

**REPORT OF
THE TASK FORCE ON THE STATE FIRE MARSHAL
AND LOCAL FIRE MARSHALS**

**POWERS AND AUTHORITY
OF THE STATE AND LOCAL
FIRE MARSHALS**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



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COMMONWEALTH of VIRGINIA

George Allen
Governor

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

January 13, 1998

Robert J. Stolle
Secretary of
Commerce and Trade

Warren C. Smith
Director

TO: The Honorable George F. Allen, Governor of Virginia
Members of the General Assembly of Virginia

Through Item 93 C of the 1997 Appropriations Act, the General Assembly requested the Director of the Department of Housing and Community Development, in consultation with the State Fire Marshal and the Director of the Department of Fire Programs, to convene a Task Force to evaluate the power of the State Fire Marshal and local fire marshals to inspect certain properties and to enforce provisions of the Statewide Fire Prevention Code or local fire prevention ordinances. The twelve member Task Force, chaired by the State Fire Marshal, met several times to consider information received from several sources. The primary resources for the study included five regional workshops, a survey of State Fire Marshals in other states, and surveys of organizations or institutions subject to regulation and inspection by the State Fire Marshal or local fire marshals.

The Task Force developed fourteen recommendations addressing the issues identified in Item 93 C. These recommendations address the relationship between inspections and enforcement actions undertaken by the State Fire Marshal's Office and those of local fire marshals, possible methods for increasing the efficiency and effectiveness of state and local fire prevention activities, and whether additional or different classes of property should be subject to inspection by local fire marshals or the State Fire Marshal. The Task Force also received information about several other fire prevention issues that lay outside the scope of their original charge. The Task Force did not recommend specific actions but supplemented this report with summaries of the regional workshops.

The dedication of the members of the Task Force and their contribution to this report are gratefully acknowledged. In addition, the broad participation in the process by numerous representatives of the fire prevention community, the building code community, local governments, facilities subject to inspection, and others concerned with fire safety in Virginia was essential.

Respectfully submitted,

C. Edward Altizer
State Fire Marshal and
Task Force Chairman



Executive Summary

The 1997 Appropriations Act charged the Director of the Department of Housing and Community Development (DHCD), in consultation with the State Fire Marshal and the Director of the Department of Fire Programs (DFP), with convening a Task Force to examine and report on several issues relating to the activities of the State Fire Marshal's Office (SFMO) and local fire marshals. Once it convened, the Task Force sought information from several sources, including the participants of five regional workshops held during August and September 1997, the results of a survey of other state fire marshals, and information received from organizations outside the fire community.

The Task Force examined each of three specific areas identified in the Appropriations Act (and noted as I, II, and III below), considering the information provided by all sources, and developed the following recommendations.

I. Evaluate the Powers of the State and Local Fire Marshals to Inspect Public Facilities and their Authority to Cite Violations of the Statewide Fire Prevention Code (SFPC) and Local Ordinances

The Task Force concluded that current statutory provisions, at least nominally, establish adequate enforcement powers across the state, but that these powers are not always exercised uniformly. This lack of uniformity, which is rooted in the implementation mechanism the state has chosen and not the specific provisions of the SFPC, means that Virginians may experience significantly different levels of fire prevention services depending on where they live. Because of its concerns, and the potential for serious harm to the public, the Task Force recommends the following changes to assure the more uniform application of the provisions of the SFPC:

Recommendation 1: Amend the Code of Virginia to grant local officials, under an agreement with the SFMO, broader authority to enforce the SFPC and relevant fire prevention ordinances at state-owned facilities.

Recommendation 2: In the case of new construction for state buildings, amend the Code of Virginia to require the responsible state authority to consult with local building and fire officials to coordinate their construction. This coordination would focus on fire department access, the location of fire connections and fire lanes, and other important fire protection or prevention matters.

Recommendation 3: Amend §§ 27-98 and 27-99 of the Code of Virginia to allow the State Fire Marshal to deputize, with the concurrence of the supervising authority, qualified individuals (e.g., members of locally chartered volunteer fire

companies who have received required certification as fire inspectors) to perform local inspections under the SFPC, increasing the number of inspections being completed without increasing the staff of the SFMO .

Recommendation 4: Amend the Code of Virginia to allow the SFMO to issue permits and to levy fees for SFPC inspections and enforcement on the basis prescribed in the SFPC and USBC, with fees established by the Board of Housing and Community Development.

Recommendation 5: Amend §§ 27-98 and 27-99 of the Code of Virginia to broaden the scope of SFPC enforcement agreements between the SFMO and local governments to allow local fire officials to act as agents for enforcing the SFPC.

II. Discuss equalizing the responsibilities for Statewide Fire Prevention Code inspections between state and local fire marshals to eliminate duplication and increase efficiency.

The Task Force found little actual duplication of effort in the inspection process. Uneven *levels* of inspection services were more typical than a duplication of effort. The Task Force engaged in extensive discussions about the appropriate role for local governments in enforcing the SFPC, eventually concluding--as had a majority of public comment--that local mandates should not be imposed and that the services of the SFMO should be increased. The Task Force considered several possible approaches to equalizing services, including contracting with local governments already enforcing the SFPC. After considering several options, the Task Force recommended the following:

Recommendation 6: The State Fire Marshal's Office should broaden its inspection base, by expanding its use of modern technology, including greater use of cellular telephones and computers to increase the number of inspections performed within current resources.

Recommendation 7: Amend §§ 27-98 and 27-99 of the Code of Virginia to allow the State Fire Marshal to deputize, with the concurrence of the supervising authority, qualified individuals (e.g., members of locally chartered volunteer fire companies who have received required certification as fire inspectors) to perform local inspections under the SFPC, increasing the number of inspections being performed without increasing the staff of the SFMO . (See Recommendation 3.)

Recommendation 8: The Department of Fire Programs should continue to be the lead agency for providing training in fire prevention and protection. It should also work to improve the coordination with other agencies involved in this

training.

Recommendation 9: Amend the Code of Virginia to allow the SFMO to issue permits and to levy fees for SFPC inspections and enforcement on the basis prescribed in the SFPC and USBC, with fees established by the Board of Housing and Community Development. (See Recommendation 4.)

Recommendation 10: Amend the Code of Virginia to authorize the SFMO to contract with local governments to conduct inspections on its behalf in other jurisdictions.

III. Evaluate the need to limit or broaden the number of facilities subject to regular inspection.

The SFPC by itself does not mandate inspections of specific classes of occupancies by state or local enforcement agencies. However, statutory law authorizes inspections to assure compliance with the provisions of the SFPC. Local governments can establish their own inspection priorities for properties. The General Assembly sets the priorities for the SFMO by statute. The Task Force expressed its belief that the following occupancies may present a risk of casualties or property losses equal to or greater than the properties whose inspection is mandated under current statutes:

- Hospitals and health care facilities,
- Private schools and private institutions of higher education,
- Large places of public assembly,
- Hotels and motels, and
- Factories or other places of employment

The Task Force recommended adding several of these occupancies to those now being inspected regularly and suggested further research to determine the most appropriate approach to meeting the level of hazard that others represent.

Recommendation 11: The SFMO should analyze and report on statistical data relating to the fire problem in Virginia and make recommendations as needed to ensure that the resources of the SFMO are used to the greatest effect.

Recommendation 12: Because of the level of hazard they present, four types of occupancies--hospitals, large places of public assembly meeting certain risk criteria, hotels/motels meeting certain risk criteria, and residential and non-residential facilities at private education institutions--should receive regular inspections throughout the Commonwealth. This could be accomplished through

the expansion of the SFMO, through contracts between the SFMO and local governments, the deputizing of qualified local enforcement personnel, or some combination of these methods.

Recommendation 13: The SFMO should develop the capacity, on a regional basis, to enforce Part C of the SFPC (HAZMAT). However, this should not be done at the expense of current enforcement programs or those that may be established because of this study and its recommendations.

Recommendation 14: The SFMO should take an active role in educating and encouraging local governments about the importance of assuming enforcement authority to enforce the SFPC.

Other Issues

As a result of the regional meetings and additional written comments, the Task Force identified several issues not addressed by the provisions of Item 93. For the information of the Governor and General Assembly, the Task Force included these in the report but did not make a recommendation.

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Introduction

The budget bill, which the Governor submitted to the General Assembly in January 1997, amended Item 93 (Regulation of Structure Safety) to charge the Director of the Department of Housing and Community Development (DHCD), in consultation with the State Fire Marshal and the Director of the Department of Fire Programs (DFP), with convening a Task Force to examine and report on several issues relating to the activities of the State Fire Marshal and local fire marshals. Although the General Assembly approved the Governor's amendment, it simultaneously appropriated additional funds and authorized new positions to support increased inspection activities by the State Fire Marshal's Office (SFMO). Thus, by the time the Task Force convened, the resources available to the SFMO differed from those present when the Governor introduced the budget bill. However, these changed circumstances did not eliminate the need for the Task Force to examine the function and role of state and local fire marshals.

This study has three primary components. First, it should *evaluate* "the powers of both the state and local fire marshals to inspect facilities used by the public and their authority to cite violations of the Statewide Fire Prevention Code and other local fire prevention ordinances." Second, it should *discuss* "how to equalize the responsibilities for such inspections between state and local fire marshals . . . to eliminate duplication and increase efficiency." Finally, it should *evaluate* "the need to limit or broaden the number of facilities subject to regular inspection. . . ." The following report addresses each of these components independently. The Act required that the Task Force submit its recommendations to the Governor and General Assembly by January 1, 1998. [Appendix A contains the relevant provisions of the Appropriations Act and excerpts from the Code of Virginia relating to the current powers and duties of the SFMO.]

Accordingly, DHCD Director Warren C. Smith, Acting DFP Director Michael Cline, and Charles E. Altizer, the State Fire Marshal, met and agreed upon the composition of the Task Force. In the interest of efficiency, the size of the Task Force was limited; however, they tried to ensure the participation of all organizations that could provide and evaluate critical information. [Appendix B lists participating organizations and their representatives on the Task Force.]

On June 25, 1997, the Task Force held its initial organizational meeting, devoting the session to identifying the report's objectives and planning the strategies and methods for gathering essential information. The members identified several sources. Some 300 organizations outside the fire community, including private care providers and educational institutions, received questionnaires intended to elicit information about the role of the SFMO. Because of its own reserve of expertise and that of the represented organizations, the Task Force itself served as a significant source of information. To identify prevailing patterns in organizational structure, mandatory or optional functions, jurisdiction, and other pertinent variables, the Task Force also directed a survey of state fire marshals in all the states. [Appendix C displays the questionnaire used and relevant material from the survey of state fire marshals.] Finally, the Task Force recommended holding five regional input sessions for invited participants and the public from across the Commonwealth. These facilitated meetings asked participants to identify fire services

needs within each region, the appropriate relationship between local fire services and the SFMO, local use of state services, and recommended changes to the services offered by the State Fire Marshal. Participants generally came from the local fire service, fire code enforcement, and building code enforcement communities. These groups represented the constituencies whose interests and activities most closely related to those of the SFMO. [Appendix D summarizes the comments of participants.]

Following the five regional meetings in August and September 1997, the Task Force met regularly to consider information from all sources and develop the recommendations contained in this report. The Task Force approached each aspect of the study in turn, considering the relevant information developed from each source.

I. Evaluate the Powers of the State and Local Fire Marshals to Inspect Public Facilities and their Authority to Cite Violations of the Statewide Fire Prevention Code and Local Ordinances

The Statewide Fire Prevention Code (SFPC) establishes a basis for the enforcement of its provisions across the Commonwealth. Its provisions also set a statewide baseline or minimum standard for fire prevention regulations applicable to all new or existing structures, with special provisions applicable to older buildings constructed before 1973. The SFPC specifically allows local governments, whose regulations the originally adopted SFPC superseded, to adopt more extensive or stringent standards. This contrasts with the Uniform Statewide Building Code (USBC), which functions as both a minimum and maximum, allowing no local deviations from its provisions.

The SFPC can be distinguished from the USBC in another important way. Local governments are obligated to enforce or provide for the enforcement of the USBC, but the state does not require that they enforce the provisions of the SFPC. However, they may elect to enforce the SFPC and assume all the responsibilities and obligations that may entail -as 26 of 95 counties, 34 of 40 cities, and 47 of 188 towns have already done. Although only one-third of Virginia's local governments have elected to enforce the SFPC, these localities include approximately 70 percent of the state's population. Localities that elect to carry out local enforcement programs lessen the potential burden on the SFMO and other state agencies such as the State Police and Department of Emergency Services. If the larger, more proactive jurisdictions dropped their enforcement programs these state agencies would experience increased workloads. Fairfax County, for example, conducts some 24,600 inspections annually and responds to 300 complaints. The Fairfax inspection program covers approximately 4,000 inspections that the SFMO would otherwise be legally obligated to carry out. Such an increase in the SFMO's responsibilities would require a 33 percent staff increase simply to meet the additional service need just in Fairfax County.

The Code of Virginia mandates that local governments enforce the USBC. The USBC is part of a three-tiered family of regulations that includes the SFPC. Without a parallel mandate to enforce the SFPC, the failure to maintain properly the structure and its systems may negate the investment made in building correctly. Occupants or owners may derive a false sense of security from systems installed but not maintained properly. The State Fire Marshal may also enforce the SFPC at the local level. However, in localities that do not either enter into an agreement with the State Fire Marshal or elect to enforce the SFPC themselves, enforcement authority defaults to the State Fire Marshal's Office. In these jurisdictions, because of its limited resources, the SFMO only responds to complaints or carries out inspections for which it has a statutory or contractual obligation.

Local governments may charge fees to support local enforcement of the SFPC, and more than a dozen localities do. Fairfax County, for example, received \$2.8 million in fees for inspections and other services in 1996. In contrast, the fees the SFMO receives annually cover

only about 7 percent of the Office's annual budget. The SFMO receives about \$100,000 annually in pass through funds for its Life Safety Code® inspection activities in health care facilities and collects \$20,000 in blasting permit fees. However, the statutes do not permit the SFMO to charge fees for its most significant fire prevention activity, SFPC enforcement. This is one factor limiting the overall scope of its inspection activities in comparison to local governments. The Task Force's discussion suggested that any fees collected by the SFMO could be used to expand fire prevention services beyond their current level through contracting or other approaches.

The Task Force concluded that the current statutory provisions, at least nominally, establish adequate enforcement powers across the state, but that these powers are not always exercised uniformly. This lack of uniformity, which is rooted in the implementation mechanism the state has chosen and not the specific provisions of the SFPC, means that Virginians may experience significantly different levels of fire prevention services depending on where they live. In effect, the statutory authority is hollow because the lack of appropriate resources undermines the enforcement system. They noted that among the localities electing to enforce the SFPC, many have well-established, proactive programs with a high level of activity designed to assure the safety of public facilities. Most local programs may provide a higher level of fire prevention than the SFMO would be able to within its current resources. Even where for reasons of necessity or choice other enforcing localities have established more modest programs, they may provide a higher level of assurance. Localities electing to leave the task to the SFMO should understand that, even with the recent addition of enforcement personnel, the capacity and ability of the Office to enforce the SFPC with its current resources are limited. In effect, the priorities of the state legislature, which mandates the inspection of certain types of facilities, and not those of the localities drive the SFMO's enforcement of the SFPC.

