

Active Shooter and Hostile Threats in Public Buildings Meeting Summary

December 8, 2021 9:00 a.m. - 10:55 a.m.

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

ATTENDEES:

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

Cindy Davis: Deputy Director, Division of Building and Fire Regulations (BFR)

Jeanette Campbell: Administrative Assistant, BFR

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

Richard Potts: Code Development and Technical Support Administrator, SBCO

Paul Messplay: Code and Regulation Specialist, SBCO

Florin Moldovan: Code and Regulation Specialist, SBCO

Travis Luter: Code and Regulation Specialist, SBCO

Chad Lambert: Code and Regulation Specialist/South West Virginia, SBCO

Study Group Members:

Jimmy Moss: Virginia Building and Code Officials Association

Ernie Little: Virginia Fire Prevention Association, Virginia Fire Services Board

Billy Hux: Virginia Department of Fire Programs, Virginia State Fire Marshal

Mark Dreyer: Virginia Department of General Services, Division of Engineering and Buildings, State Review Architect

Patrick Green: Virginia state police First Sergeant and training manager

James Garrett: City of Chesapeake Police Department, Lieutenant in charge of S.W.A.T., and 911 coordinator

Cmdr. Chris Kuyper: Roanoke County Police Department Commander, Special Ops. instructor for county, FBI active shooter taskforce, Washington DC

Kurt Roeper: Door and Hardware Institute

Other Interested Parties:

Christopher Barry: Virginia Fire Chiefs Association, Fire Prevention Inspector-Loudoun County

Todd Strang: Fire Official-Spotsylvania County

Nadia Vugteveen: Virginia Commonwealth University Student

Stewart Anderson:

Andrew Milliken: Virginia Fire Chiefs Association, Virginia Fire Services Board Chairman of Fire Codes and Standards Committee

Ken Cook: Allegion

Dan Willham: Fairfax County

Study Group Members not in attendance:

Rob Comet – American Institute of Architects-VA

Frederick Presley - Stafford County

Jim Crozier - Orange County

Jack Taylor - Nightlock

Teri Morgan – Virginia Board for People with Disabilities

AGENDA AND DISCUSSION ITEMS: Power Point is on the DHCD website, with a link on the cdpVA website

1) Welcome

Jeff Brown: Welcomed participants to the Adobe Connect meeting. He noted that these meetings will be recorded; there will be no video for these meetings due to bandwidth limitations. He went over housekeeping items for participants: stay on mute if not speaking; use 'raise hand' function and wait to be announced; there will be hourly breaks; meetings are open to anyone, but discussions should be only between Study Group members. Documents presented will be posted later. Please be professional, respectful and concise when speaking.

2) Introductions

Jeff Brown: Introductions – DHCD staff members introduced themselves; Study Group members introduced themselves. Jeff reminded all that the discussion is among Study Group members and others are welcome to listen in on the meeting.

3) Overview of VA Code Development Process

Jeff Brown: Gave an overview of the 2021 Virginia Code Development Cycle with approximate dates by month of when each of the steps happen, i.e.: cdpVA opened for proposals in October 2021, NOIRAs were published in November 2021, groups meet to discuss code change proposals between December and June 2022, BHCD considers proposals in September 2022 and proposed regulations in December 2022, 2021 codes become effective in Virginia in the fall or winter of 2023.

The cdpVA website is: va.cdpass.com The Virginia online code development system accepts proposals from anyone and all the information provided and captured during the process is available for viewing.

Study Groups study specific topics, identify areas of consensus and disagreement, and determine if code change proposals or other solutions are appropriate. They may review proposals, provide analysis, make recommendations, and/or develop code change proposals. Topics and proposals are meant to be presented and discussed during the proposed regulation phase, not the final phase, which is reserved for errors or minor corrections. Proposals and recommendations of Study Groups are reviewed by the General Workgroups prior to BHCD consideration. Study Groups are disbanded after they complete discussions.

