

**Workgroup 2, Fire Code Edits
Virginia Housing Center
August 16, 2017
Summary Notes**

Cindy Davis welcomed everyone and all attendees introduced themselves.

The meeting started by revisiting the pending sections that were carried over to this meeting.

315.3.4.

No changes from the last meeting.

Non-consensus.

508.1.

Robby Dawson stated they did tweak this section after the first meeting by striking some of 508.1.6. There were no maintenance provisions to maintain the fire command center.

Emory Rodgers stated the building code does have requirements for the rating of the fire command center and you would apply these requirements. You need to maintain in the fire code as installed.

Cindy Davis gave an overview of the summary notes from the April meeting that stated the suggestions. Shaun Pharr's concerns were in 508.1 in the fire services board edits strictly required compliance with 508.1.6. There are currently 18 items there and if you don't have all 18, you are not in compliance.

Robby Dawson said some of those 18 were stricken in the later edit, specifically 5,6,7,8,9,10. All the things that were left there were non-building elements; like the work table, building information card and schematic plans for the building.

Emory Rodgers stated those that remain if correlated correctly will still be in the State Fire Prevention Code, correct?

Cindy Davis stated a concern of the fire service side is if the proposed phase is used, there was not a requirement for a fire command center, then none of those items would be able to be required?

Robby Dawson stated the fire command center shall be maintained and tested where required by the applicable building code. If it wasn't required by the building code, it doesn't have to be tested.

Cindy Davis said it shall be maintained and tested as installed or where required.

Emory Rodgers stated we do require this, if you put in a sprinkler system that is voluntary, you have to maintain it according to the code it was installed.

Shaun Pharr stated on the proposed phase if you insert the word “installed or” after the word where; where installed or required by the building code. If you install it, you have to maintain it.

Kenney Payne stated he thinks the FSB edit addresses it in the general paragraph if you use the proposed phase it only addresses it in the sub-paragraph.

Rick Witt asked if you addressed it in the general paragraph would this still be applicable with Shaun’s suggestion?

Robby Dawson stated when a fire official sees maintained with the applicable building code that means I have to go to the building code to find out what maintenance I need to do. What is wrong with the FSB edit?

Kenney Payne stated .1 is gone along with .3, .2 is maintaining and got rid of all of the verbiage.

Cindy Davis said in the proposed phase we left all of them so you would have a reference to all the items.

Rick Witt said they are required up front.

Shaun Pharr said he could be persuaded if it said “or” but it says “and”.

Robby Dawson stated they conflict. Which one do I pick? He believes maintain in accordance with the building code is problematic.

Rick Witt suggested maintained as installed.

Kenney Payne stated the FSB edit list is shorter, half of the version is gone.

Cindy Davis stated that in the 2015 version there are 18 items so something is missing in the FSB edit.

Cindy Davis stated let’s compare.

Item 1 deleted

Item 2 deleted

Item 3 deleted

Item 4 deleted

Item 5 deleted

Item 6 deleted

Item 7 deleted

Item 8 deleted

Item 9 deleted

Item 10 new number 1

Item 11 deleted
Item 12 new number 2
Item 13 new number 3
Item 14 work table kept, new number 4
Item 15 deleted
Item 16 deleted
Item 17 deleted
Item 18 deleted

Cindy Davis asked if we needed these.

Rick Witt said all of these were required up front so what are we accomplishing.

Kenney Payne's observation was after we settle the definition of the applicable building code, this will drive a lot of things. He believes the FSB edit is best with less requirements.

Shaun Pharr wanted to know if we use "or where otherwise provided" or "where provided or required by the building code" would that be sufficient.

Emory Rodgers stated they will have what is required in the building code and on the other side what has been struck has to remain in the building code as part of the fire command room such as the size and rating of it.

Chris Anderson stated you can have a fire command center that is part of a different system and not in that room. He thinks you would have to add "or otherwise provided".

Cindy Davis said it would be easier not to lose the laundry list and to say, where the following was installed or required to be installed it must be maintained.