The Task Force noted one specific area where the division of enforcement authority is potentially increasing the risk to citizens. Local fire marshals cannot enforce provisions of the SFPC for state-owned buildings. In fact, most state-owned facilities are not inspected regularly. With its current available resources, the SFMO only inspects those state-owned facilities whose inspection the law requires. The current provisions of §27-99 of the Code of Virginia empower local enforcement agencies to make informational or advisory fire safety inspections, but they cannot compel compliance by the state-owned facility. Furthermore, given the current resources of the SFMO, it has not always been possible for the Office to respond quickly to hazards in state-owned facilities. In such cases a gap in enforcement authority is a reality. For example, if an event taking place at Virginia Tech results in overcrowding that violates the SFPC, enforcement authority rests with the SFMO, whose Southwest Virginia offices are miles from Blacksburg. Attaining a timely response may be even more difficult if the problem arises late at night or on a weekend or holiday.

The Code of Virginia permits the SFMO to conclude agreements with local fire officials under §§ 27-99 and 36-139.4, Code of Virginia, to act as an agent for enforcing the fire prevention code for state buildings. For imminent hazards, such as chained or blocked exits, improper storage of flammable liquids, or overcrowding, local fire marshals party to such

agreements may take immediate enforcement actions. However, they may only enter such agreements where the local government has elected to enforce the SFPC. The Task Force considered the possibility of deputizing qualified local personnel to perform inspections or other functions of the SFMO, noting that the national survey of state fire marshals found that more than one half the respondents had the authority to deputize qualified individuals to perform inspections. The Task Force also recommended amending the Code of Virginia to broaden the scope of SFPC enforcement agreements between the SFMO and local governments.

Because of these findings, and the potential for serious harm to the public, the Task Force recommends the following changes to assure the more uniform application of the provisions of the SFPC:

Recommendation 1: Amend the Code of Virginia to grant local officials, under an agreement with the SFMO, broader authority to enforce the SFPC and relevant fire prevention ordinances at state-owned facilities.

Recommendation 2: In the case of new construction for state buildings, amend the Code of Virginia to require the responsible state authority to consult with local building and fire officials to coordinate their construction. This coordination would focus on fire department access, the location of fire connections and fire lanes, and other important fire protection or prevention matters.

Recommendation 3: Amend §§ 27-98 and 27-99 of the Code of Virginia to allow the State Fire Marshal to deputize, with the concurrence of the supervising authority, qualified individuals (e.g., members of locally chartered volunteer fire companies who have received required certification as fire inspectors) to perform local inspections under the SFPC, increasing the number of inspections being completed without increasing the staff of the SFMO.

Recommendation 4: Amend the Code of Virginia to allow the SFMO to issue permits and to levy fees for SFPC inspections and enforcement on the basis prescribed in the SFPC and USBC, with fees established by the Board of Housing and Community Development.

Recommendation 5: Amend §§ 27-98 and 27-99 of the Code of Virginia to broaden the scope of SFPC enforcement agreements between the SFMO and local governments to allow local fire officials to act as agents for enforcing the SFPC.

II. Discuss equalizing the responsibilities for Statewide Fire Prevention Code inspections between state and local fire marshals to eliminate duplication and increase efficiency.

In the previous section of the report, the main focus of the Task Force was on the sufficiency of enforcement powers and any possible gaps in coverage. In this portion, the Task Force was asked to discuss how to equalize inspection responsibilities, primarily to assure that there was no duplication and that fire prevention resources--whether state or local--are used with greater efficiency.

The Task Force found little actual duplication of effort in the inspection process. The members identified two instances of duplication; one involved health care facilities and the other state owned/operated buildings.¹

The SFMO is a party to a pass through contract with the Virginia Department of Health to inspect certain health care facilities so that they remain eligible to receive Medicare/Medicaid funds. Most of these facilities are nursing homes or mental health facilities. These inspections are intended to insure conformity with the National Fire Protection Association's Life Safety Code®. Federal funds reimburse the Office for its incurred costs. These revenues help support the Office's staffing, augmenting other resources and permitting it to inspect additional facilities. These same facilities may also be subject to SFPC inspections by local personnel in enforcing localities, who normally inspect some of them. In state-owned facilities, SFPC enforcing localities can conduct inspections but may only recommend and not directly compel corrective actions.

The Task Force engaged in extensive discussions about the appropriate role for local governments in enforcing the SFPC. Some testimony received during the regional input sessions preferred requiring local enforcement of the SFPC. Others suggested requiring local inspections of schools or other specific facilities. However, the public comment generally opposed the imposition of any local mandates and strongly recommended increasing the services offered by the SFMO.

The Task Force noted that if the SFMO had more resources available or could by mutual agreement deputize local inspectors, the Office could simultaneously pursue other strategies for reducing fire losses in the Commonwealth. In the discussion of the powers of the State Fire Marshal and local fire marshals, the Task Force noted the contrast between local governments, which may charge fees to support local enforcement of the SFPC, and the SFMO, which by statute may not charge fees to accomplish its most significant fire prevention activity--SFPC enforcement. This factor limits the scope of its inspection activities in comparison to local governments. This does not anticipate fully funding the operations of the SFMO through

¹While considering issues related to duplicate inspections, the Task Force noted opportunities for the better coordination of training activities, with the Department of Fire Programs taking the lead. Although this topic lay outside the original scope of the study, duplication in training programs could affect the use of available resources.

inspection or other fees. The Task Force specifically indicated that it did not propose a reduction in the current general fund support for the operations of the SFMO. Instead, the SFMO could operate on a basis analogous to localities such as Loudoun County, which recovers approximately 25 percent of its cost for fire prevention activities through inspection and other fees. Revenue from annual inspection fees ranging from \$25 to \$100 per property could enhance the ability of the SFMO to address a continually expanding base of properties already subject to inspection and to inspect other classes that may attain a higher inspection priority in the future. The alternative to this course would be to seek additional general fund support. Access to inspection fees would also aid other initiatives that could enhance the effectiveness of the SFMO--for example, contracting with local government agencies to perform certain inspections.

Fire prevention resources could be redirected to the inspection of factories or other facilities that are critical to the local economy. In its discussion, the Task Force recognized that enhanced fire inspection activities could mitigate the impact of fire loss in a factory, business, hospital, educational institution, or other major employer that could cost not only lives but also profoundly affect the economic base of a community, potentially leading to the loss of hundreds of jobs. The SFMO does not inspect all these facilities regularly.

Another possible option would be to use these resources to help enhance the role of the SFMO as an advocate for the fire service in Virginia, a theme expressed repeatedly at the regional input sessions.

Even before the formation of the Task Force or the recruitment of the newly authorized personnel, the SFMO had taken several steps to increase its efficiency. Redrawing district boundaries for each of the five regions and modifying certain travel policies reduced travel times and equalized workloads among the regional offices. The use of modern communications technology and computers has also permitted inspection personnel to focus more of their energies on inspection and enforcement activities. The Task Force supports these efforts. Local fire prevention personnel participating in the regional input sessions consistently noted their need for increased and faster access to the State Fire Marshal's staff.

The SFMO's responsibilities are not strictly limited to enforcement of the SFPC. The SFMO sometimes responds to complaints that do not involve fire prevention or protection. The Task Force recommended that the Office, given its limited resources, should continue to provide assistance relating primarily to fire prevention or protection.

The Task Force also considered other avenues for equalizing services, including contracting with local governments already enforcing the SFPC. In the previous section of this report, the Task Force made several recommendations concerning agreements between the SFMO and local authorities that would permit qualified local enforcement personnel to conduct certain SFPC inspections (e.g., state-owned facilities) within their localities. This could be broadened further through agreements with local governments that would permit qualified local enforcement personnel to carry out SFPC inspections in other jurisdictions under the authority of the SFMO.

The purpose would be to enhance the enforcement of the SFPC without necessarily increasing the size of the SFMO. Such innovations could increase the efficiency of the SFMO by reducing some of the travel associated with current enforcement responsibilities and by assuring prompt responses to emergencies.

After considering these issues, the Task Force recommended the following:

Recommendation 6: The State Fire Marshal's Office should broaden its inspection base, by expanding its use of modern technology, including greater use of cellular telephones and computers to increase the number of inspections performed within current resources.

Recommendation 7: Amend §§ 27-98 and 27-99 of the Code of Virginia to allow the State Fire Marshal to deputize, with the concurrence of the supervising authority, qualified individuals (e.g., members of locally chartered volunteer fire companies who have received required certification as fire inspectors) to perform local inspections under the SFPC, increasing the number of inspections being performed without increasing the staff of the SFMO. (See Recommendation 3.)

Recommendation 8: The Department of Fire Programs should continue to be the lead agency for providing training in fire prevention and protection. It should also work to improve the coordination with other agencies involved in this training.

Recommendation 9: Amend the Code of Virginia to allow the SFMO to issue permits and to levy fees for SFPC inspections and enforcement on the basis prescribed in the SFPC and USBC, with fees established by the Board of Housing and Community Development. (See Recommendation 4.)

Recommendation 10: Amend the Code of Virginia to authorize the SFMO to contract with local governments to conduct inspections on its behalf in other jurisdictions.

III. Evaluate the need to limit or broaden the number of facilities subject to regular inspection.

The SFPC by itself does not mandate inspections of specific classes of occupancies by state or local enforcement agencies. However, statutory law authorizes inspections to assure compliance with the provisions of the SFPC. Local governments can establish their own inspection priorities for properties. The General Assembly sets the priorities for the SFMO by statute. If a local government enforces the SFPC but does not inspect the same facilities that are priorities for the SFMO, then the SFMO must conduct the required inspections. However, local enforcement standards may be higher because of their authority to include more stringent standards.

Various statutes obligate the SFMO annually to perform the following types of inspections:

- State-owned residential care facilities (including correctional and mental health facilities);
- State owned or operated college dormitories;
- Licensed adult care residences and public schools not inspected by a local fire marshal;
- Construction inspection services (solely for fire protection features) for state-owned projects;
- Inspections for many health, child care, and local correctional facilities required because of contractual obligations, regulatory statutes governing the specific type of facility, and certain federal programs; and
- Inspections, which are not confined to a specific class of occupancy and which account for approximately 20 percent of the Office's inspection activity, that are either responses to complaints or made to assure that a structure meets the SFPC.

The Task Force expressed its belief that the following occupancies present a risk of casualties or property losses equal to or greater than the properties whose inspections statutes currently mandate:

- Private schools and private institutions of higher education,
- Large places of public assembly,
- Hotels and motels, and
- Factories or other places of employment

These categories reflect the general trend of national data.² Although complete equivalent data for Virginia is not currently available, the Task Force believes that the state's fire

²The annual compilation of fire statistics in the National Fire Protection Association's *Fire Journal* (September/October 1997), pp. 78-80 supports this concern. In 1996, the greatest total property losses occurred in (descending order) residential property; storage in structures; industrial, utility, and defense facilities; stores and offices; places of public assembly; special structures; educational properties; and institutional properties. Storage and residential properties showed the greatest percentage increases over the previous year. The highest number of civilian [non-fire service] fatalities occurred in (descending order) residential properties, highway vehicles, other vehicles, non-residential structures [places of public assembly, schools, offices, industrial property, etc.], and other properties

experience is generally similar to that of the nation as a whole. Over the last 25 years, during which the USBC and the SFPC have been in effect, Virginia's total fire fatalities have been reduced from a range of 150-200 annually in the 1970s to a range of 80-120 annually in the 1990s despite a net population increase of nearly two million residents. Thus, the state's the fire death rate has trended lower over time, paralleling the national trend. Uniform fire prevention activity has been and should continue to be an important component of the effort to sustain or improve on this trend.

Several members of the Task Force held that inspections of key economic facilities were equally important because they could prevent the loss of a community's economic base. Besides the potential for the loss of life, a fire in a factory or other source of employment could also mean the loss of a community's livelihood.

Several members also expressed serious concern about places of public assembly--particularly when such facilities are in areas without local enforcement programs. The Task Force was concerned that no one may be inspecting these structures. In fact, in areas without local enforcement, they are not being inspected. In areas with local enforcement, they may not be inspected but usually are. Statutory and regulatory authority for inspections exists, but not a requirement to conduct them. Some of these facilities--field houses, stadiums, basketball arenas, etc.--are very large and carry commensurate risk. Some larger, more modern facilities have fire suppression equipment, while older, smaller sites may not. Ideally, then, and to assure its effectiveness, the design of a fire inspection program intended to counter the risk associated with places of public assembly would explicitly have to consider several factors--including threshold capacities and the presence or absence of structural or fire prevention features that mitigate the risk of property or casualty losses.

Multiple casualty fires with extensive loss of life or injuries, though rare, have typically been associated with hotels, places of public assembly, and hospitals. The General Assembly has mandated the inspection of certain occupancies and the installation of fire protection systems to counter some perceived risk. The Task Force recognized the need for a consistent and proactive approach to the fire problem across the entire state. Simply requiring the installation of sprinkler systems in hotels and motels is not sufficient to ensure their continued safety. Regular maintenance and inspections of fire suppression systems are essential. As the Task Force noted, finite resources at the state and local levels or the absence of a local program could mean that some of these facilities would rarely, if ever, be inspected. Some residential occupancies with relatively high risk features or small business properties are also not likely be inspected.

Virginia's recent fire experience has led to the passage of legislation mandating sprinklers in hotels/motels and hospitals, but these address only part of the fire problem. The disparities in fire prevention and protection services being offered across the Commonwealth mean that without being aware of the fact, Virginians, who are otherwise similarly situated, face very different levels of fire risk depending upon where they live, work, or learn.

It was also clear to the Task Force that without local inspections, the level of hazard to which the public is exposed would be much greater or else the resources allocated to the State Fire Marshal would have to be expanded significantly. For example, they estimated that Fairfax County completes approximately 4,000 annual inspections of child care facilities and places of public assembly. Similarly, Loudoun County performed approximately 1,000 inspections of such facilities annually. Without this local activity, the State Fire Marshal would have to perform many of these inspections. Others would not be done at all with the state's currently available resources.

Because they recognized the importance of local fire protection activities, members of the Task Force discussed the need for the SFMO to be more proactive in conveying to local governments the benefits associated with local enforcement of the SFPC.

To refine its sense of the extent of fire hazards, the Task Force tried to estimate the number of some of these critical facilities found in areas lacking local enforcement. Critical facilities in areas that lacked a local fire prevention authority included approximately:

- 30 hospitals or health care facilities,
- 150 dormitories, and
- 350 hotels/motels.

Based on their own experience and information from the regional sessions, and to serve as a guide for future decision-making, Task Force members ranked areas where additional inspection resources should be considered. This was based on an assessment of risk to occupants and the potential fiscal impact of a fire loss. Local fire officials already inspect many of these facilities; however, to equalize the level of fire protection services, the Task Force recommended that these facilities should be added to the list of facilities receiving regular inspections throughout the Commonwealth:

- Hospitals and health care facilities,
- Places of public assembly,
- Hotels/motels more than three stories in height and with inside corridors, and
- Residential and non-residential structures at private educational facilities (including boarding schools and colleges or universities).

In the wake of multi-death fires in hospitals (e.g., the five fatalities in the December 31, 1994 Petersburg fire), the General Assembly acted to assure the presence of fire suppression equipment in hospitals. To assure that equivalent safety levels are present throughout the Commonwealth, regular inspections of such facilities performed by local authorities in localities enforcing the SFPC should be matched by the SFMO within communities that have not elected to enforce the SFPC. Similarly, while the 1997 General Assembly addressed fire hazards within colleges, universities, and public schools, periodic inspections of fire detection and suppression equipment at these facilities, whether they are publicly or privately operated, are important because the underlying hazard is not affected by the institution's status. Fatalities from hotel fires in Virginia and elsewhere strongly influenced the initial creation of the SFMO and these facilities continue to present special risks because their occupants are generally unfamiliar with their

surroundings. Although the installation of fire suppression systems may reduce the risk to occupants, as with other occupancies, it is essential that the equipment be inspected and maintained regularly if it is to perform at the time of an emergency.