Sub-Workgroups Review all code change proposals within their subject topics. They make recommendations on each proposal, including negotiating compromises where appropriate, in an attempt to form a group consensus on each proposal. They may also develop new code change proposals, or support proposals submitted by others by joining the proposal as a proponent. Proposals and recommendations of Sub-Workgroups are reviewed by the General Workgroups prior to BHCD consideration.

General Workgroups are open to all public for discussion and comment. They will review all proposals received, and aim for a consensus to approve or disapprove each one. They will recommend the proposals to the BHCD in blocks, sorted by those receiving consensus to approve or disapprove, as well as non-consensus proposals. The consensus proposals are usually voted through as recommended. Non-consensus proposals go to the BHCD in their entirety, including summaries and all related documents. Recommendations from this Study Group, for example, will go to General Workgroups and then to the BHCD as outlined.

4) Background

Jeff Brown: **2019 General Assembly Session: Senate Bill (SB) 1755** directed DHCD to convene stakeholders to develop USBC and SFPC proposals regarding safety and security measures for active shooter or hostile threats. The directive was specific to elementary and secondary schools and public or private higher education

institutions. The review was to include examination of locking devices, barricade devices and other safety measures. This current Study Group has the same objectives, but is not limited to the same type of building.

2018 Code Development Cycle formed a School Safety Sub-Workgroup in February-March 2019, which convened April-August 2019. A non-consensus proposal, B108.1-18, was submitted to the BHCD, who approved it in December 2020. The 2018 USBC and SFPC became effective on July 1 this year.

2018 IBC Code sections: 1010.1.4.4 Locking arrangements in Group E and B educational occupancies. Provided for egress doors with locking arrangements to keep intruders out as long as the door is capable of being unlocked from outside with a key or other approved means, the door opens from inside the room as per Section 1010.1.9 and there are no modifications made to listed panic hardware, fire door hardware or door closers. **1010.1.4.4.1** Included remote operation of locks as per Section 1010.1.4.4. These IBC requirements were the baseline for the 2018 School Safety Sub-Workgroup meetings.

2018 School Safety Sub-Workgroup met four times. Multiple code change proposals and versions were considered. A full consensus was not reached, but 2 options were submitted to the BHCD. **B108.1-18:** Compliance path in VCC for ‘emergency supplemental hardware’ and **BO101.1:** Add a VCC appendix including a compliance path for ‘emergency supplemental hardware’ which would be optional for each locality to adopt.

B108.1-18 was approved: The term ‘emergency supplemental hardware’ – any approved hardware used only for emergency events or drills to keep intruders from entering the room during an active shooter or hostile threat event or drill (barricades, in short). These devices are allowed in Group E (except day care facilities) and Group B educational occupancies. This was included in the 2018 USBC and SFPC and became effective July 1, 2021. Proponents were noted, but not all in the Sub-Workgroup supported it. **BO101.1.1-18** also included some proponents, but was not approved.

2020 General Assembly Session: SB 333 and HB 670 Directed DHCD to convene stakeholders to develop USBC and SFPC proposals with the goal of assisting in the provision of safety and security measures for the Commonwealth’s public buildings for active shooter or hostile threats. These two bills are identical, and share the same objective as the 2019 General Assembly SB 1755, except that it relates to public buildings instead of educational institutions.

Current Study Group objectives: SB 333 and HB 670: Develop proposals to change USBC and SFPC to provide safety and security measures for active shooter or hostile threats in public buildings. There will potentially be some members who support and some who oppose, however there needs to be a goal of ultimately providing proposals for consideration by the Board, even if not supported by all members. The group is welcome to provide data and presentations regarding their position in any matter discussed. Try to develop proposals in line with what is already established in the codes for education buildings. If there is not full consensus, all information, including proponents and those opposed will be given to BHCD. Before moving forward with developing proposals, group members should review and understand the existing USBC and SFPC requirements.