Sean Farrell stated if he has a building where the building code did not require a fire command center but he wanted to put something in to help the fire services address should something happen in this building. He is not going to put any equipment in. He thinks what they are trying to say is you have to do this as the minimum if you voluntarily put in a fire command center in a building that is not required to have one. The items needed are the table, plans of the building, telephone, and building information.

Casey Littlefield said they have a new courthouse in Hanover County that has a fire command center which wasn't required to have one. The designers put one in, but it was not required.

Chris Anderson said these are the circumstances and issues we are trying to address today.

Cindy Davis stated she just want to make sure you are absolutely ok with getting rid of that whole list.

Robby Dawson stated, we can put them back in and it would be fine with him.

Rick Witt stated he agreed with Shaun Pharr's statement regarding the FSB edit "where provided or required by the applicable building code".

It was suggested consensus FSB edits w/deleting all but the 4 items and using the wording the way it is in the general statement.

Emory Rodgers stated this means that the deleted items in that version will remain in the building code.

Cindy Davis stated Yes.

Sean Farrell wanted to address the attendees in the room regarding their feedback with regards to Robby Dawson's point of maintenance. We are using a term that the structure shall be maintained as construction. Robby's contention is that the building code doesn't have operational and testing requirements contained within it, therefore there is a disconnect between the language we are putting in the maintenance code by saying "maintained under the applicable building code", that doesn't correspond or relate or get them to be able to address operational and testing issues. This is because these are not contained in the building code. We have the word maintained which could mean two different things. He wanted the feedback to address the differences between the word maintained as it relates to the "applicable building code" as opposed to "operational and testing features." If so how? Or, does the word maintain mean both? We can simply train the fire officials to say "maintained means you have to maintain the construction methods and materials as they were installed as well as operational and testing features contained in the Statewide Fire Prevention Code.

Robby Dawson stated Sean Farrell said something different maintained as installed in accordance with the building code is different than saying maintain in accordance with the building code. This was not his interpretation but his county attorney's interpretation. When it says maintained in accordance with the building code, you need to know your building code requirements and maintenance provisions. Maintained as provided gets to the point of you keep that wall vs. maintain that system with the quarterly or annually inspection.

Mike Perdue stated maintenance of a system or a wall vs. maintenance of a system has two entirely different meanings. It is leading you to nowhere.

Robby Dawson said there is a difference in making it work and maintaining it in accordance with the standard. There is a conflict of the two languages.

Emory Rodgers stated he doesn't have a problem with this re-write by adding an extra three words to clarify applicable building code. He doesn't see a harm in this language for clarity.

Rick Witt stated for clarity purposes, he would suggest maintain as installed in accordance with the applicable building code.

Kenney Payne asked if we could define the word maintained. Maintained: To be maintained as installed in accordance with the applicable building code, or as provided; and in accordance with

the operational and maintenance provisions of this code. He believes with this definition the group can come up with the words to define maintain.

Sean Farrell said he believes this will come up at the board meeting. As a board member he would like clarity to the meaning of what maintain actually means. He likes the fact that we actually found the definition to mean; the definition to him includes maintain as it was built and operation and testing would be inclusive. He is also not opposed in putting in shall be maintained as installed in accordance with the applicable building code and this code. He thinks we will have to combine the two to satisfy Robby's concerns.

Linda Hale asked about the NFPA reference standards?

Sean Farrell stated we are leaving the NFPA standards in the code.

Mike Perdue suggested that this sounds like it would work.

***"508.1 General.** Where required by ~~other sections of this code and in all buildings classified as high-rise buildings by the International Applicable Building Code~~ or where otherwise provided, a fire command center for fire department operations shall ~~be provided and shall~~ comply with Sections 508.1.1 through 508.1.6."*

Chris Anderson asked with the wording we have now, how do I maintain the one in Hanover County? It was not installed or provided.

Robby Dawson said why don't we delete "where it is provided." The scoping thing "where required by" is all base language. If it was provided or an elective system: if it is there, this is how you maintain it.

Kenney Payne stated in other parts of the code it states where provided.

Cindy Davis stated, we are trying to get to words related to maintain in accordance with the building code. Your assumption is that there aren't any standards and Shaun Pharr has suggested language that would get you to both standards and the meaning of maintain.

Robby Dawson said where it is provided this is how you maintain it. Simple is easier.