The Task Force recognized that these broad categories need further refinement. In places of public assembly, for instance, some threshold of risk based on occupant loads, physical features of the structure, and characteristics of the population served by the facility could serve as determinants of the need for or frequency of inspection. Similarly, the risk associated with hotels/motels may vary considerably depending on their construction features. The SFMO should develop criteria for determining which places of public assembly and hotel/motel facilities should be inspected regularly.

Because the SFMO's current inspection obligations do not apply to private educational facilities, the Task Force recommended giving another group the next highest priority:

- Other state and private college buildings.

Finally, they suggested two areas that should receive further investigation or research:

- Factories/businesses/places of employment and
- Hazardous materials covered under Part C of the SFPC.

Hazardous materials (HAZMAT) were a distinct concern. The SFMO typically becomes involved in inspections relating to hazardous materials only on a complaint basis. The Task Force concluded that the state needs to consider explicitly whether the SFMO should assume more responsibility for hazardous materials inspections. So little is known or fully recognized about the distribution of hazardous materials that it has become an issue ripe for thorough review. However, such a review would far exceed the scope of the current study.

The issue of inspections of factories and businesses presents issues nearly as complex as those associated with hazardous materials. The risk of casualties or property losses may vary considerably depending on both the physical facilities involved and the processes or materials being used. However, the Task Force suggested an additional rationale for giving a higher profile to inspections within this class of properties--the potential impact of catastrophic fires on the economic base of a community. In settings outside the state's metropolitan areas, a single industry or even a single factory may be the mainstay of the local economy. Recent fires in New England and Georgia have shown how devastating the loss of jobs can be to vulnerable communities. However, basing decisions about whether to inspect given facilities on an assessment of potential economic loss introduces different variables into the process. Like hazardous materials, issues associated with fire prevention or protection inspections predicated upon economic perils would require careful and extensive consideration.

Recommendation 11: The SFMO should analyze and report on statistical data relating to the fire problem in Virginia and make recommendations as needed to ensure that the resources of the SFMO are used to the greatest effect.

Recommendation 12: Because of the level of hazard they present, four types of occupancies--hospitals, large places of public assembly meeting certain risk criteria, hotels/motels meeting certain risk criteria, and residential and non-residential facilities at private education institutions--should receive regular inspections throughout the Commonwealth. This could be accomplished through the expansion of the SFMO, through contracts between the SFMO and local governments, the deputizing of qualified local enforcement personnel, or some combination of these methods.

Recommendation 13: The SFMO should develop the capacity, on a regional basis, to enforce Part C of the SFPC (HAZMAT). However, this should not be done at the expense of current enforcement programs or those that may be established because of this study and its recommendations.

Recommendation 14: The SFMO should take an active role in educating and encouraging local governments about the importance of assuming enforcement authority to enforce the SFPC.

IV. Other Issues

From the information gathered at the regional meetings, the Task Force identified several issues not addressed by the provisions of Item 93, but nonetheless were deemed sufficiently germane to bring to the attention of the Governor and General Assembly. The Task Force noted that other state agencies may also need to address some of these issues. The Task Force made no recommendations respecting either what priority to assign to these issues or what actions should be taken in response to them.

PUBLIC EDUCATION

- The SFMO should not directly provide services but should support local development and delivery of fire prevention programs.
- The SFMO should provide services to other state agencies in areas where it has expertise (i.e., emergency planning, life safety training).
- The SFMO should be an advocate championing standards of learning for fire safety.

II. ROLE OF THE SFMO IN RELATION TO THE “FIRE PROBLEM” IN VIRGINIA

- The SFMO should be the leading advocate for the fire service in Virginia.
- The SFMO should be a highly visible participant in the development of building and fire codes.
- The SFMO should take the lead in interpreting the SFPC.
- The SFMO should take an aggressive approach to fire safety issues without being organizationally encumbered.
- The SFMO should serve as technical resource for the fire service community.
- The SFMO should serve as a major data/information resource.

III. LOCATION OF THE STATE FIRE MARSHAL

- Move the SFMO to another agency (no specific recommendation about which agency).
- Retain the SFMO within DHCD.
- Establish the SFMO as a separate and independent agency.

IV. CAUSE & ORIGIN INVESTIGATIONS

- Cause and origin investigations are necessary to identify areas where building or fire safety codes should be changed. Currently many noncriminal fire incidents are not being studied.
- More data is required to enhance building and fire code development and analysis.
- It is essential to examine and analyze fire incidents to identify the performance of the provisions of the SFPC during events.
- Certain significant fire incidents occurring within the state have received and will continue to receive national attention. The SFMO should be an integral part of the investigation of such fire incidents.

Appendix A

	First Year	Second Year	First Year	Second Year
93. Regulation of Structure Safety (56200)			\$2,244,148	\$2,244,038 \$2,803,538
Building Safety Code (56202)	\$916,644	\$916,644 \$1,016,644		
Fire Safety Code (56203)	\$943,130	\$943,130 \$1,402,630		
Industrialized Building Safety Code (56204)	\$384,374	\$384,264		
Fund Sources: General	\$1,327,162	\$1,327,162 \$1,886,662		
Special	\$859,776	\$859,666		
Federal Trust	\$57,210	\$57,210		

Authority: Title 15.1, Chapter 1, Article 2; Title 27, Chapters 6 and 9; Title 36, Chapter 4, 4.1, 6, and 8; and Title 58.1, Chapter 36, Article 5, Code of Virginia.

A. The Department of Housing and Community Development shall recover from the Virginia Department of Health all costs associated with federal life safety code inspections and enforcement services.

B. The Department of Housing and Community Development is authorized to recover the proportionate cost of inspections and enforcement actions performed under §36-98.1, Code of Virginia, for higher education "new construction" and "renovation" projects funded in whole or in part from private or foundation sources. Costs recovered under this authorization shall be deposited to the general fund. The process and rates for cost recoveries shall be approved by the Department of Planning and Budget prior to implementation.

C. The Director of the Department of Housing and Community Development, in consultation with the State Fire Marshal and the Director of the Department of Fire Programs, shall convene a task force to evaluate the powers of both the state and local fire marshals to inspect facilities used by the public and their authority to cite violations of the Statewide Fire Prevention Code and other local fire prevention ordinances. The task force shall discuss how to equalize the responsibilities for such inspections between state and local fire marshals in order to eliminate duplication and increase efficiency. An evaluation of the need to limit or broaden the number of facilities subject to regular inspection shall also be conducted. The task force shall submit its recommendations to the Governor and the General Assembly no later than January 1, 1998.

Excerpts from the Code of Virginia

§27-94. Short title. -- This chapter may be cited as the "Virginia Statewide Fire Prevention Code Act."

§ 27-95. Definitions.-- As used in this chapter, unless the context or subject matter requires otherwise, the following words or terms shall have the meaning herein ascribed to them:

"Board" means the Board of Housing and Community Development.

"Code provisions" means the provisions of the Fire Prevention Code as adopted and promulgated by the Board, and the amendments thereof as adopted and promulgated from time to time by such Board.

"Enforcement agency" means the agency or agencies of any local governing body or the State Fire Marshal charged with the administration or enforcement of the Fire Prevention Code.

"Fire Prevention Code" or *"Code"* means the Statewide Fire Prevention Code.

"Fire prevention regulation" means any law, rule, resolution, regulation, ordinance or code, general or special, or compilation thereof to safeguard life and property from the hazards of fire or explosion arising from the improper maintenance of life safety and fire prevention and protection materials, devices, systems and structures, and the unsafe storage, handling and use of substances, materials and devices, including explosives and blasting agents, wherever located, heretofore or hereafter enacted or adopted by the Commonwealth or any county or municipality, including departments, boards, bureaus, commissions or other agencies.

"Fire Services Board" means the Virginia Fire Services Board as provided for in § 9-153.1.

"Inspection warrant" means an order in writing, made in the name of the Commonwealth, signed by any judge or magistrate whose territorial jurisdiction encompasses the building, structure or premises to be inspected or entered, and directed to a state or local official, commanding him to enter and to conduct any inspection, examination, testing or collection of samples for testing required or authorized by the Virginia Statewide Fire Prevention Code.

"Local government" means the governing body of any city, county or town in this Commonwealth.

"State Fire Marshal" means the State Fire Marshal as provided for by § 36-139.2.

§ 27-96. Statewide standards. -- The purposes of this chapter are to provide for statewide standards for optional local enforcement to safeguard life and property from the hazards of fire or explosion arising from the improper maintenance of life safety and fire prevention and protection materials, devices, systems and structures, and the unsafe storage, handling, and use of substances, materials and devices, including explosives and blasting agents, wherever located.

§ 27-97. Adoption of Fire Prevention Code. -- The Board of Housing and Community Development is hereby empowered to adopt and promulgate a Statewide Fire Prevention Code which shall be cooperatively developed with the Fire Services Board pursuant to procedures agreed to by the two Boards. The Fire Prevention Code shall prescribe regulations to be complied with for the protection of life and property from the hazards of fire or explosion and for the handling, storage and use of explosives or blasting agents, and shall provide for the administration and enforcement of such regulations. The Fire Prevention Code shall require manufacturers of explosives, as defined in the Code, to register and report information concerning their manufacturing facilities and methods of operation within this Commonwealth in accordance with regulations adopted by the Board. The Board shall also establish regulations for obtaining permits for the manufacturing, storage, handling, use, or sales of explosives. In the enforcement of such regulations, the enforcing agency may issue annual permits for such activities to any state regulated public utility. Such permits shall not apply to the storage, handling, or use of explosives or blasting agents pursuant to the provisions of Title 45.1.

The Fire Prevention Code shall supersede fire prevention regulations heretofore adopted by local governments or other political subdivisions. Local governments are hereby empowered to adopt fire prevention regulations that are more restrictive or more extensive in scope than the Fire Prevention Code provided such regulations do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure, including the voluntary installation of smoke alarms and regulation and inspections thereof in commercial buildings where such smoke alarms are not required under the provisions of the Code.

In formulating the Fire Prevention Code, the Board shall have due regard for generally accepted standards as recommended by nationally recognized organizations including, but not limited to, standards of the Southern Building Code Congress, the Building Officials and Code Administrators International, Inc., the National Fire Protection Association, and recognized organizations issuing standards for the protection of the public from the hazards of explosives and blasting agents. Such standards shall be based on the companion document to the model building code referenced by the Uniform Statewide Building Code.

The Fire Prevention Code shall require that buildings constructed prior to 1973 be maintained in accordance with state fire and public building regulations in effect prior to March 31, 1986, and that any building which is (i) more than seventy-five feet or more than six stories high and (ii) used, in whole or in part, as a dormitory to house students by any public or private institution of higher education shall be required to comply with the provisions of §36-99.3. The Fire Prevention Code shall also require annual fire drills in all buildings having floors used for human occupancy located more than seventy-five feet above the lowest level of fire department vehicle access. The drills shall be conducted by building staff personnel or the owner of the building in accordance with a plan approved by the appropriate fire official and shall not affect other current occupants. The Board may modify, amend or repeal any Code provisions as the public interest requires. Any such Code changes shall be developed in cooperation with the Fire Services Board pursuant to procedures agreed to by the two Boards.

§ 27-97.1. Reports of stolen explosives.-- Any person holding a permit for the manufacture, storage, handling, use or sale of explosives issued in accordance with the provisions of the Code shall report to the office of the chief arson investigator for the Commonwealth as well as the chief local law-enforcement official any theft or other unauthorized taking or disappearance of any explosives or blasting devices from their inventory. An initial verbal report shall be made within three days of the discovery of the taking or disappearance. A subsequent written report shall be filed within such time, and in such form, as is specified by the chief arson investigator.

Failure to comply with the provisions of this section shall constitute a Class 1 misdemeanor punishable by the same penalties applicable to violations of the Fire Prevention Code.

§ 27-98 Enforcement of Fire Prevention Code; appeals from decisions of local enforcing agencies; inspection of buildings. -- Any local government may enforce the Fire Prevention Code. The State Fire Marshal shall also have the authority, in cooperation with any local governing body, to enforce the Code. The State Fire Marshal shall also have authority to enforce the Code in those jurisdictions in which the local governments do not enforce the Code. The local governing body may establish such procedures or requirements as may be necessary for the administration and enforcement of the Code. Appeals concerning the application of the Code by the local enforcing agency shall first lie to a local board of appeals and then to the State Building Code Technical Review Board. Appeals from the application of the Code by the State Fire Marshal shall be made directly to the State Building Code Technical Review Board as provided in §36-108 et seq. Fees may be levied by the local governing body in order to defray the

cost of such enforcement and appeals.

§ 27-98.1. Inspections of buildings, structures, properties and premises.-- In order to carry out the purposes of the Code and any regulations or standards adopted in pursuance thereof, the local fire official, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized, with the consent of the owner, operator, or agent in charge to enter a building, structure, property or premises for the purpose of conducting an inspection, examination, testing, or collection of samples for testing, during regular working hours and at other reasonable times, and in a reasonable manner, to determine if the building, structures, systems, machines, apparatus, devices, equipment, and materials stored, used or handled, and all pertinent conditions therein, are in compliance with the requirements, regulations or standards set forth in the Code.

§ 27-98.2. Issuance of warrant.--Search warrants for inspections or reinspection of buildings, structures, property, or premises subject to inspections pursuant to the Code, to determine compliance with regulations or standards set forth in the Code, shall be based upon a demonstration of probable cause and supported by affidavit. Such inspection warrants may be issued by any judge or magistrate having authority to issue criminal warrants whose territorial jurisdiction encompasses the building, structure, property or premises to be inspected or entered, if he is satisfied from the affidavit that there is probable cause for the issuance of an inspection warrant. No inspection warrant shall be issued pursuant to this chapter except upon probable cause, supported by affidavit, particularly describing the place, thing or property to be inspected, examined or tested and the purpose for which the inspection, examination, testing or collection of samples for testing is to be made. Probable cause shall be deemed to exist if such inspection, examination, testing or collection of samples for testing are necessary to ensure compliance with the Fire Prevention Code for the protection of life and property from the hazards of fire or explosion. The supporting affidavit shall contain either a statement that consent to inspect, examine, test or collect samples for testing has been sought and refused or facts or circumstances reasonably justifying the failure to seek such consent in order to enforce effectively the fire safety laws, regulations or standards of the Commonwealth which authorize such inspection, examination, testing or collection of samples for testing. In the case of an inspection warrant based upon legislative or administrative standards for selecting buildings, structures, property or premises for inspections, the affidavit shall contain factual allegations sufficient to justify an independent determination by the judge or magistrate that the inspection program is based on reasonable standards and that the standards are being applied to a particular place in a neutral and fair manner. The issuing judge or magistrate may examine the affiant under oath or affirmation to verify the accuracy of any matter in the affidavit.

§ 27-98.3. Duration of warrant.--An inspection warrant shall be effective for the time specified therein, for a period of not more than seven days, unless extended or renewed by the judicial officer who signed and issued the original warrant. The judicial officer may extend or renew the inspection warrant upon application for extension or renewal setting forth the results which have been obtained or a reasonable explanation of the failure to obtain such results. The extension or renewal period of the warrant shall not exceed seven days. The warrant shall be executed and returned to the judicial officer by whom it was issued within the time specified in the warrant or within the extended or renewed time. The return shall list any samples taken pursuant to the warrant. After the expiration of such time, the warrant, unless executed, shall be void.