All Virginia codes are available for free online at: <https://codes.iccsafe.org/codes/virginia>

2018 USBC - Current Virginia code requirements (effective 7/1/21):

New term defined: “Emergency Supplemental Hardware” is any approved hardware used only for emergency events or drills to keep intruders from entering the room during an active shooter or hostile threat event or drill. The technical term can be interchangeable with ‘barricades’ or ‘ESH’ in discussions.

Section 108.1: When applications are required. Application for permit shall be obtained before any work is done during construction or demolition and for installations or alterations to any required means of egress system, including the addition of emergency supplemental hardware.

Section 110.1.1: Consultation & Notification. Prior to approval of ESH, the Building Code Official shall consult with local Fire Code Official or state Fire Marshal’s office and local law enforcement agency. All officials need to be notified of approval and installation.

Sec 1010.1.4.4: Locking arrangements in educational Group E (except day care) and Group B institutions; internal doors for classrooms, offices and other occupied rooms are permitted to have ESH when 7 conditions are met:

1. Door can be opened from outside the room with a key, other manufacturer device or other approved means.
2. Door opens from within the room as per Section 1010.1.9, except when ESH not required to comply with Chapter 11. Schools should consult with legal counsel regarding accessibility and any other applicable requirements.
3. Installation of ESH on fire door must comply with Section 716.2 with no modifications to panic hardware fire door hardware or door closures.
4. ESH shall not be capable of being used on other doors not intended for use, and need at least one component requiring modification or is permanently affixed to surrounding wall, floor, door or frame to properly function.
5. Employees shall have lockdown training procedures about how to deploy and remove ESH, and its use shall be in the approved lockdown plan complying with the SFPC.
6. ESH and components shall be maintained in accordance with the SFPC.
7. Approved ESH shall be consistent throughout building (except alternate types of ESH in accordance with Section 110.1 when a consistent device can't be installed).

2018 USBC: ESH related amendments to general VCC requirements:

1010.1.9 Door operation prohibits a special key or knowledge to get out (exception added for ESH)

1010.1.9.1 Hardware has no tight grasping, pinching or twisting of wrist required (exception added for ESH)

1010.1.9.2 ESH height – 48” maximum above the floor (lower than 34” is ok for ESH)

1010.1.9.4 Locks and latches permitted. New item #7: Egress doors equipped with ESH complying with 1010.1.4.4

7.1 Visible sign on egress side “This hardware shall be used by authorized personnel only” in 1-inch letters on contrasting background.

7.2 Use of ESH is revocable by building fire official for due cause (in case of unauthorized or abusive use)

1010.1.9.5 Bolt locks: Prohibits manually operated flush or surface bolts (exception added for ESH)

1010.1.9.6 Unlatching shall not require more than one operation (exception to allow one additional operation for release of ESH).

1010.1.9.8 Delayed Egress: Exception to clarify that ESH shall not be considered a delayed egress locking system.

1103.2.15: New exception to the general accessibility requirements added for Group E buildings (except daycare) and Group B educational occupancies, when ESH is deployed during active shooter or hostile threat event.

2018 SFPC:

New term defined: Emergency Supplemental Hardware: Any approved hardware used only for emergency events or drills to keep intruders out during an active shooter or hostile threat event or drill.

SFPC 404.2.3.1 Lockdown Plan contents: Items to be included in lockdown plans item 4.4 amended to ensure lockdown plan also includes description of how locking complies with VCC

406.3.4.1 New section: ESH training shall be done and records shall be available to fire code official on request

1001.4 New Section: Unauthorized use – no person shall use ESH to prevent ingress or egress, except:

An authorized person for a real or perceived active shooter or hostile threat

Used in a lockdown drill as required

Used for testing and training by emergency response personnel.

If ESH is used for any of the 3 reasons, it must be removed immediately after the conditions pass.

1010.1.9 Door operations. Except as specifically permitted by the applicable building code (added for approved ESH), egress doors shall be clear to open without use of a key or special knowledge or effort.