Sean Farrell suggested to tie it back to the building code.

Mike Perdue stated he would like to make another suggestion. It may be simple in general where required or provided. We are dealing with this in the scope. Below this, can we put in "maintenance of this system will be done in accordance with NFPA requirements."

Rick Witt stated we need to define maintained or use Shaun Pharr's language. This would get to the point.

Cindy Davis said we need to define maintained. Would this work, any equipment or systems needed testing, operational maintenance, and inspections in accordance with the standards or

where no standards exist, maintain should have the ordinary meaning of maintained. Then place the maintained definition.

Kenney Payne asked if this can be done outside this group.

Cindy Davis said no because this is the last fire code edit meeting because it has to come back to the workgroup. It has to go to the workgroup before going to the board.

Sean Farrell asked if we come up with the definition of maintain and it captures both construction methods and materials as well as testing and operations, for each one of the sections we should only say shall be maintained in accordance with the applicable building code and the code.

Maintained: To be maintained as installed in accordance with the applicable building code, or as provided; and in accordance with the operational and maintenance provisions of this code.

Maintained: Compliance with applicable building code requirements or if not required, to continue to and to comply with any applicable standards referenced in this code for operation, testing or inspection.

Shall be maintained in accordance with the requirements of the building code in effect at the time of construction, or if non-required materials or equipment, shall be maintained as provided. In either case, to be maintained includes compliance with applicable operation, testing or inspection requirements of this code and any applicable maintenance, testing standards referenced by this code.

Linda Hale stated if it was built it needs to be installed.

Mike Perdue asked if we need to place maintain and maintenance in every section to eliminate any confusion. What about Chapter 9?

Cindy Davis stated Chapter 9 has all of those standards listed already and it doesn't go away.

Keith Chambers stated we may run into issues when you make an all-inclusive definition. If required or provided maintain in accordance with NFPA? It is so specific it is easy to enforce and refer to. Why do we have to create a definition for it, when we can specify exactly where it goes.

Cindy Davis stated that Robby Dawson brought up that maintenance in accordance with the applicable building code, there is no maintenance. How do you maintain a building if its required to be constructed? If there are no standards for fire walls. If we say the fire command center only has to be maintained in accordance with NFPA 72, is this correct?

Sean Farrell doesn't want the term maintenance or maintain to be a reason for not moving this forward.

Rick Witt stated Sean Farrell asked for feed-back but there is some consensus but not enough.

Cindy Davis stated she agreed with Shaun Pharr about visiting this next week during the next workgroup meeting.

Chris Anderson asked shouldn't we define what maintenance is in the maintenance code?

Cindy Davis asked if there was anyone who would like to take the lead on this to come up with the definition and to send this out to everyone here and to bring back for discussion? All fingers seem to be pointing to Kenney Payne.

Kenney Payne said he would and then email for staff to send out.

Linda Hale said she is still confused about why just maintenance?

Robby Dawson said maintain in accordance with?? NFPA or the applicable building code.

Cindy Davis stated if we said maintain in accordance with the applicable standard or building code...it has to be maintained in accordance with something.

Emory Rodgers stated he agreed with Robby Dawson about needing both and that we need to put applicable building code where installed or provided with the applicable building code. They need both in order to do both functions which is their responsibility.

Kenney Payne stated there are lots of questions of why tie this to an applicable building code when there is a standard there. His recollection was because that standard may not have been applicable when it was constructed and we don't want you to evaluate it in terms of the most recent version.

Linda Hale asked if we could place operational in the definition.

Sean Farrell said yes.

Sean Farrell asked how this sounds, shall be maintained as installed in accordance with the applicable building code or as provided; and in accordance with the operational and maintenance provisions of this code. Does this satisfy everyone?

Cindy Davis stated if this is acceptable, staff will go in and insert that language in every section.

Kenney Payne asked if this is the definition of maintain? or is this what you would say where the term applies.

Sean Farrell stated in every single section.

Robby Dawson said he is not against or sold on it. The building code doesn't install stuff.

Emory Rodgers said for next week, let's use Sean's language and if its non-consensus then we can debate. The proposed phase is wrong and we agree with that. This will move forward as non-consensus. We can debate the definition next week.