§ 27-98.4. Conduct of inspections, examinations, testing, or collection of samples. -- No warrant shall be executed in the absence of the owner, operator or agent in charge of the particular building, structure, property or premises unless specifically authorized by the issuing judicial officer upon showing that such authority is reasonably necessary to effect the purposes of a statute or

regulation being enforced. An entry pursuant to this warrant shall not be made forcibly, except that the issuing officer may expressly authorize a forcible entry (i) where facts are shown sufficient to create a reasonable suspicion of an immediate threat to an occupant of the particular building, structure, property, or premises, or, to the general safety and welfare of the public, or, to adjacent buildings, structures, properties or premises, or (ii) where facts are shown establishing that reasonable attempts to serve a previous warrant have been unsuccessful. If forcible entry is authorized, the warrant shall be issued jointly to the fire official and to a law-enforcement officer who shall accompany the fire official during the execution.

§ 27-98.5. Review by courts. -- A. No court of the Commonwealth shall have jurisdiction to hear a challenge to the warrant prior to its return to the issuing judge or magistrate except as a defense in a contempt proceeding, unless the owner or custodian of the building, structure, property or premises to be inspected makes by affidavit a substantial preliminary showing accompanied by an offer of proof that (i) a false statement, knowingly and intentionally, or with reckless disregard for the truth, was included by the affiant in his affidavit for the inspection warrant and (ii) the false statement was necessary to the finding of probable cause. The court shall conduct such expeditious in camera view as the court may deem appropriate.

B. After the warrant has been executed and returned to the issuing judge, the validity of the warrant may be reviewed either as a defense to any citation issued by the fire official or otherwise by declaratory judgment action brought in a circuit court. In any such action, the review shall be confined to the face of the warrant and affidavits and supporting materials presented to the issuing judge unless the owner, operator, or agent in charge of whose building, structure, property or premises has been inspected makes a substantial showing by affidavit accompanied by an offer of proof that (i) a false statement, knowingly and intentionally, or with reckless disregard for the truth, was made in support of the warrant and (ii) the false statement was necessary to the finding of probable cause. The review shall only determine whether there is substantial evidence in the record supporting the decision to issue the warrant.

§ 27-99. State buildings. -- The Fire Prevention Code shall be applicable to all state-owned buildings and structures. Every agency, commission or institution, including all institutions of higher education, of the Commonwealth shall permit, at all reasonable hours, a local fire official reasonable access to existing structures or a structure under construction or renovation, for the purposes of performing an informational and advisory fire safety inspection. The local fire official may submit, subsequent to performing such inspection, his findings and recommendations including a list of corrective actions necessary to ensure that such structure is reasonably safe from the hazards of fire to the appropriate official of such agency, commission, or institution and the State Fire Marshal. Such agency, commission or institution shall notify, within sixty days of receipt of such findings and recommendations, the State Fire Marshal and the local fire official of the corrective measures taken to eliminate the hazards reported by the local fire official. The State Fire Marshal shall have the same power in the enforcement of this section as is provided for in §27-98.

The State Fire Marshal may enter into an agreement as is provided for in § 36-139.4 with any local enforcement agency that enforces the Fire Prevention Code to enforce this section and to take immediate enforcement action upon verification of a complaint of an imminent hazard such as a chained or blocked exit door, improper storage of flammable liquids, use of decorative materials and overcrowding.

§ 27-100. Violation a misdemeanor. -- It shall be unlawful for any owner or any other person, firm, or corporation, on or after the effective date of any Code provisions, to violate any provisions of the Fire Prevention Code. Any such violation shall be deemed a Class 1 misdemeanor, and any

owner, or any other person, firm, or corporation convicted of such violation shall be punished in accordance with the provisions of §18.2-11.

§ 27-101. Injunction upon application. -- Every court having jurisdiction under existing or any future law is empowered to and shall, upon the application of the local enforcing agency or State Fire Marshal, issue either a mandatory or restraining injunction in aid of the enforcement of, or in prevention of the violation of, any of the provisions of this law or any valid rule or regulation made in pursuance thereof. The procedure for obtaining any such injunction shall be in accordance with the laws then current governing injunctions generally except that the enforcing agency shall not be required to give bond as a condition precedent to obtaining an injunction.

§ 36-139.2. Appointment of State Fire Marshal; qualifications; powers and duties; power to arrest, to procure and serve warrants and to issue summonses; limitation on authority. -- The Director shall appoint a State Fire Marshal and other personnel necessary to carry out the provisions of the Statewide Fire Prevention Code (§27-94 et seq.). The State Fire Marshal and other personnel appointed pursuant to this section shall be selected upon the basis of education or experience in administering laws and regulations designed to prevent and eliminate hazards to life and property arising from fire.

The State Fire Marshal shall have the powers and duties prescribed by the Statewide Fire Prevention Code (§27-94 et seq.), by §27-61, by Board regulation and by the Director. The State Fire Marshal and those persons duly authorized to enforce the Statewide Fire Prevention Code shall have the authority to arrest, to procure and serve warrants of arrests and to issue summonses in the manner authorized by general law for violation of the Statewide Fire Prevention Code. The authority granted in this section shall not be construed to authorize the State Fire Marshal to wear or carry firearms. All personnel appointed pursuant to this section shall meet the training requirements set forth for local fire marshals in §27-34.2.

§ 36-139.3. Inspection of certain state-owned, state-operated or state-licensed facilities; enforcement of safety standards. -- Notwithstanding any other provisions of this chapter, the State Fire Marshal, upon presenting appropriate credentials, shall make annual inspections for hazards incident to fire in all (i) residential care facilities operated by any state agency, (ii) adult care residences licensed or subject to licensure pursuant to Chapter 9 (§63.1-172 et seq.) of Title 63.1 which are not inspected by a local fire marshal, (iii) student-residence facilities owned or operated by the public institutions of higher education in the Commonwealth, and (iv) public schools in the Commonwealth which are not inspected by a local fire marshal. In the event that any such facility or residence is found to be nonconforming to the Statewide Fire Prevention Code (§27-94 et seq.), the State Fire Marshal or local fire marshal may petition any court of competent jurisdiction for the issuance of an injunction.

§36-139.4. Agreements between Department and other agencies. -- The Department is hereby authorized to enter into agreements with federal agencies, other state agencies and political subdivisions for services directly related to enforcement and administration of laws, rules, or regulations, or ordinances of such agencies affecting fire safety in public buildings.

§ 63.1-196.3. Child day center operated by religious institution exempt from licensure; annual statement and documentary evidence required; enforcement; injunctive relief. -- A. Notwithstanding any other provisions of this chapter, a child day center operated or conducted under the auspices of a religious institution shall be exempt from the licensure requirements of this chapter, but shall comply with the provisions of this section unless it chooses to be licensed. If such religious institution chooses not to be licensed, it shall file with the Commissioner of Social Services, prior to beginning operation of a child day center and thereafter annually, a statement of

intent to operate a child day center, certification that the child day center has disclosed in writing to the parents or guardians of the children in the center the fact that it is exempt from licensure, the qualifications of the personnel employed therein and documentary evidence that:

1. Such religious institution has tax exempt status as a nonprofit religious institution in accordance with § 501(c) of the Internal Revenue Code of 1954, as amended, or that the real property owned and exclusively occupied by the religious institution is exempt from local taxation.
2. Within the prior ninety days for the initial exemption and within the prior 180 days for exemptions thereafter, the local health department and local fire marshal or Office of the State Fire Marshal, whichever is appropriate, have inspected the physical facilities of the child day center and have determined that the center is in compliance with applicable laws and regulations with regard to food service activities, health and sanitation, water supply, building codes, and the Statewide Fire Prevention Code or the Uniform Statewide Building Code.

* * *

Appendix B

FIRE MARSHAL'S EVALUATION TASK FORCE

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State Fire Chiefs Association of Virginia

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Virginia Breach Fire Department
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State Fire Marshal's Office

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Virginia Association of Counties

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Virginia Municipal League

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Appendix C: Survey Of State Fire Marshals

The Virginia General Assembly has requested a study of the role and function of the State Fire Marshal that focus on the inspection of various facilities and the enforcement of Virginia's Statewide Fire Prevention Code and other fire safety regulations. To provide additional context for this study, we are requesting information about the organization, powers, and responsibilities of State Fire Marshals in other states. By completing the following survey you will help us identify various alternatives for this Office.

1. Please check each function for which your Office is responsible, indicating whether state statutes **require** the Office to carry out the activity or **grant the discretion** to participate in it.

Function or Activity	Required Participation	Discretionary Participation
<input type="checkbox"/> Fire Prevention Code Inspections	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Building Code Inspections	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Public Education	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Fire Fighter Training (e.g., 1001)	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Fire Inspectors/Officers Training (e.g., 1031)	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Fire Investigator Training (e.g., 1033)	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Fire Protection Plans Review for Construction or Renovations	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Issuance of Permits Under Fire Prevention Code	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Issuance of Permits Under the Building Code	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Cause and Origin Investigations	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Arson Investigations	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other (Please Specify)	<input type="checkbox"/>	<input type="checkbox"/>

Comments: _____

2. A. Do you have a statewide fire prevention code as a minimum standard? YES NO
- B. If YES, is it enforced by:
- State
- Local
- Concurrent
- C. If YES, can it be amended by local government? YES NO
- D. Does your state use:
- National Model Code (Please Specify) _____

- State Developed Code
- Other (Please Specify) _____

3. For this item, please check each answer that applies. Does your staff work from:

- A. Central Office
- B. Regional Office(s)
- C. Home
- D. County/Local Office

4. What is the total annual budget for all activities of the State fire marshal's Office?
 _____ What is the total number of staff? _____

5. What is the source of your funding?

- General Fund
- Non-General fund
- Permits/Fees (Please Specify) _____
- Other (Please Specify) _____

6. Please check the box that applies. What is the salary of the State Fire Marshal?

- | | |
|--|--|
| <input type="checkbox"/> \$0-\$24,999 | <input type="checkbox"/> \$55,000-\$64,999 |
| <input type="checkbox"/> \$25,000-\$34,999 | <input type="checkbox"/> \$65,000-\$74,999 |
| <input type="checkbox"/> \$35,000-\$44,999 | <input type="checkbox"/> \$75,000+ |
| <input type="checkbox"/> \$45,000-\$54,999 | |

7. The Office of the State Fire Marshal is filled via:

- Career Civil Service
- Gubernatorial appointment (serve at the pleasure of the executive)
- Gubernatorial appointment (serve a fixed term of office)
- Appointment by a Board or Commission
- Other (Please Specify _____)

- 8. A. Does the Office of the State Fire marshal have full police powers? YES NO
- B. If 8A is YES, do these powers extend to all Office enforcement personnel? YES NO
- C. Are enforcement officers permitted to carry weapons? YES NO

Comments: _____

8. Does the State Fire Marshal have the authority to deputize local fire service personnel?
 YES NO

9. If possible, please provide an organization chart of your overall state organization, which will reflect the positioning of the state Fire Marshal's Office in your state's government. Also, a copy

of the organization of your office/department would be helpful.

10. If possible, please attach a copy of state legislation that provides for the organization, powers, and responsibilities of the Office. If these are too extensive or you are otherwise unable to provide a copy, please provide the appropriate citations so that we may conduct further research should the need arise.

11. For the following facilities or uses, please check the appropriate box:

Type of Facility or Use	Inspections Required	Inspections Authorized But Not Required
<input type="checkbox"/> Health Care Facilities/Adult Care Facilities	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Public Schools	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Public Institutions of Higher Education	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Private Institutions of Higher Education	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Hotels/Motels	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> State Correctional Facilities	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Local Jails/Correctional Facilities	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> State Mental Health Facilities	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Private Mental health Facilities	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Child Care Centers/Facilities	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Places of Assembly (Types: _____)	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Businesses	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Others (Specify: _____)	<input type="checkbox"/>	<input type="checkbox"/>

12. Would you like a copy of the results of this survey? YES NO

Please mail or fax the completed survey by no later than September 5, 1997 to:

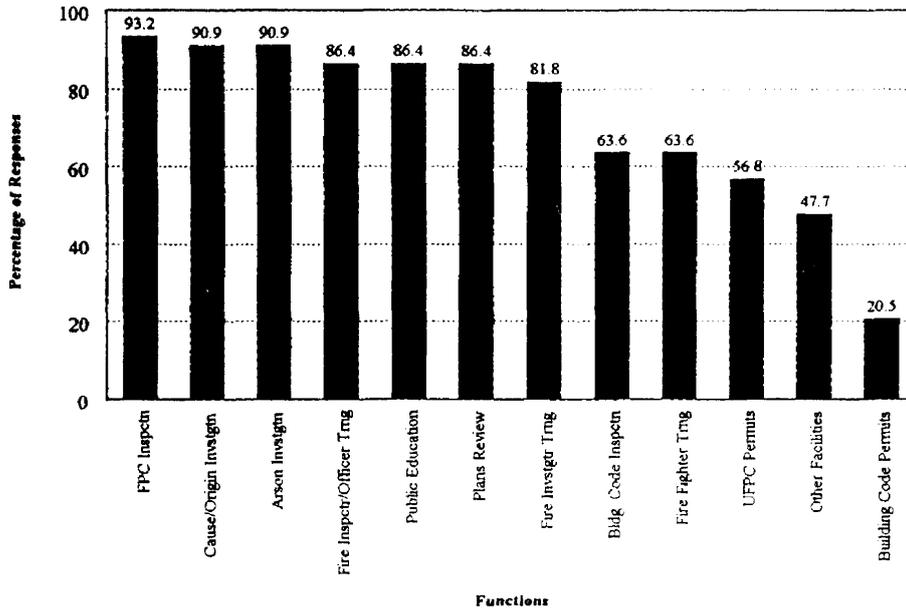
State Fire Marshal's Office
 Department of Housing and Community Development
 501 North Second Street
 Richmond, Virginia 23219-1321
 Phone (804) 371-7153 Fax (804) 371-7092

Question 1: Functions for which the State Fire Marshal's Office is responsible?

12/1/97

State Fire Marshal Functions

Arrayed by Rank Order



Source: Survey of State Fire Marshals

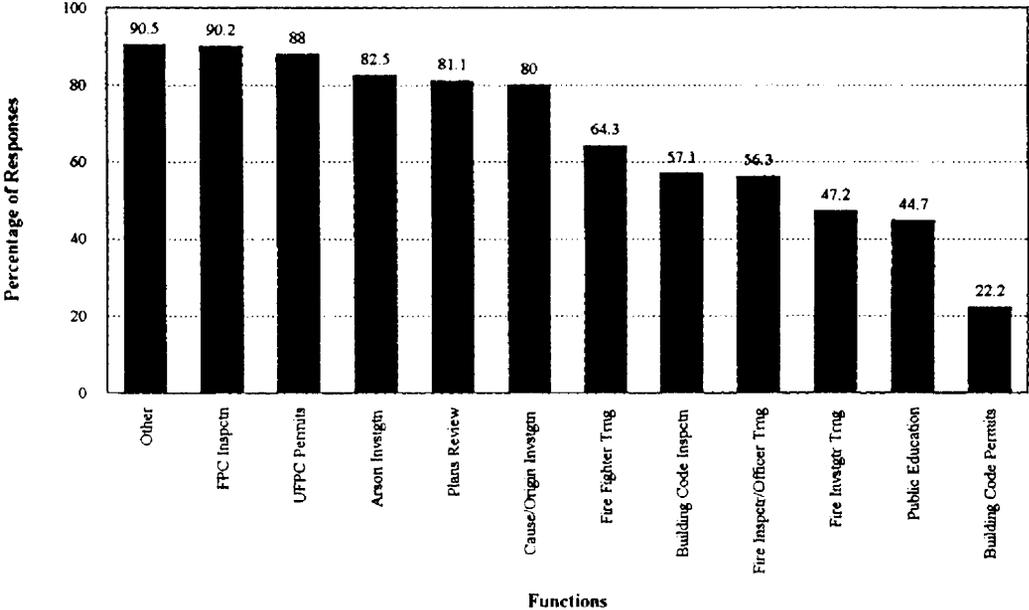
In Virginia, the State Fire Marshal has statutory required responsibility for: Fire Prevention Inspection, Building Code Inspections, Fire Protection Plans Review for Construction or Renovation, and Issuance of Permits under the Fire Prevention Code. Discretionary grants of responsibility include: certain aspects of Fire Prevention Code Inspections, Public Education, and certain aspects of Fire Protection Plans Review for Construction or Renovation.

