

Statewide Fire Prevention Code (SFPC) Sub-workgroup

May 11, 2022 9:00 a.m. – 11:21 a.m.

Virtual Meeting: <https://vadhcd.adobeconnect.com/va2021cdc/>

ATTENDEES:

VA Department of Housing and Community Development (DHCD) Staff:

Jeff Brown: *State Building Codes Office Director, State Building Codes Office (SBCO)*

Richard Potts: *Code Development and Technical Support Administrator, SBCO*

Florin Moldovan: *Code and Regulation Specialist, SBCO*

Paul Messplay: *Code and Regulation Specialist, SBCO*

Jeanette Campbell: *Administrative Assistant, Building and Fire Regulations Division (BFR)*

Sub-workgroup Members:

Andrew Milliken: *Virginia Fire Services Board (VFSB), Chairman of Fire Codes and Standards Committee*

Dustin Wakefield: *Virginia Department of General Services (DGS), Division of Engineering and Buildings (DEB)*

Jimmy Moss: *Virginia Building and Code Officials Association (VBCOA)*

Joshua Davis: *State Fire Marshal's Office, Virginia Department of Fire Programs (VDFP)*

Linda Hale: *Virginia Fire Prevention Association (VFPA)*

Mike O'Connor: *Virginia Petroleum and Convenience Marketers Association (VPCMA)*

Robert Melvin: *Virginia Restaurant, Lodging and Travel Association (VRLTA) - *acted as an alternate voting member to Matthew Lannon, who was not in attendance*

Other Interested Parties:

Andrew Clark: *Home Builders Association of Virginia (HBAV)*

Dwayne Garriss: *Retired code official and Georgia state fire marshal*

Lee Stoermer: *Loudoun County Fire Department*

Perry Weller: *VFSB, Vice Chairman of Fire Codes and Standards Committee*

Ron Clements: *Chesterfield Building Official, member of VBCOA*

Scott Lang: *Honeywell Fire Systems*

Steven Sites: *City of Fairfax*

Sub-workgroup Members Not in Attendance:

Jodi Roth: *Virginia Retail Federation (VRF)*

Lou Wolf: *SBW Architects, American Institute of Architects (AIA), Virginia Chapter*

Matthew Lannon: *Virginia Restaurant, Lodging & Travel Association (VRLTA)*

Steve Shapiro: *Apartment and Office Building Association (AOBA)*

Welcome and introductions

Florin Moldovan: Thanked participants for attending and noted that the meeting is being recorded. DHCD staff in the meeting were identified. He asked participants to keep their microphones muted when not speaking. The meeting and discussion is open to all, but voting in support or opposition to the code change proposals is limited to Sub-workgroup members only.

Meeting participants introduced themselves.

Fire Safety During Construction – Andrew Milliken proposals

FP3303.3.1-21

Andrew Milliken: This is in the fire safety during construction section of the SFPC. The language in Chapter 33 was cleaned up, construction language was removed and replaced with maintenance language and water supply requirements were clarified.

Florin: This did receive group support last time, and it was carried over with the other two companion proposals (B3302.4 and EB1209.1). Hearing no further discussion, a vote resulted in only thumbs up. This will be marked as supported by the Sub-workgroup members as proposed.

B3302.4-21

Andrew M: This is about fire safety during construction in the VCC. The first two changes are sections which were removed from the SFPC and placed in the VCC, since they pertain to construction. The first one is about separations between construction areas and the second is about Type IV building construction requirements. The next change is to relocate and redirect the water supply needs to the SFPC, so that the fire official would be the agent who determines water supply for fire protection.

Florin: Hearing no further discussion, a vote resulted in only thumbs up. This will be marked as supported by Sub-workgroup members as proposed.

EB1209.1-21

Andrew M: This is about fire safety during construction in the VEBC. Comments received in the last meeting were around separation in construction areas in buildings that are already occupied. As a result, language was moved from the SFPC and brought here into the VEBC in Section 1201.8. The remaining original change directs the user to the SFPC, where the fire official determines water supply for fire protection.

Dustin Wakefield: Separations between areas under construction in occupied buildings is discussed in NFPA 241 Chapter 8. It covers fire-rated separations in non-sprinklered buildings and protecting openings in those walls. Should that be further considered or correlated? Even though it's only referenced as a standard in the SFPC, it's not in the VEBC.

Andrew M: This is for any separation provided in type I and type II buildings to ensure that they are of the same type of construction. It doesn't speak specifically to rated assemblies. The VEBC and VCC both reference the IFC, which references NFPA 241 for fire-rated separations.