Sean Farrell stated he concurred.

Non-Consensus.

202 - Applicable Building Code definition – The local or statewide building code and referenced standards in effect at the time the building or portion thereof was constructed, altered, renovated or underwent a change of occupancy. See Section 103 for the application of the code.

Rick Witt gave an overview of his definition. This is just a pointer.

Robby Dawson has a problem with See section 103.

Sean Farrell has no problem with this definition.

We will revisit this next week.

Rick Witt stated we need to agree on definition and how it will be applied.

Robby Dawson stated across the board I have heartburn with this. What do you mean by referenced standards?

Kenney Payne suggested we bring up Vernon Hodge's word document. Shall be maintained as installed in accordance with the local or statewide building code and reference standards in effect at the time the building or a portion thereof was constructed, altered, renovated or underwent a change of occupancy, or as provided in accordance with the operational maintenance requirement of this code.

Rick Witt stated that since Robby Dawson has concerns, it will need to be a definition. If it makes it easier to put a definition in, leave the words that are in there now and then move forward. I think this would be the easiest route.

Casey Littlefield stated if we make a definition it is usually italicized.

Cindy Davis said we can italicize.

Rick Witt suggested that we send this language around and he will make the code change.

Keith Chambers doesn't agree with it. It doesn't reference any NFPA standards or references. After Cindy Davis clarified the reference he understood after realizing he would have the reference standards in each section.

This will be distributed at the August 23 Workgroup 1-4 Meeting.

Sean Farrell asked if you could chime in with a Yay or Nay in your emails.

603.1-603.7 Installation of fuel-fired appliances.

Pertains to the definition of maintained.

Kenney Payne stated the FSB edit language also requires compliance with the section.

Sean Farrell stated the section was for non-portable appliances.

Robby Dawson stated they were operational requirements.

Consensus FSB edits (contingent on definition).

606.12.3 Flammable Refrigerants.

Kenney Payne asked the difference between required and regulated. Why the change in terms?

Robby Dawson stated if it is allowed it may not be regulated. We still need to regulate the flammable refrigerant operations.

Consensus FSB edits.

609.1 General (Mobile Food Trucks).

Robby Dawson believes this will be fixed with the mobile food trucks next week at August 23 workgroup.

Non-consensus if approval is not limited to mobile food trucks.

609.2 Type 1 hoods only applies to food trucks, not pull behind trailers.

If mobile food trucks not approved, are you ok with the proposed phase?

Robby Dawson said no.

Non-consensus if approval is not limited to mobile food trucks.

803 General.

Last summary stated pending with Rick Witt's changes.

Discussion concerning whether the subject matter is under building code.

Non-consensus.

804 Interior Finishes.

Last summary stated pending with Rick Witt's changes.

Discussion concerning whether the subject matter is under building code.

Non-consensus.

901.5.1 Occupancy.

Mike Perdue stated the last sentence will be changed because of discussions today.

Robby Dawson stated the verbiage in the word definition may not be applicable here.

Rick Witt suggested this needs to be stricken.

Linda Hale stated it is a fire issue.

Keith Chambers stated it is a fire issue because we are the ones who have to fix it.

Robby Dawson asked which summons do I write in this particular instance?

Vernon Hodge stated it is a legal issue.

Sean Farrell stated fire officials enforce occupancy loads on buildings. He personally doesn't see a problem with this issue.

Cindy Davis indicated a number of items would be discussed with the board's legal counsel.

Shaun Pharr said you can cite the building code if you have the building official's approval.

Non-consensus.

907.2.12 Special amusement building alarms.

Robby Dawson stated the provision was edited after their last meeting adding back in the reference to Chapter 4.

Consensus FSB edits.

Chapter 10 scoping and Section 1001.3 Overcrowding.

Robby Dawson stated we need 1004-1007 for occupant load.

Emory Rodgers stated that the building official should be contacted based on Chapter 1 to help determine the occupancy load.

Sean Farrell stated the posting of occupant load based on his research was introduced in the code in 1993 BOCA. Anything prior to the 1993 BOCA were not required to post per the applicable building code. He stated his concerns in the Code and Standards Committee regarding the original concept talked about was for the fire officials to deal with a reduced occupant load when we have component with a means of egress that was not presently impaired for lawful occupancy.