Question 1r: State Fire Marshal functions required by statute?

12/1/97

State Fire Marshal Functions

Required by Statute



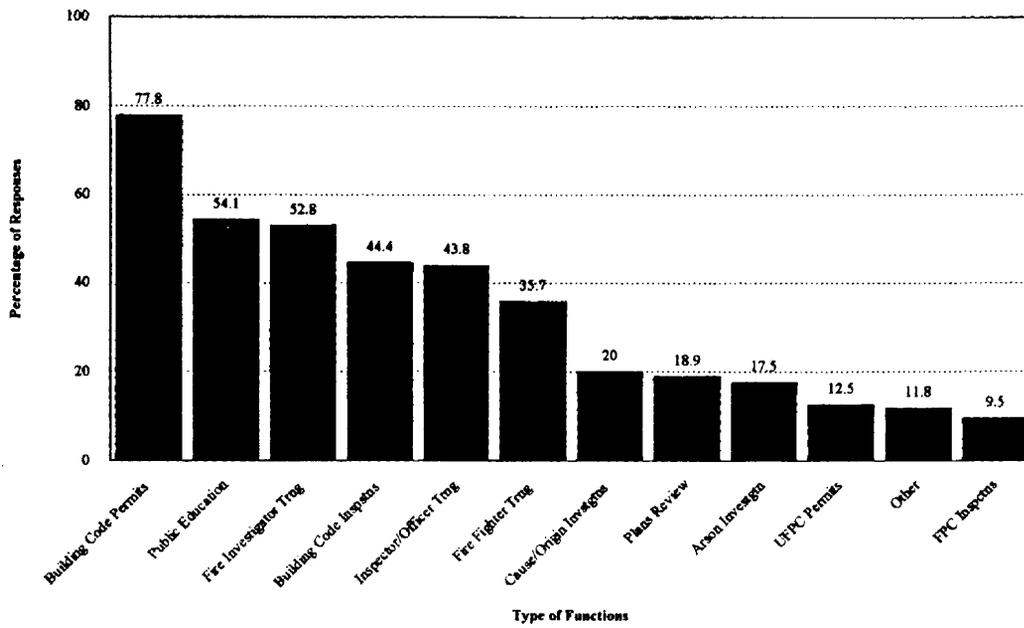
Source: Survey of State Fire Marshals

Question 1d: State Fire Marshal functions where discretionary involvement is granted?

12/2/97

State Fire Marshal Functions

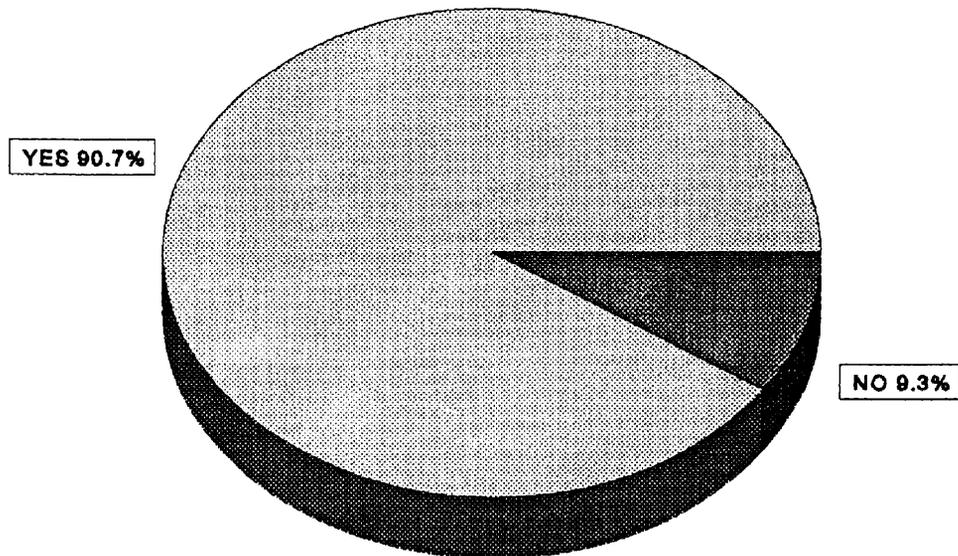
Discretionary Involvement Granted



Source: Survey of State Fire Marshals

Question 2a:

Are Statewide Fire Prevention Code minimum standards used?



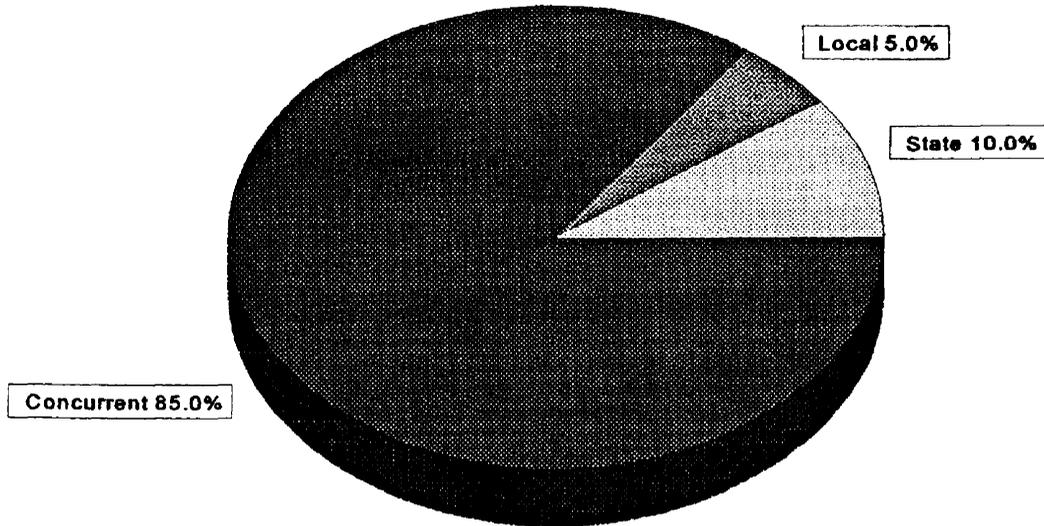
Source: Survey of State Fire Marshals

Response Rate = 97.7%

Virginia uses BOCA as its statewide minimum standard.

Question 2b:

What level of government enforces minimum standards?



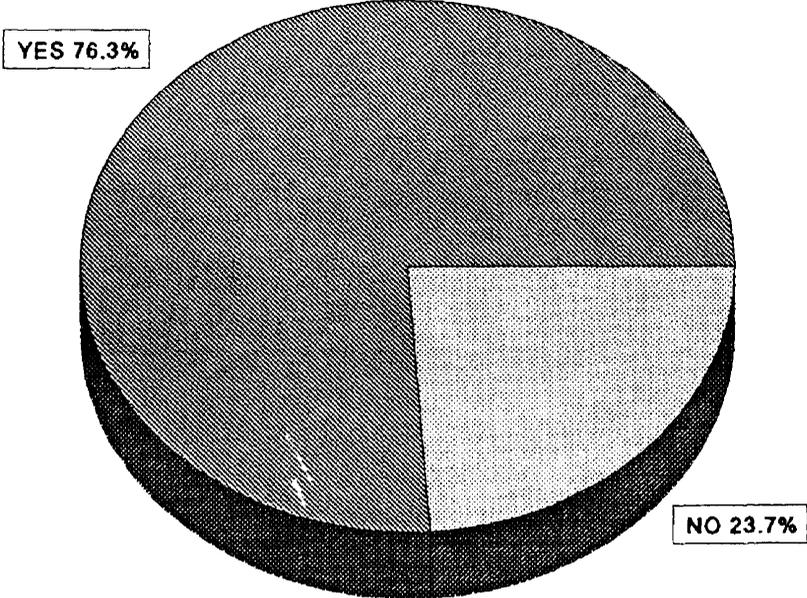
Source: Survey of State Fire Marshals

Response Rate = 90.9%

In Virginia, statewide standards are enforced concurrently by state and local levels of government.

Question 2c:

Can localities amend minimum standards?



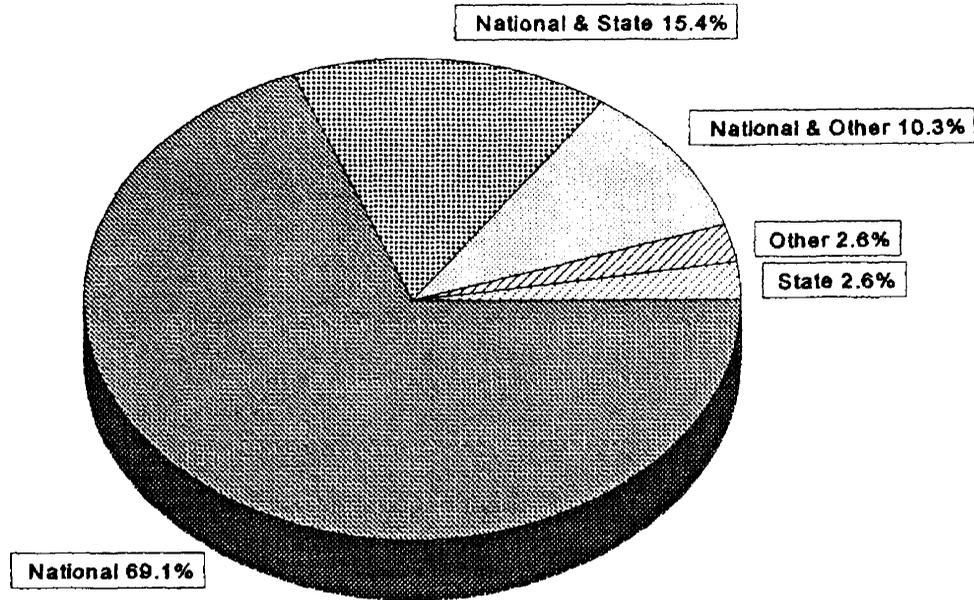
Source: Survey of State Fire Marshals

Response Rate = 84.6%

In Virginia, statewide standards can be amended by local governments.

Question 2d:

What types of standards are used?



Source: survey of State Fire Marshals

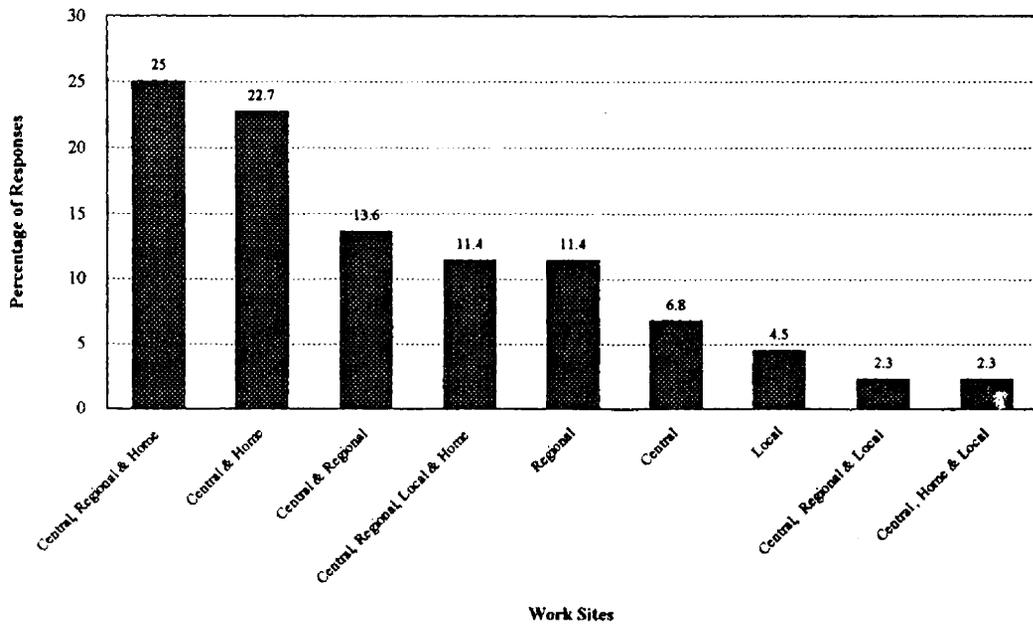
Response Rate = 88.6%

Virginia uses the national standard set forth in the BOCA Code.

Question 3:

10/15/97

Where is the primary work site of State Fire Marshal staff?



Source: Survey of State Fire Marshals

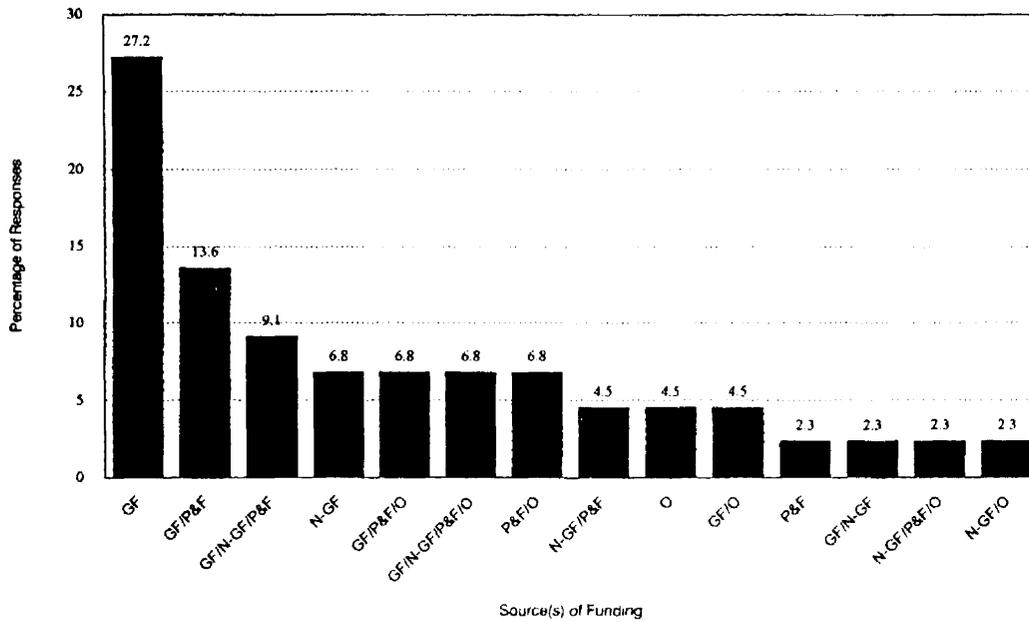
Response Rate= 100.0%

Virginia's Fire Marshal staff work from regional offices.