Dustin: That helps. The type I and type II non-combustible construction isn't required to be here, but someone can get to NFPA 241 through the IFC. It's really for temporary separation walls and non-sprinklered buildings where the area under construction is a higher hazard than the occupied portion. There needs to be a 1-hour rated wall if there are no sprinklers. This seems to be ok, as long as the building is sprinklered and the materials have to be noncombustible.

Florin: Asked Dustin if he's ok with language presented.

Dustin: Yes, he is ok with it.

Florin: Pointed out the voting group members listed on the screen. Hearing no further discussion, a vote resulted in only thumbs up. This will be marked as supported by Sub-workgroup members as proposed.

Code Change Proposals:

FP1207-21

Florin: This proposal regarding energy storage systems was supported by this Sub-workgroup in the last meeting,

and is provided for informational purposes only. He invited everyone to review the proposal and reach out to DHCD staff should they find and errors within the proposal.

FP107.11-21

Joshua: This is an update to fees set by the State Fire Marshal's office, which hasn't been updated for several code cycles. It brings fee schedules up to reflect actual costs. Fees are based on hourly rates and equipment used. There is a document attached showing how the fees were set. The State Fire Marshal's office is funded 60% through the General Fund and 40% through Special Funds (revenue received from these fees). Section 107.12 is a new section for permits in hazardous areas and permits for food trucks.

Michael O'Connor: Typed in the chat box:

Michael O'Connor: We are not necessarily opposed. However before voting we need to know whether this proposal has been vetted with impacted parties and what their position is.

Joshua: Looked at several local fee schedules, which they are in-line with. He included that information as supporting documentation to the proposal in cdpVA. He hasn't heard any discussion or response from other localities.

Florin: The supporting documentation that Joshua provided is in the meeting agenda, available for download in the Adobe Files Pod, and in cdpVA.

Jimmy Moss: Was the schedule based on actual costs from past history in addition to what the other localities are doing?

Joshua: The hourly fees were based on actual costs for salaries, leased vehicles, leased space and software. Fees for annual permits were based on travel distance and what the localities fee schedules are. The fee schedule is in line with Stanton, Stafford and Virginia Beach, plus travel to the various counties.

Michael: Typed in the chat box:

Michael O'Connor: has any outreach been done to stakeholders? The answer that we have not heard anything from anybody about this is a poor one. This needs a public airing

Joshua: Answering Michael's questions typed in the chat box – no, he hasn't reached out to stakeholders. He's sorry that Mr. O'Connor thinks that not hearing back from anyone is a poor answer. They haven't had an opportunity to reach out the public.

Dustin: What's the advantage of posting all the fees in the code as opposed to having a more flexible schedule? Was it always done like this?

Joshua: Yes, it has been this way since 2006. He met with DHCD staff about using a table to set fees, which could be more flexible and might work better. However, these fees won't even take effect until the 2021 fire code is adopted. They are still behind in getting fees, but it seems like this is the available avenue at this time. He would like to use a more flexible fee table for the future.

Florin: Confirmed that this is the appropriate place for the State Fire Marshal fees.

Jeff Brown: Currently, this is part of the state law. They have to be approved by the Board of Housing and Community Development (BHCD). This is the avenue to do that right now. The process can't be changed without changing the state law. Jeff also typed in the chat box:

Jeff Brown - DHCD: Mike, this proposal will also be on the June 10th General Stakeholder Workgroup meeting agenda for consideration by all stakeholders. The results of that meeting will be provided to the BHCD along with a recommendation from the General Stakeholder Workgroup.

Linda Hale: Knows that the State Fire Marshal's office is behind in collecting fees and recuperating their costs. She asked why they would make the proposal now, what changed that would prompt this?

Joshua: In the past, the State Fire Marshal's office had a Memorandum of Agreement (MOA) to do life safety code inspections. When the inspections were done, they were compensated by the Center for Medicare/Medicaid Services (CMS). About 70% of the inspections were life safety inspections, and they were primarily enforcing the life safety code over the fire code. The Memo of Agreement ended last year, and they no longer recover fees for the life safety inspections. As they shifted focus from the life safety inspections to enforcing the fire safety code, they reviewed their cost recovery options. They saw that the fees in the SFPC had not been updated in so long that they were no longer reflecting the actual costs that the office incurs.

Michael: Thinks that this is premature. He thinks this will have a big impact with lots of public opinion. He urges

that this would be postponed. He is not in support of it going forward now.

Joshua: Half of the fees are inspection fees, which already exist. The proposal is to increase them. The other half is new annual permit fees. He asked Michael if he was concerned about all of the proposal or just some of it.

Linda: It looks like it may be a huge increase. She asked Joshua if he could walk through one for the group.