1010.1.9.4 Locks & Latches. There must be a visible sign on the egress side of the door with 1-inch letters on a contrasting background stating “THIS DOOR TO REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED”. There must also be a visible sign on the egress side of the door, adjacent to the ESH, with 1-inch letters on a contrasting background stating “THIS HARDWARE SHALL BE USED BY AUTHORIZED PERSONNEL ONLY”.

1031.2 Reliability. Unless otherwise permitted by the applicable building code (added for approved ESH), exits shall be free from obstructions.

1031.11 New Section. Maintenance of ESH: Allows the fire code official to revoke the use and storage of ESH for due cause.

5) Next Steps

Jeff Brown:

Group purpose in developing and submitting USBC and SFPC code change proposals includes examining:

1. Public buildings – determine what buildings to include
2. Other devices and safety measures – Identify and consider devices or measures for doors and windows
3. Accessibility – ensure that any proposals address compliance with basic accessibility requirements.

Code Change Proposals expectations:

1. Group members are not expected to be a proponent of any proposal that they do not support
2. Proposals developed by group will be submitted with information clearly identifying members in support
3. Proposals will be submitted in cdpVA for further review by all stakeholders
4. Proposals will be discussed by General Stakeholder Workgroups to determine the recommendation prior to going to BHCD
5. Nobody is prevented from submitting a related proposal at any time.

6) Discussion

Jeff Brown opened the floor for discussion:

Kurt Roeper: Process questions – will the slides presented today be available to review later?

Jeff Brown: Yes, there's a copy of this presentation in the bottom left box of this Adobe Connect meeting. There will also be a link to the presentation posted in cdpVA.

Kurt: Regarding the current building code development cycle – does it begin with the current Virginia building code (2018 VCC), or with the ICC code (2021 IBC) as a base?

Jeff: It starts with the current Virginia building code regulations (2018 adopted 7/1/21). Any changes proposed, will be changes to the existing VCC. If there are sections of the IBC that are not amended by Virginia, the 2021 ICC text will be the starting point.

Mark Dreyer: Does anyone on the call have any anecdotal examples of ESH installation at a school since the 2018 VCC code became effective in July?

Jeff Brown: Unaware of any specific examples. He said he would check into it, and also asked group members to share if they find any occurrences.

Mark: He's looking for testimony from individuals who have seen these approved and installed, and thinks it could be useful to the group discussion.

Cindy Davis: As a reminder, Augusta County schools installed something and it precipitated the General Assembly discussion. We could reach out to Augusta County.

Mark: To clarify, he is wondering if any barricades have been approved and installed in any schools after July 2021, using the new Virginia 2018 code language; to see if there were any lessons learned, or expectations not met.

Mark Dreyer: is wondering if they can start a discussion now on what is a 'public building'.

Jeff: His impression is that the intent was not to consider every building open to the public, but that it was more geared towards governmental buildings.

Mark: Was certainly thinking state buildings would be included, but could it also include local city or county buildings (ex: Henrico public library)?

Jimmy Moss: typed in that he agreed with the initial thought that public buildings include state and local.

Cindy: shares a reminder that the legislation came in on the heels of the Virginia Beach shooting. It is probably on point to think state and local government buildings. This may require a new definition.

Jeff: Identifying what is a public building will need to be agreed upon by the group. This is a good start for homework, and a good start for any proposal that is recommended.

7) Next Meeting and pre-meeting work:

Jeff Brown: Prior to next meeting:

1. Review existing code requirements and reach out to DHCD with any questions.
2. Identify other devices or security measures for doors and windows – provide to DHCD by 12/20
3. Identify any other helpful/relevant information (reports/data) for review – provide to DHCD by 12/20

If anyone has something for the group to consider between now and the next meeting, notify DHCD or Jeff directly, so it can be distributed to the current Study Group and interested party email list.

Next Meeting (Virtual):

January 5, 2022

9:00 am to 3:00 pm

(with lunch break from 12:00 pm to 1:00 pm)

Jeff will try to send the agenda before the holidays (around 12/22)

DHCD attempts to publish all meeting summaries within a week or so for review.

Jeff thanked everyone and dismissed the group with happy holiday wishes.