Question 5:

12/3/97

Sources of Funding



Source: Survey of State Fire Marshals

Response Rate= 100.0%

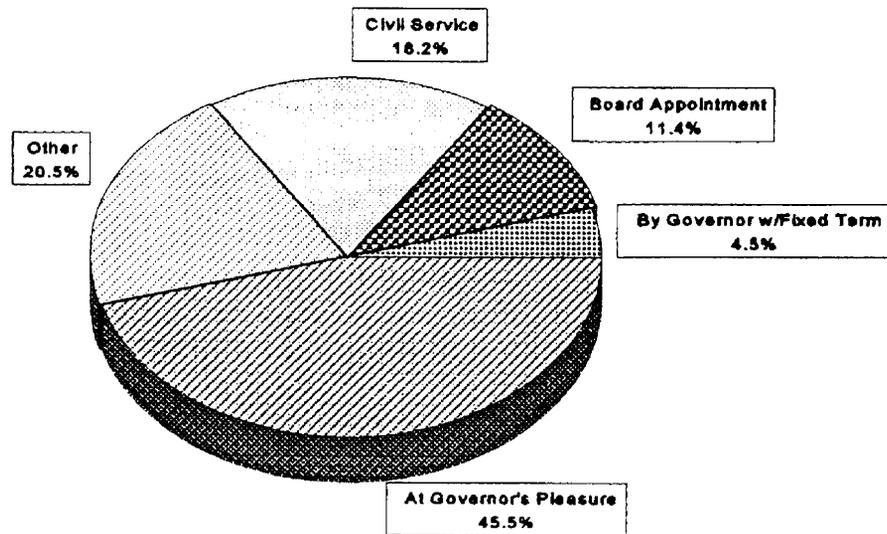
Codes for Funding Sources:

- GF: General Fund
- N-GF: Non-General Fund
- P&F: Permits & Fees
- O: Other Sources

Virginia's Fire Marshal Office is funded with resources from General Fund (GF), Non-General Fund (N-GF), and Permit/Fees from its Blasting Program (P&F) revenues.

Question 7:

What methods are used in appointing State Fire Marshals?



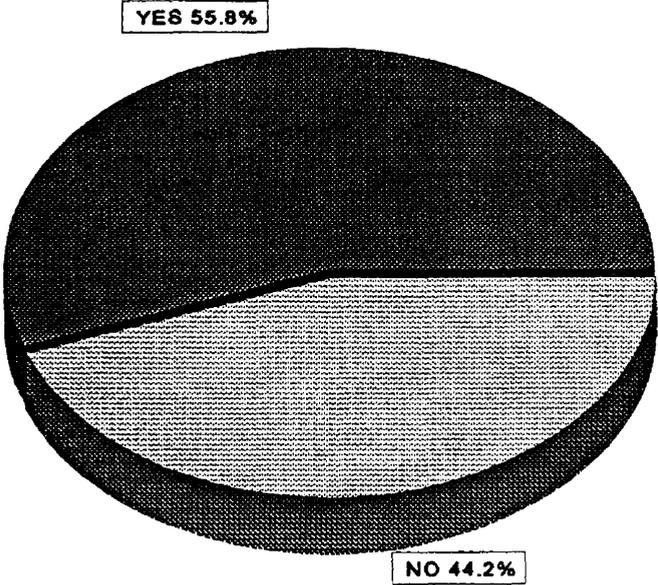
Source: Survey of State Fire Marshals

Response Rate = 100.0%

Virginia's State Fire Marshal is a Career Civil Service appointment.

Question 8a:

Does the Office of the State Fire Marshal have full police powers?



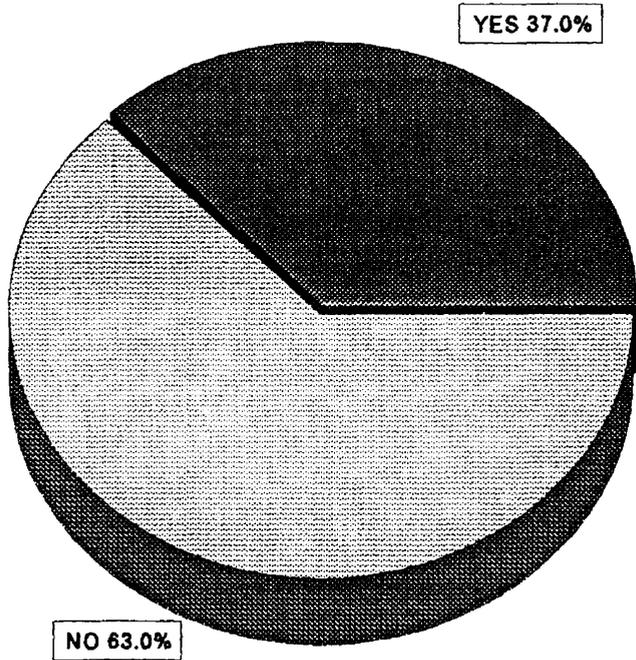
Source: Survey of State Fire Marshals

Response Rate = 97.7%

Virginia's State Fire Marshal does not have full police powers.

Question 8b:

Do police powers extend to all Fire Marshal enforcement personnel?



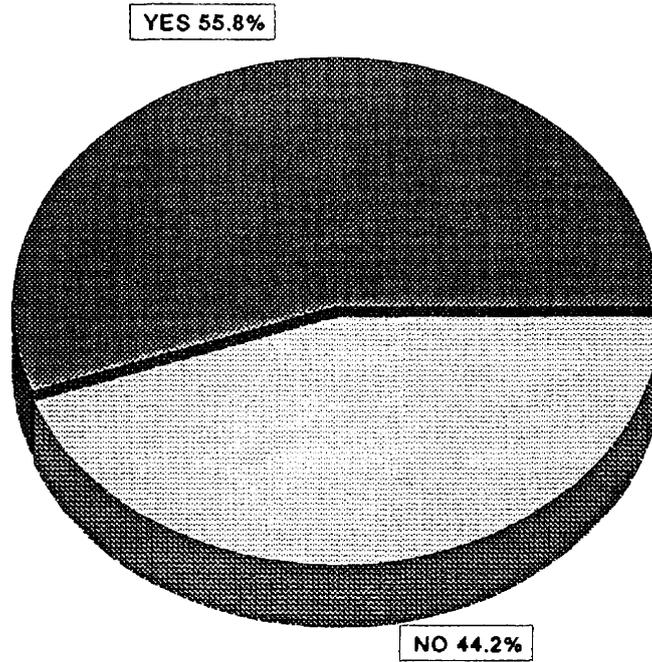
Source: Survey of State Fire Marshals

Response Rate = 61.4%

In Virginia, full police powers do not extend to all State Fire Marshal enforcement personnel.

Question 8d:

Does the Fire Marshal have the authority to deputize local fire service personnel?



Source: Survey of State Fire Marshals

Response Rate = 97.7%

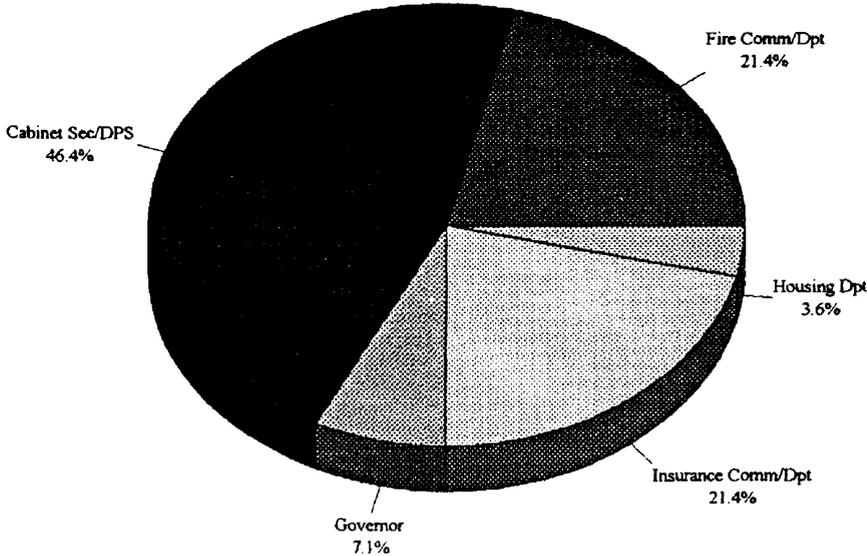
In Virginia, the State Fire Marshal does not have authority to deputize local fire service personnel.

Question 9:

10/15/97

Parent Organizations of State Fire Marshal Offices

Based on Organization Chart Analysis



Source: Survey of State Fire Marshals

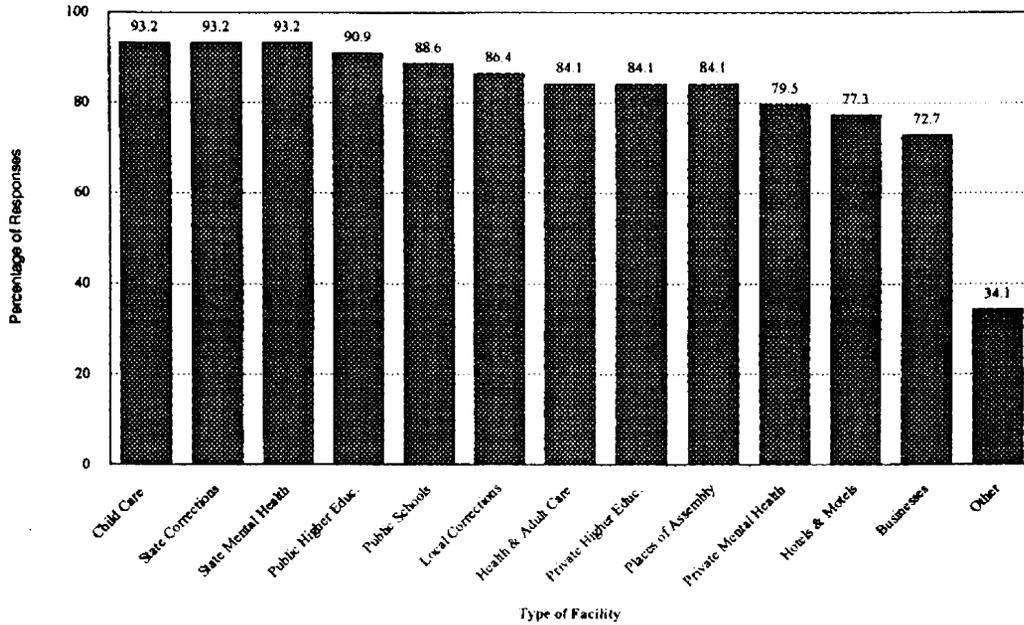
Response Rate= 63.6%

Question 11a:

10/15/97

Facilities Inspected by State Fire Marshal Offices

Arrayed by Type of Facility



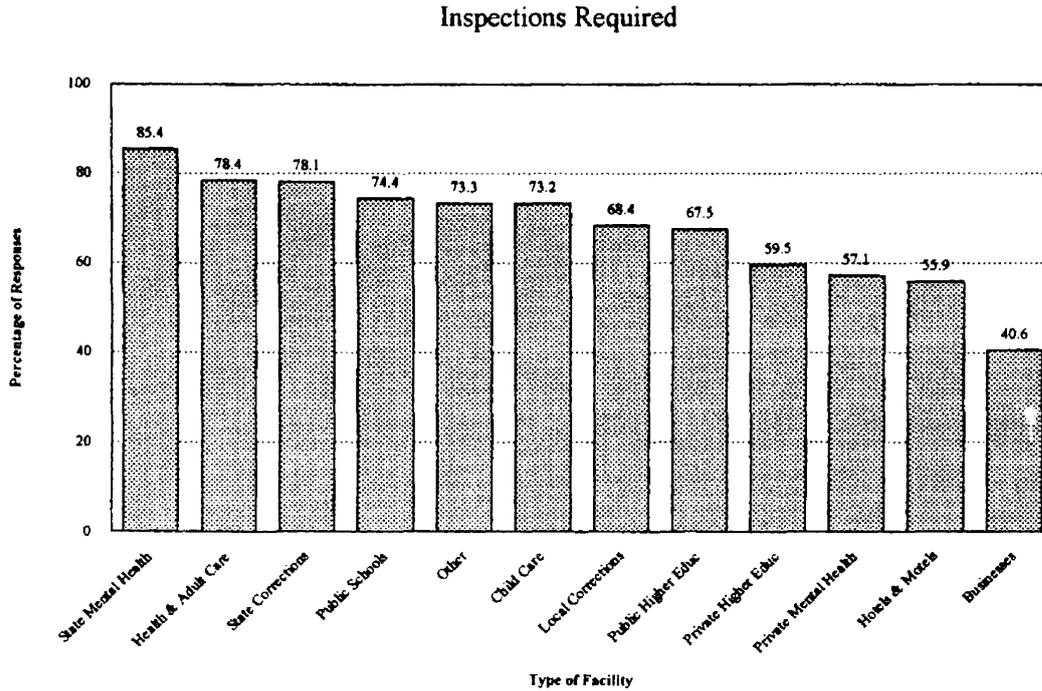
Source: Survey of State Fire Marshals

In Virginia, State Fire Marshal inspections are required for: Health and Adult Care Facilities (ACR only), Public Schools, Public Institutions of Higher Education (dormitories only), State Correctional Facilities, and State Mental Health Facilities. Inspections are authorized but not required for: all other Health and Adult Care Facilities, other Public Institutions of Higher Education Facilities, Private Institutions of Higher Education, Hotel and Motels, Local Correctional Facilities, Private Mental Health Facilities, Child Care Centers, Places of Assembly, and Businesses.

Question 11:

10/15/97

Facilities Inspected by State Fire Marshal Offices



Source: Survey of State Fire Marshals

In Virginia, State Fire Marshal inspections are required for: Health and Adult Care Facilities (ACR only), Public Schools, Public Institutions of Higher Education (dormitories only), State Correctional Facilities, and State Mental Health Facilities. Inspections are authorized but not required for: all other Health and Adult Care Facilities, other Public Institutions of Higher Education Facilities, Private Institutions of Higher Education, Hotel and Motel, Local Correctional Facilities, Private Mental Health Facilities, Child Care Centers, Places of Assembly, and Businesses.

APPENDIX D

FIRE MARSHALS EVALUATION TASK FORCE INPUT SESSIONS

ROANOKE, VIRGINIA

AUGUST 20, 1997

QUESTION #1: WHAT ARE THE MOST IMPORTANT FIRE SERVICE NEEDS IN THIS REGION?

- Adequate staffing
 - Communication from SFMO down
- Ex: High Hazard Facilities (Technical Assistance)**
- A. Interpretation of Codes, Information
 - B. Mandate local enforcement separate from Building Official
 - C. Important in training, linking organizations

PRIORITIES: WHICH OF THESE NEEDS ARE THE MOST IMPORTANT TO RETAIN IN THE SFMO?

- All of The Above

QUESTION #2 WHAT SHOULD BE THE RELATIONSHIP BETWEEN THE LOCAL FIRE SERVICE AND THE STATE FIRE MARSHAL'S OFFICE?