Joshua: In the example of a nightclub overcrowding, fire staff has to go out at night and drive to the location and address the issue. In order to recuperate expense for that, the fee increase is based on the hourly rate that it costs the State Fire Marshal's office to do the business. The annual permit fee is a one-time fee for a facility that houses or processes hazardous materials. One recent example is a chemical plant H structure storing hazmat in Wytheville where the building official asked the Fire Marshal's office for assistance with the inspection and function of the plant. Prior to this proposal, the Fire Marshal's office had no way to recover costs for this type of inspection. This type of building would tax water resources, public utilities, the building official and the State Fire marshal's office. Allowing a fee to cover costs also helps to build infrastructure for these kinds of needs. There needs to be oversight for these types of plants in rural areas. He provided all the information as to how the numbers were arrived at and that they are also in line with various localities.

Michael: Typed in the chat box:

Michael O'Connor: you are talking about public funds without public input, this is a shortcut

Florin: There seems to be some concerns as well as some support from the group members. He asked group members with concerns if they would be interested in meeting with Joshua outside of the Sub-workgroup meeting to continue discussions. He also noted that Joshua can do a floor amendment at the June 10th Workgroup meeting, to reflect changes, if any, that the stakeholders were able to reach consensus on.

Joshua: Answering Michael's question, he said this is the process, not a shortcut. This is the public forum to make this change. There's no other way to do it. He's happy to review this with anyone outside of this group meeting.

Jeff: This is the public forum. The ultimate decision will be made at the full Workgroup meeting on June 10. There are still about 30 days to discuss concerns with Joshua between now & then. Whatever decision is made at the full Workgroup that is the recommendation that will be forwarded to the BHCD.

Lee Stoermer: typed in the chat box:

Loudoun County, Fire Rescue, Fire Marshal Office: State FMO will need to be looking at doing updates to this on a more regular basis. Possibly this sort of language should be adding into the opening code language that this shall be reviewed with each code cycle.

Joshua: Replying to what Lee typed in chat, the Fire Marshal's office should look into updating the fees more often than has been done in the past. These fees are important to paying salaries. This will be addressed going forward in each code cycle. Language allowing review of fees each cycle has been in the code for many cycles.

Andrew Clark: Representing HBAV, thinks this is a good proposal, since the fees have not been updated in many years. He asked if the Sub-workgroup could meet again before the general Workgroup; he wouldn't like to see this proposal go to the Workgroup as Non Consensus.

Jeff: There is no other Sub-workgroup meeting scheduled between now and the June 10 General meeting, but there are still 30 days to review the proposal outside of the Sub-workgroup. DHCD would also be willing to attend any meetings with the stakeholders facilitated by Joshua, and assist if he would like.

Joshua: Would be very happy to have a meeting with anyone who wants to. He would also be willing to review the data he used to arrive at the fee amounts.

Florin: Based on the conversations and opposition from Sub-workgroup members, the proposal cannot be supported by the SFPC Sub-workgroup.

{BREAK 10:08 – 10:15}

FP111.2-21

Steven Sites: Representing the city of Fairfax. This proposal updates the allowable methods for the delivery of code violation notices, to include email. This would be cost and time effective. The notice of violation can be transmitted directly from the system where it's recorded and receipts can be tracked. This is not intended to replace in-person or physical mail delivery of the notification, it's just an additional option for delivery.

Florin: Hearing no further discussion, a vote resulted in only thumbs up. This proposal will be supported by the Sub-workgroup.

FP906.1-21

Florin: Received a notice of opposition from Steve Shapiro, representing AOBA and VAMA, as well as a letter from VRLTA stating their opposition. The letter is available for download in the Adobe Files Pod. Due to connectivity issues experienced by the proponent, Florin introduced the proposal, which would delete the exception for certain occupancies to not have an additional portable fire extinguisher when sprinklers are installed.

Robert Melvin: Representing VRLTA, they are in opposition and are concerned about the impact to group A occupancies. The redundancy of sprinklers and fire extinguishers is unnecessary. One specific concern is around patrons consuming alcohol and causing vandalism to portable fire extinguishers.

Dwayne Garriss: This brings Virginia in alignment with the IFC. Virginia, New Jersey and Indiana are the only states with the exception, who have removed portable fire extinguishers because of having quick response sprinklers. He included a report from a 2017 NFPA study that showed that 84% of fires don't grow large enough to activate sprinklers. The National Association of Fire Marshals (NASFM), the Georgia chapter of the International Association of Fire Marshals and FEMA all believe in layered fire protections. Another study by David Wells included with the proposal shows that regardless of people being educated to leave the building during a fire, they will still try to fight the fire. They should have the proper tools to do that if needed. Training isn't required under OSHA for using fire extinguishers. FEMA, NASFM and others believe that training is beneficial and can be done via video. In a study done in eastern Kentucky, 98% of people who never used a fire extinguisher before, were able to use it correctly.