Cindy Davis asked he would be ok with a period after impaired. Sean stated Yes. She also asked which means of egress component is not covered under the building code?

Linda Hale stated they have had large rallies throughout the county in barn like structures and they do not have occupant loads.

Keith Chambers stated they are building a structure out of hay bales.

Vernon Hodge stated there is a state amendment and retrofit requirement for the posting of occupant loads in assembly spaces.

Reverend Eddy Aliff asked if this would apply to outside tent meetings?

Vernon Hodge stated the Virginia Fire Safety Regulations address existing buildings.

Sean Farrell stated using the table calculations we are just remediating a safety issue. He does not have a problem with this. On the second piece, the issue is does the fire code actually require a user and he can't answer that. A fire official should be able to reduce the occupant load based on the hazard level.

Kenney Payne offered that a reduction in occupants should be based on square footage, not on number of exits.

Sean Farrell stated there was a difference between obstructing egress and overcrowding.

Linda Hale stated the only option was to evacuate the building.

Shaun Pharr stated there should be language to address hazards and the code should have some guidance so judgment calls can be made.

An additional comment was that the scoping was only for impaired egress.

Kenney Payne stated the wording permitted limiting the number of occupants as opposed to only requiring evacuation of the building.

There was additional discussion concerning how to apply the overcrowding section.

Cindy Davis reviewed the proposed changes to use the existing tables.

Kenney Payne suggested some revisions.

There was additional discussion concerning the FSB edits.

Non-consensus with a note that the existing state amendment should be reviewed by the board. Staff would attempt some language which would authorize the use of the tables for temporary situations.

1003.1 Applicability.

Involves the use of the new definition.

Kenney Payne raised concerns about retroactive application.

Non-consensus.

1003.3 Protruding objects.

Linda Hale stated they need a point of reference without having all code books.

Cindy Davis stated it would be in an appendix in the fire code edit committee version.

Non-consensus.

Section 1003.

There was some discussion concerning the use of the appendix.

Vernon Hodge stated the use of the rest of Chapter 10 would need to be split into buildings not regulated by the building code for the use of the FSB edits.

Non-consensus (all but below).

1003.4 Floor Surface and Clear Width.

Cindy Davis stated it was unclear.

Vernon Hodge stated the two versions were different.

Robby Dawson stated there are too many variables.

Consensus FSB edits.

1004 Design Occupant Load (whole section).

Robby Dawson stated those sections would go away if the FSB edits was approved since the reference would be to Section 1032.

No decision.

1032.

Cindy Davis asked how the section would apply.

An unidentified commenter stated that the tables aren't necessary if you use a design occupant load of seven square feet per person.

Robby Dawson discussed how long temporary conditions could occur.

Vernon Hodge stated the original FSB edits addressed multiple situations.

Cindy Davis stated staff would attempt to address the three situations (impaired occupancy load, overcrowding and buildings not regulated by the building code) separately.

There was discussion about local cooperation between officials.

Robby Dawson stated to keep the standard method of occupancy calculations.

Shaun Pharr suggested adding language to notify the building official when the fire official makes temporary modifications.

Kenney Payne brought up the issue of authorization to exceed the occupant load.

Vernon Hodge stated the scoping section limited the application of the section.

There was discussion concerning classrooms.

Kenney Payne questioned differences between the drafts and a state amendment for posting occupant loads.

There was general discussion about posting occupant loads.

Kenney Payne stated the Virginia Construction Code would need to be consistent with the fire code.

This would be part of the staff suggested language.

Cindy Davis asked whether any additional provisions needed to be discussed.

Linda Hale asked about several provisions.

Cindy Davis discussed the issue of the appendix in the Fire Code Edit Committee draft. It was suggested that there would be a partial appendix for any provisions approved from the Fire Code Edit Committee draft.

Robby Dawson stated the appendix should not be included in any consensus proposals, but there would be concern without having the appendix in certain circumstances.

William Andrews stated the appendix should be there if any provision is not in the book.

There was additional discussion.

Cindy Davis thanked all the participants.