- SFMO should have been the highest authority in the State
- Responsible for Fire Code enforcement, interpretation, statistical data, develop/fees, assessing the potential fire problem throughout state (i.e., need for code change & clearing house of public education)
- More manpower (SFMO) to provide relationship & time
- Technical Support - Code /Plan reviews (Life Safety Code®)/expertise Building Code
- Training & communication with smaller localities (without local Fire Marshal)
- Need to be *the* resource for fire clients - information flowing to and from SFMO
- Identifying overlaps between state and local might free the SFMO to do something else
- Joint inspections in Localities
- State Fire Marshal to be ultimate word on fire in Virginia--all concentrated in one area
- Support local efforts
- Training and communication especially in smaller localities without a local Fire Marshal
- Plans/reviews Assistance so that each County has the same information as others-- consistency in approach about how Code is applied

- Resource for volunteer fire services
- Needs resources to provide service to these areas
- (Get Fire Staff Involved in inspections)
- Exchange of Information

PRIORITIES: WHAT ARE THE MOST IMPORTANT RELATIONSHIPS TO RETAIN OR STRENGTHEN?

- Public Information
- Consistency in Training, Plans Review, Technical Assistance, Interpretations, Etc.
- Increased Financial and Staffing Resources

QUESTION #3: OF THE CURRENT SERVICES PROVIDED BY THE SFMO, WHICH ONES ARE UTILIZED IN YOUR REGION OR COMMUNITY?

- Technical Assistance
- Help with enforcement of SFPC
- Complaints
- Code Research

PRIORITIES: WHICH SERVICES ARE THE MOST IMPORTANT TO KEEP?

- Keep all of the above and add those listed below

(More Emphasis Was Placed on What Was Needed Than What to Keep)

- Partnering inspections with the local fire department who responds to fire calls
- Assistance to localities with part-time staffing or not enforcing SFPC
- Encourage localities to enforce SFPC
- Complaint Helps--such as overcrowded night clubs, chained doors (assembly areas), hood duct systems, etc.
- Assistance--such as expanded training in more localities
- Continue to do inspections (i.e., In State Colleges and Universities as opposed to in-house)
- Volunteers and part-time need the assistance of SFMO for the legal ability to enforce and to give more credibility to their citations
- Priorities for SFMO to keep
- Technical Assistance
- Have technical staff available in office for assistance--Improvement

- Public Education
- Contact people available for suggestions (Schools)
- Availability of printed materials for education. - Improvement

QUESTION #4: WHAT CHANGES OR ADDITIONS IN SERVICES ARE RECOMMENDED FOR THE SFMO? (CAN INCLUDE IMPROVEMENTS TO EXISTING SERVICES OR ADDITION OF NEW SERVICES)

- More Staff
- Money for Localities
- Encourage Localities to adopt Code
- Encourage Partnerships
- Ban answering machines
- Defined responsibilities between State and Local
- Fund Mandates
- Promote more public fire prevention education
- Encourage each Locality to provide a Fire Marshal
- State Owned Buildings inspected by Agency or Division of Engineering and Buildings
- Stop inspecting Nursing Homes until reimbursed at actual cost
- Charge Child Care Facilities for inspections
- Charge Local Government or Corrections for inspections of jails
- Send Newsletter when changes come out
- Send Memos out about issues such as fireworks
- Send Information to Fire Departments that do not have Fire Officials
- Joint Investigations
- One source clearing house for information

PRIORITIES: WHICH CHANGES ARE THE MOST IMPORTANT TO COMPLETE?

- Increase Staffing
- Increase Funding
- Uniformity

MOST DIFFICULT TO ACCOMPLISH

- Staffing
- Fighting battle to have SFMO be the “Ultimate” will be tough. Some agencies won’t want to lose parts, code development and enforcement out of DHCD. Fire Programs
- Changing the way Fire Code is developed

- Local jurisdictions pick up tab for child care inspections and other like one. Charge fees to profit
- Local agencies shouldn't inspect themselves.
- Agencies need training to accomplish the task of inspection
- More staffing of SFMO
- More Partnerships
- Uniform adoption of SFPC

COMMON THEME:

- Staffing
- Abilities for locals to contact--timely

QUESTION #1: WHAT ARE THE MOST IMPORTANT FIRE SERVICE NEEDS IN THIS REGION?

- Training
 - Continue current schedules
 - Updates on changes
 - Codes and State laws
- Code Enforcement
 - Elimination of Voice Mail whenever possible
 - Knowing who to call for a specific question or to get answers in a timely manner
- Staffing
 - Needs secretary to direct calls
 - The turnaround on different issues is adequate to slow
 - State Police could help in arson investigations
- Budget--Money--Staffing
 - Building and Fire working together overlapping duties
 - Help with answering or looking up questions
 - Assisting Localities in the enforcement of USBC Such as:
 - Inspections
 - Plan Review
 - Interpretation of Codes
 - Code Changes
 - Update and General Information

PRIORITIES: WHICH OF THESE NEEDS ARE THE MOST IMPORTANT TO RETAIN IN THE STATE FIRE MARSHAL'S OFFICE?

- All of the above

QUESTION #2: WHAT SHOULD BE THE RELATIONSHIP BETWEEN THE LOCAL FIRE SERVICE AND THE STATE FIRE MARSHAL'S OFFICE?

- Advocate for state
- Fire Service (speaking out publicly on fire issues)

- **Out of DHCD**
 - Move SFMO to Public Safety--Should be a State Agency
 - Champion fire protection and safety in Virginia
 - Play an active role in promulgation of Building and Fire Code Regulations
 - Resource
 - Rural Schools
 - Inspections
 - Building Official and Fire Official Assistance
 - Bring Fire and Building Officials together to resolve controversy
 - Two or three joint meetings with Fire and Building Officials
 - Assist in reviewing plans
 - Help smaller Building Departments with review
 - Needs to communicate with all Localities more (Joint Projects, Regulations, TRB Rulings, Schools etc.)
 - Help resolve controversial code interpretations
 - Meeting with regional Building Officials
 - Unification of requirements of Code

- Cooperate on:
 - Willingness to assist each other
 - Training--share, sponsor, instruct
 - Two or three times a year--meet and share
 - Advocate for State Fire Service (Publicly)
 - Speaking Out on fire issues
 - Willingness to assist each other
 - Play an active role in promulgation of regulations

PRIORITIES: WHAT ARE THE MOST IMPORTANT RELATIONSHIPS TO RETAIN OR STRENGTHEN?

- Working Together
- Unified Enforcement
- Code Interpretations
- Training
- Move SFMO into a greater leadership role--stronger authority

QUESTION #3 OF THE CURRENT SERVICES PROVIDED BY THE SFMO, WHICH ONES ARE UTILIZED IN YOUR REGION OR COMMUNITY?

- Technical Assistance
 - Assist with plans, review
 - Consulting
- Increased workload versus decreased employees and positions
- Need help with non-mandated inspections (insurance purpose)
- Assistance with plans reviews
- Assistance with enforcement of FPC in areas *not* enforcing
- Consulting services
- Complaints--assistance
- Technical assistance
- Adult care/ health facilities, schools, child care facilities inspections
- Increased workloads versus decreased employees in last ten years
- To be able to use SFMO for inspections when political concerns or pressures are put on local officials if SFMO had more staff
- Assistance/training Via dual inspections
 - SFMO staff teaching at Code Academy

PRIORITIES: WHICH SERVICES ARE THE MOST IMPORTANT TO KEEP?

- All of The Above

QUESTION #4: WHAT CHANGES OR ADDITIONS IN SERVICES ARE RECOMMENDED FOR THE SFMO

- Joint inspections
 - Share Information
- Additional inspection staff
- Insulate Fire Marshal from Politics
- Stronger enforcement authority
- Cause and origin investigations
- Vehicles marked
- Uniforms
- Visibility
- Don't send unfunded mandates to localities
- More technical staff
- State Fire Marshal a stronger focal point
- Joint Training--Fire and Building Officials
- Uniforms--visibility needed to know who they are
- Other--include regional meeting information in an Appendix to Final Report on the Fire Marshal's Office

HARDEST TO ACCOMPLISH

- Increase staff
- Increased workloads with a decreased staff

PRIORITIES: WHICH CHANGES ARE THE MOST IMPORTANT TO COMPLETE?

- Need help with inspections for insurance purposes (i.e., Churches)
- Keep plans review
- Keep consulting services
- Technical assistance
- Technical staff in office to answer questions
- More staff to do the work
- Functional staffing depending on needs
- Encourage Localities to adopt and enforce State Fire Protection Code
- Educational assistance to local Fire Marshals
- Communications and cooperation
- Incorporate staff
- Visibility and authority
- Do more with more people
- Building and Fire Prevention
- Work closer together
- SFMO to move out of DHCD

QUESTION #1: WHAT ARE THE MOST IMPORTANT FIRE SERVICE NEEDS IN THIS REGION?

- Public advocate for fire safety
- Coordination of legislation
- Head of state fire safety in every effort (i.e., functions as coordinators of emergency efforts)
- Data and analysis of the source of the Fire Problem in Virginia (Publish)
- Serve as an information source--issue alerts
- Assume ownership (responsibility) obtain and analyze data, decide position, issue policy
- Certify inspections, installers, blasters
- State representative to (State Fire Marshal) national groups
- Engineering services (non-government buildings)
- Cause and origin investigations

PRIORITIES: WHICH OF THESE NEEDS ARE THE MOST IMPORTANT TO RETAIN IN THE STATE FIRE MARSHAL'S OFFICE

- All of the above

QUESTION # 2: WHAT SHOULD BE THE RELATIONSHIP BETWEEN THE LOCAL FIRE SERVICE AND THE STATE FIRE MARSHAL'S OFFICE?

- Local fire service should report to State Fire Marshal's Office
- Oversight to see that Localities provide at least minimum or essential services (similar to State Police).
- Assume leadership in promoting partnerships between State and Local.
- Promote networking
- Training
- Local Fire Service reports to State Fire Marshal

PRIORITIES: WHAT ARE THE MOST IMPORTANT RELATIONSHIPS TO RETAIN OR STRENGTHEN?

- Promote Networking (Fire Safety Code Training, Building Regulations, Public Education for Trainers)

- Assume leadership in promoting partnerships between Localities and State
- Local Fire service reports to SFMO
- Oversight to assure that at least essential services are provided

QUESTION #3 OF THE CURRENT SERVICES PROVIDED BY THE SFMO, WHICH ONES ARE UTILIZED IN YOUR REGION OR COMMUNITY?

- Inspections
- Media Releases (Fireworks)
- Technical Assistance
- Plans Review

PRIORITIES: WHICH SERVICES ARE THE MOST IMPORTANT TO KEEP?

- More Education
- Technical Assistance
- Media Releases

QUESTION #4: WHAT CHANGES OR ADDITIONS IN SERVICES ARE RECOMMENDED FOR THE SFMO? (CAN INCLUDE IMPROVEMENTS TO EXISTING SERVICES OR ADDITION OF NEW SERVICES)

- More involved in education
- Advocate for higher education for Architects and Engineers
- Help with Child Care Facilities
- Advise on Code Issues (Technical Assistance)
- Language to use--Code change
- Plans Review
- Assistance to Building Officials.
- Inspections
- News releases (Fireworks)
- Single occupancy inspections (Local Fire Department would like copies). More communication between State and Local Fire Marshals--Re: Single Occupancy Buildings
- State Fire Marshal advocate for higher education for Architects and Engineers
- Assistance with inspections
- Inspection of State Office Buildings to Localities enforcing Fire Prevention Code
- Assist fire investigations--origin and fire prevention features of building
- Combined Investigation

- Police and Fire Marshal gives best results
- Fires--Cause of origin when not suspected Arson or suspicious State Fire Marshal's Office advocate for a higher level of training for Architects and Engineers
- State Fire Marshal to serve as an advocate for Fire Prevention Code in state if responsible. Localities would like to do inspections of State Owned Facilities (i.e., University)
- Life Safety Code® inspection training for locals - Hospitals
 - State -
 - Local Fire Marshals
- Help on any inspections for smaller shops
- investigations--origin--feedback on whether Fire Prevention Features of Building worked
- Areas enforcing code would like more communication between State and Local (i.e., State Buildings). They respond to fires and would like to be involved in construction inspection of State Office Buildings and copied on future inspections.
- Site plans review of State Office Buildings at state or local levels

PRIORITIES: WHICH CHANGES ARE THE MOST IMPORTANT TO COMPLETE?

- More Communication between State and Local Officials
- SFMO advocate for fire higher education for Architects and Engineers
- Assistance with inspections
- Inspections of single occupancy buildings to localities not enforcing SFPC
- Assist in fire investigations--origin and fire prevention features of building (i.e., firewalls).

MOST DIFFICULT TO ACCOMPLISH:

- Consolidate fire programs under Public Safety/have State Fire Marshal's office be head of it.
- Local inspections
- Stopping General Assembly from setting up mandates without proper funding
- Advocacy for Fire Service
- A role in economic development
- Third Party inspection mandates may be adopted year 2000 and beyond new performance-based codes. Are we managing the change?
- Recommendations of task force
- Codes hard to apply uniformly around the State.

COMMON THEMES:

- Leadership--ownership of fire safety issues in Virginia
- Fire statistics
- Single family inspections

QUESTION #1: WHAT ARE THE MOST IMPORTANT FIRE SERVICE NEEDS IN THIS REGION?

- Mandated Inspections
- Plans Review
- Technical Assistance

PRIORITIES: WHICH OF THESE NEEDS ARE THE MOST IMPORTANT TO RETAIN IN THE STATE FIRE MARSHAL'S OFFICE?

- All of the above

QUESTION #2: WHAT SHOULD BE THE RELATIONSHIP BETWEEN THE LOCAL FIRE SERVICE AND THE STATE FIRE MARSHAL'S OFFICE?

- State Fire Marshal's Office needs to be a separate entity from DHCD
 - Too many layers of protocol and various functions of fire service - More centralized To be more effective--better communication
 - State Fire Marshal's Office needs to be more one-on-one with localities
 - Other than child day care and health care--rest of duties that they are charged with having no direct impact to citizens of Virginia
 - Preplanning
 - New building plans approved with Fire Department input
 - Localities without paid services (Fire Marshal)--nobody enforces Code--State Fire Marshal's Office must work with localities. Can call State Fire Marshal's Office and say "I've got a problem" and State Fire Marshal's Office comes in to help.
 - All encompassing
 - State Fire Marshal's Office should take a greater leadership role in assuring consistency of laws. For example:
 - Fire Prevention Inspections
 - Education
 - Investigations
 - Change State Fire Marshal's Office inspection duties of agencies back to each agency
 - Put resources where the hazards are in the field--non State Buildings
 - Computer bulletins on what is going on in State Fire Marshal's Office
- Examples:*
- A. Omega Inspections

- B. Training
- C. Put Feelers Out for Training Needs
- Other duties for State Fire Marshal's Office can be changed back to an agency.
- Example:*
- A. Department of General Service
- They are held accountable
- You have to put resources where the hazards are
- State Fire Marshal's Office needs to be in field not just doing State Buildings
- Local Fire Departments do not know what the State Fire Marshal's Office does and vice versa--greater understanding to decrease duplication
- Computer Bulletin on what is going on with the State Fire Marshal's Office--Need public relations person to put out and receive information. For example:
 - Omega Sprinkler
 - Inspections
 - Training
- See if people are interested in a class. "Put Feelers Out"
- Example: Seasonal and often asked questions
 - Fireworks
 - Kerosene Heaters
- Resource/Communication networking between State and Local
- State and Local and Federal Codes working together
- Teamwork Effort--Clarify/Define Roles between one another-- work and network with each other
- Openings to share and unify for a common goal
- Training/education
- Occupancy and inspection issues
- Technical Assistance
- Consulting on unusual issues
- Fire Prevention Code in State Owned Buildings
- Construction inspection of State Office Buildings
- Dorms in State Owned Colleges
- Plans review for renovations in State Owned Buildings
- Technical Assistance
- At time State Building is being planned need to be up front consultation between Local and State on plans review matters

PRIORITIES: WHAT ARE THE MOST IMPORTANT RELATIONSHIPS TO RETAIN OR STRENGTHEN?