Perry Weller: Just experienced a situation in a local high school, where a fire was put out with a portable fire extinguisher. He doesn't think this needs to be changed. If the fires can be caught when they are small, before sprinklers are activated, it would save a lot of damage.

Ron Clements: Was code change submitted to VCC?

Florin: Not as far as he knows. DHCD will look into it.

Ron: It should be coordinated in the codes.

Dwayne: Is not sure what the VCC is. He thought the fire code was where this proposal should be. He asked for someone to explain to him what the VCC is.

Florin: The Virginia Construction Code uses the IBC with Virginia amendments. The SFPC uses IFC as model, but uses only maintenance & operation requirements, while construction requirements stay in the VCC.

Dwayne: Does the VCC refer to Section 906 in the fire code?

Florin: The VCC section 906.1 does have both exceptions 1 and 2, the same as the SFPC.

Ron: This doesn't change anything when buildings are constructed if it's not amended in the VCC.

Dwayne: Isn't there a group that works out correlation?

Florin: Virginia doesn't have a correlation committee like there is at the ICC level. DHCD does some correlation of codes where appropriate.

Dwayne: Addressing Perry's comment, this proposal wants to keep the fire extinguishers, not eliminate them. However, he did miss addressing this in the VCC.

Florin: Asked Dwayne if the intent was for the proposal to apply to new construction.

Dwayne: Yes, that was definitely part of the intent. He does also want it to stay in the SFPC.

Florin: The cutoff for proposals was May 1st. However, floor amendments are allowed to be introduced during the general Workgroup meetings. Given that the intent was to also amend the equivalent provisions in the VCC, DHCD staff will coordinate with Mr. Garriss and assist him with the floor amendment submittal to ensure that the proposal will include all the sections intended to be modified. Hearing no further discussion, with several group members in opposition, this proposal will not be supported by the Sub-workgroup.

FP912.2-21

Florin: This proposal puts the decision about where fire department connection devices are located, under the fire official. It goes back to IFC requirements, which were edited by Virginia a few cycles ago.

Dustin: The proposed language seems to go against the intent of the SFPC by talking about construction instead of maintenance. The fire department connections can only be relocated with a permit. This proposal seems to allow relocation without a permit.

Jimmy Moss: Agrees with Dustin.

Florin: Lee Stoermer typed a suggestion in chat, but the proponent was not on the call to address it.

Loudoun County, Fire Rescue, Fire Marshal Office: should it not be "with approval of fire chief and/or fire code official"

Perry: There used to be language in the 2015 code about the fire chief having input to where the access would be. Maybe that was the intent of this, but he's not sure. He does agree that if the proponent is not on the call, they cannot get any further clarification.

Florin: Hearing no further discussion, a vote resulted in all thumbs down. This proposal will not be supported by the Sub-workgroup as written.

FP5601.2.2.1-21

Steven: This section of the SFPC hasn't referenced NFPA 1124 since 2015. He wants to put a reference to the 2013 edition of NFPA 1124 back in, which contains sound and safe practices for the placement of permissible fireworks at sales or retail display sites. This would give fire officials the ability to ensure safe practices, such as prevention of ignition sources and security of the products within approved buildings, structures or tents. He noted that he didn't make any change to the reference standards section of the code.

Florin: Hearing no further discussion, a vote resulted in all thumbs up. This proposal will be supported by the Sub-workgroup. DHCD staff will help Steven coordinate this with the reference standards section.

FP5705.5-21

Perry: This proposal is regarding alcohol hand sanitizer dispensers. The code previously only addressed dispensers mounted on the walls. Dispensers can be mounted or stand alone, but they all need to be approved first. This adds language to allow for both types of dispensers.

Dustin: Typed a question in the chat box asking who approves the dispensers.

Perry: Approval of the dispensers is under purview of the fire official.

Dustin: The language sounds vague now. He wonders if it would be a good idea to definitively state in the language that any dispenser shall be approved by the fire code official. SFPC Chapter 2 defines "approved" as "acceptable to authority having jurisdiction".

Andrew M: This is consistent with other language in the SFPC.

Dustin: Gave a thumbs up to the language as written.

Florin: Hearing no further discussion, a vote resulted in all thumbs up. This proposal will be supported by the Sub-workgroup.

Assignments and Next Steps

Florin: Fire prevention proposals will go forth to the general Workgroup for discussion on June 10. Joshua was encouraged to meet with other stakeholders about his proposal FP107.11, and he was asked to send a Word document to DHCD with any changes he might have to the proposal to be presented to the Workgroup as a floor amendment. He thanked everyone for their participation.