneys have already worked with clients on the development and submission of plans to the state and regional Empire State Development directors. We have also formed a new practice, [COVID-19 Recovery for Business](#) to help clients recover and reopen.

If your industry needs its voice to be heard, now is the time to act. Please contact [Hermes Fernandez](#), [Caitlin Anderson](#) or the attorney at the firm with whom you are regularly in contact.



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