- Ability to get advice on Fire Prevention Code
- State Fire Marshal's Office--Central resource for Fire Prevention Code(s)
- Know who to refer clients to in Localities

- Should know differences Localities have in Fire Prevention Codes
- Helps in Code Changes

QUESTION #3 OF THE CURRENT SERVICES PROVIDED BY THE SFMO, WHICH ONES ARE UTILIZED IN YOUR REGION OR COMMUNITY?

- Provide Cause and origin to Locals (not arson) and in State Owned Buildings--no one to do this unless it is arson
- Locals need to be involved in State-Owned Construction. Locals respond to fires, etc.
- Technical Assistance
 - Consult on unusual issues
 - Central resource on Fire Prevention Code Questions
 - State Fire Marshal's Office should be more proactive as opposed to reactive.
- Training/education.
- Locals to be more involved In State Owned Construction

PRIORITIES: WHICH SERVICES ARE THE MOST IMPORTANT TO KEEP?

- Determine origin and cause
- State Fire Marshal to be the chief administrator for the State Fire Protection Code
- State Fire Marshal to be the lead agency regarding all fire related matters including training, public education, c&a, code enforcement
- Fire Marshal (State) to have an unrestricted voice in fire safety matters
- Proactive Code enforcement in non local enforcement jurisdictions

QUESTION #4 WHAT CHANGES OR ADDITIONS IN SERVICES ARE RECOMMENDED FOR THE SFMO? (CAN INCLUDE IMPROVEMENTS TO EXISTING SERVICES OR ADDITION OF NEW SERVICES)

- Provide in-depth training on specific Code sections and act as clearing house for Code interpretations.
- Increase staff size to improve timeliness of assistance.
- Stay active in development of National and State Building and Fire Codes
- Provide information to locals regarding our inspections and assistance with basic cause and origin
- Give assistance basic origin and cause (especially in rural areas).
- A focal point for statewide fire safety issues such as recalls, Omega sprinkler issue, etc. to provide uniformity across state

- Stay active in development of National and State Building and Fire Codes
- Clearing house of information for interpretations of Fire Codes for uniformity
- Liaison with other state agencies, DHCD, General Assembly, etc.
- Need someone to help with specific issues related to fire protection
- Increased staff size to improve timeliness of assistance
- Provide (or sponsor) in-depth training on specific Code sections and issues--uniformity
- Facilitate communication between Fire and Building Officials and communicate with both groups
- In areas without a local Fire Marshal, do inspections in other high hazard and high occupancy buildings
- Provide input on our inspections to local people, especially in State Buildings.
- Provide more training to local and volunteer fire departments
- (Use of codes, inspection techniques, liability) - scale down three week classes to a night or weekend for volunteers

PRIORITIES: WHICH CHANGES ARE THE MOST IMPORTANT TO COMPLETE?

- Origin and Cause Investigations
- State Fire Marshal to be the chief administrator for the SFPC
- State Fire Marshal to have an unrestricted voice in fire safety matters
- Pro-active Code enforcement in non local enforcement jurisdictions
- State Fire Marshal's Office to be the lead agency regarding all fire related matters including training, public education, and code enforcement

COMMON THEMES

- Clearing house/liaison (lead agency on fire related matters)
- Origin and cause investigations
- SFMO to be an independent agency
- Training--uniformity in Fire Prevention Code information

QUESTION #1: WHAT ARE THE MOST IMPORTANT FIRE SERVICE NEEDS IN THIS REGION?

- Criminal Investigations - arson and bombs under SFMO authority - assist on local level.
- Bring entire state under Fire Prevention Code--set a target date
- Provide Internet communication with other departments across State

PRIORITIES: WHICH OF THESE NEEDS ARE THE MOST IMPORTANT TO RETAIN IN THE STATE FIRE MARSHAL'S OFFICE?

- Continue existing services - add ones listed above

QUESTION #2 WHAT SHOULD BE THE RELATIONSHIP BETWEEN THE LOCAL FIRE SERVICE AND THE STATE FIRE MARSHAL'S OFFICE?

- SFMO should assume ownership (responsibilities) to obtain, analyze and issue statewide policy
- SFMO should take a greater leadership role in assuring consistency of laws
- SFMO should promote uniformity between Code Officials, Fire Officials, and Building Officials by providing more communication and information (Example: Fire Prevention Code)
- SFMO should provide "one stop shopping" - act as liaison to other agencies SFMO should take a lead role on issues such as:
 - Collection and analyses of fire information
 - Directing building and fire enforcement effort
 - Disaster/emergency preparedness (State Agencies?)
- SFMO should have an active role in Code development at BOCA level
- SFMO Should have more authority during construction
- SFMO should stay Code related
- SFMO should investigate fires from Code aspect to determine the effectiveness of construction elements
- SFMO should be a resource for disaster preparedness
- SFMO should coordinate training and certification
- SFMO should be a clearing house, for media, information, public education problem areas, etc.
- SFMO should coordinate all agency regions (i.e., DEQ Regions)
- SFMO Reports should be copied to localities

- SFMO should coordinate inspections with localities
- SFMO should publish upcoming events, especially what is coming up for review by The Technical Review Board
- SFMO should provide training for providers
- SFMO should provide guidelines for fire service groups to work with each other
- SFMO should provide more information to Local Fire Marshals

QUESTION #3: OF THE CURRENT SERVICES PROVIDED BY THE SFMO, WHICH ONES ARE UTILIZED IN YOUR REGION OR COMMUNITY?

- Inspections
- Technical Assistance
- Plans Review

PRIORITIES: WHICH SERVICES ARE THE MOST IMPORTANT TO KEEP?

- Continue Current services and expand to the following:
 - Provide additional manpower
 - Become more visible--stronger leadership-- higher profile
 - Become proactive - technical advisors for entire State
 - Perform arson investigations
 - Increase communication with localities
 - Deal with issues at State-Owned Colleges
 - Eliminate option of enforcement of Fire Prevention Code
 - Inspect other buildings in areas not enforcing SFPC
 - Retain at DHCD with more authority
 - Maintain balance with Building Officials and Fire Officials
 - Take an active role in laws being written
 - Inspect high hazard buildings
 - Move to Public Safety
 - Send copies of reports to local officials
 - Take the lead in problems (Omega)

QUESTION #4 WHAT CHANGES OR ADDITIONS IN SERVICES ARE RECOMMENDED FOR THE SFMO?

- Take leadership and ownership of fire related issues
- Notification and coordination of inspections with local jurisdictions - they need to know what problems exist in state owned and inspected properties

- Put SFMO in Public Safety
- Be responsible for public fire education, HAZMAT and environmental issues, fire investigations, Code enforcement
- Add more Fire Marshals
- Education and communication from the SFMO
- Training for fire professionals
- Defer enforcement of Codes in State-Owned properties to Local Fire Marshal if Locality so chooses
- See Results from this Study

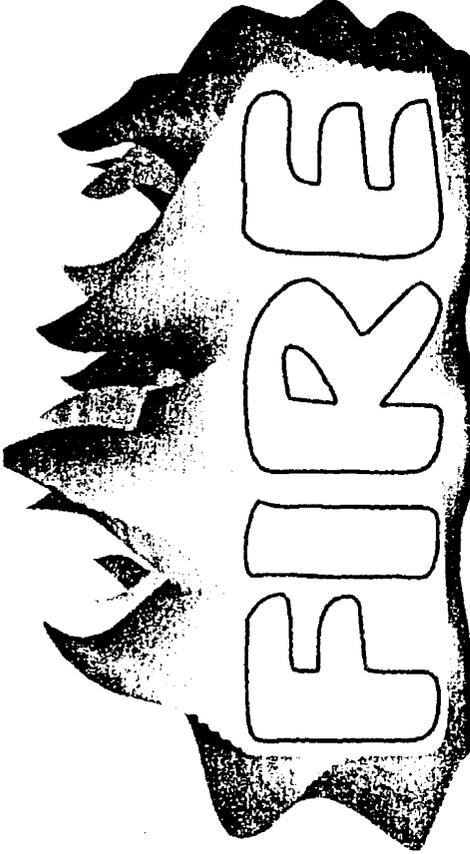
PRIORITIES: WHICH CHANGES ARE THE MOST IMPORTANT TO KEEP?

- Maintain coordination between building and fire related enforcement
- Support from SFMO to local volunteer fire departments
- HAZMAT enforcement and environmental crimes under SFMO with local assistance
- Stronger leadership and guidance from SFMO toward uniform enforcement of Statewide Building Code and Statewide Fire Prevention Code
- Increase staffing in regional offices/additional offices
- Mutual aid agreement
- The source of information
- Data collection and analysis to direct building and fire prevention efforts
- Promote uniformity between Code Officials, Fire Officials and Building Officials
- Stronger communication
- Provide State guidelines on important issues
- Lead role on major issues, Code interpretation, intent and applications
- Inspections (all)
- Inspections of State-Owned Buildings
- Technical assistance
- Provide communication between Local and State of Fire Code issues, inspections completed, etc.
- Joint inspections with Localities
- Additional manpower
- A technical advisor throughout State and more proactive
- Arson investigators should be under SFMO
- More visible-- stronger leadership, higher profile
- Inspections of schools, resident care, child care facilities and health care
- Either joint inspections or copies of inspections
- Enforcement of Codes--not giving in to political pressure
- Decentralize inspectors as was done with DES-- put them in with the localities that they serve and make them more accessible
- Combination of fire education, Code enforcement, fire investigations and other fire related matters into a single agency

COMMON THEMES

- Coordination of Code Issues
- Communication between State and Local Officials
- Increased Staffing with the possibility of satellite offices SFMO More visible with a strong leadership role
- Keep Building and Fire regulations together--despite location
- Support from SFMO to Local and volunteers on Enforcement and HAZMAT issues
- Coordination of Disaster Plans - Local Building Officials, Fire Officials, SFMO
- Clearing House/liaison (lead agency on fire related matters)
- Origin and cause investigations
- State Fire Marshal's Office as an independent agency
- Training/uniformity Fire Prevention Code information

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SPACE IS LIMITED - RSVP TODAY (804) 371-7153



**THE STATE FIRE MARSHALS
EVALUATION TASK FORCE
INVITES
YOU
TO ATTEND
AN
INFORMATIONAL WORKSHOP
ON
AUGUST 20, 1997
ROANOKE
OR
AUGUST 21, 1997
WYTHEVILLE
OR
AUGUST 28, 1997
LEESBURG
OR
SEPTEMBER 10, 1997
RICHMOND
OR
SEPTEMBER 11, 1997
HAMPTON
FROM
6:00 P.M. TO 9:00 P.M.**

R.S.V.P.

WHY?

THE GENERAL ASSEMBLY HAS REQUESTED A STUDY OF THE STATE FIRE MARSHAL'S OFFICE INCLUDING THE ROLE AND RESPONSIBILITIES OF THE STATE FIRE MARSHAL'S OFFICE AND THEIR RELATIONSHIP TO LOCAL FIRE OFFICIALS.

WHO SHOULD ATTEND?

- * **FIRE MARSHALS**
- * **BUILDING OFFICIALS**
- * **FIRE CHIEFS**
- * **LOCAL LAW ENFORCEMENT OFFICERS**
- * **OTHER FIRE SERVICE PERSONNEL**

WHAT?

A FACILITATED DISCUSSION ON:

- * **CURRENT SERVICES**
- * **PRIORITY OF SERVICES**
- * **IMPORTANCE OF SERVICES TO CUSTOMERS**
- * **ADDITIONAL SERVICES?**
- * **CHANGES NEEDED IN SFMO SERVICES**
- * **PRIORITY OF CHANGES**

WHERE?

**AUGUST 20, 1997 - ROANOKE, VIRGINIA
NORTH SIDE HIGH SCHOOL
*I-81 to I-581 to Peters Creek Road South & turn right on NORTH SIDE High School Road***

**AUGUST 21, 1997 - WYTHEVILLE, VA.
HOLIDAY INN
*US 11, I-81 & I-77***

**AUGUST 28, 1997 - LEESBURG, VIRGINIA
FIRE AND RESCUE TRAINING CENTER
16600 COURAGE COURT
*Across from Leesburg Airport***

**SEPTEMBER 10, 1997 - RICHMOND, VA.
J. SARGENT REYNOLDS
1651 EAST PARHAM RD, BLD. B, RM. 101
*Exit 8N off I-64, 5 miles on right.***

**SEPTEMBER 11, 1997 - NEWPORT NEWS, VA.
OMNI HOTEL
*EXIT 258A OFF I-64***

R.S.V.P. IMMEDIATELY TO:

**STATE FIRE MARSHAL'S OFFICE
501 NORTH SECOND STREET
RICHMOND, VIRGINIA 23219
PH. (804) 371-7153 FAX (804) 371-7092**



COMMONWEALTH of VIRGINIA

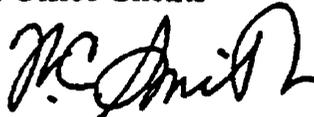
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

George Allen
Governor

Robert J. Stolle
Secretary of
Commerce and Trade

Warren C. Smith
Director

November 6, 1997

TO: State Fire Marshal's Office Clients
FROM: Warren C. Smith 
REF: Input - FIRE MARSHAL'S EVALUATION TASK FORCE

The Fire Marshals Evaluation Task Force was convened to evaluate the powers of the state and local fire marshals as set forth in the Code of Virginia, Budget Bill, 1997 Session Amendments (See attached information).

Input from our client groups is extremely important. Therefore, we are herewith requesting your comments regarding the role, function and authority of state and local fire marshals. Please fax or mail your input by November 14, 1997. Enclosed is a list of the task force members should you wish to comment directly to them. We have attached a list of questions which may assist you in developing your comments/recommendations.

Should you have further questions, call Phyllis Withers at (804) 371-7155. You may fax your comments to her at (804) 371-7092.

Enclosures 3

cc: State Fire Marshals Evaluation Task Force Members

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Small Work Group Focus Questions

Group One

Focus What are the most important fire service needs in this region?

Priorities Which of these needs are the most important to retain in the SFMO?

Group Two

Question What should be the relationship between the local fire service and the State Fire Marshal's Office?

Priorities What are the most important relationships to retain or strengthen?

Three

Question Of the current services provided by the SFMO, which ones are utilized in your region or community??

Priorities Which services are the most important to keep?

Group Four

Question What changes or additions in services are recommended for the SFMO? (Can include improvements to existing services or addition of new services)

Priorities Which changes are the most important to complete?

CLIENT SURVEY

Public School - Comments

- Training For Principals And Central Office Staff
- Workshops And Literature
- Fire Prevention Education
- Data Bank
- More Training
- Collaboration
- Availability
- Inspections Ever Other Year Rather Than Every Year
- Additional Inspectors
- Assistance In Getting New Equipment
- Consultation, Inspection And Training
- Plans Review
- Local Fm Should Report To State
- Information, Updates
- Better Communication
- Fire Prevention And Investigation
- Source Of Reference For The Local Fire Marshal
- State Should Provide Administrative Support To Local Fire Agencies
- More Consistent Approach To Inspections And Regulations
- Code Updates
- Fire Safety Education
- Investigations
- Resource

University - Comments

- Continuity Of Enforcement
- Additional Staffing
- Education For Staff
- Updates And Training

Adult Care - Comments

- Consistent Interpretations
- Consultation
- Training/education
- Final Say In Fire Situations
- Advice And Training For Local Staff

