



Ralph S. Northam  
Governor

R. Brian Ball  
Secretary of  
Commerce and Trade

# COMMONWEALTH of VIRGINIA

Erik C. Johnston  
Director

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

August 31, 2018

### MEMORANDUM

**TO:** Board of Housing and Community Development Members  
**FROM:** Kyle Flanders  
**SUBJECT:** September 7, 2018 Board of Housing and Community Development Meeting

Enclosed is the *updated* agenda and information package for the Board of Housing and Community Development meeting to be held on **Friday, September 7, 2018**. *This package includes numbered pages and an additional agenda item regarding USBC technical corrections. The full Board will convene at 10:00 a.m. to hear public comment.* The Statewide Fire Prevention Code Development Committee will meet at the conclusion of the public comment. This meeting will be followed directly by the Codes and Standards Committee. At the conclusion of the Codes and Standard Committee there will be a joint meeting with the Fire Services Board. The last meeting of the day will be a regular meeting of the Board.

The Board Package Includes the Following Materials:

#### SFPC Materials

- Comments received during the additional (8/6-9/5) comment period
- Summary Response to July 20 SFPC Package
- Definitions
- Detailed Response to July 20 SFPC Package
- SFPC Published Errors
- SFPC Adoption Timeline
- [Link to SFPC Package dated July 20 \(previously sent\)](#)

#### Other Materials

- *USBC Technical Corrections (new material) page 100*
- Board Retreat Memo
- Committee membership and leadership 2018-2019

The Board meeting will be held at the **Virginia Housing Center** located in Innsbrook at 4224 Cox Road in Glen Allen, Virginia. Lunch will be provided during the meeting.

If you will not be able to attend the Board meeting, please contact me as soon as possible. I can be reached by e-mail at [kyle.flanders@dhcd.virginia.gov](mailto:kyle.flanders@dhcd.virginia.gov) or by telephone at 804-786-6761. Please let me know if you have any questions or if I can be of assistance. I look forward to seeing you at the meeting.

Enclosure

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# **AGENDA**

## **BOARD OF HOUSING AND COMMUNITY DEVELOPMENT**

### **Statewide Fire Prevention Code Development Committee**

**Friday, September 7, 2018**

**Meeting to begin at the conclusion of Public Comment held before the Board**

- |      |   |                   |
|------|---|-------------------|
| I.   | OPENING   |                   |
|      | a. Call to Order  | Chairman          |
|      | b. Roll Call  | Kyle Flanders     |
| II.  | REVIEW of FINAL REGULATIONS for the SFPC                      | Committee Members |
|      | o Action: Recommendation to the Codes and Standards Committee |                   |
| III. | OTHER BUSINESS  | Committee Members |
| IV.  | ADJOURNMENT   | Chairman          |

**Note: There will not be an open public comment period during the meeting**

# AGENDA

## BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

### Codes and Standards Committee

Friday, September 7, 2018

Glen Allen, VA

Meeting to begin directly after the conclusion of the Statewide Fire Prevention Code Development Committee

- I. OPENING
  - a. Call to Order Chairman
  - b. Roll Call Kyle Flanders
  
- II. CONSENT AGENDA Chairman
  - Approval of Minutes: July 30, 2018*
  
- III. DISCUSSION of PETITIONS and ADDITIONAL COMMENTS for the STATEWIDE FIRE PREVENTION CODE (SFPC) Chairman
  - o **Committee Action:** Recommendation to the Board regarding final provisions for the Statewide Fire Prevention Code
  
- IV. DISCUSSION of USBC TECHNICAL CORRECTIONS Chairman
  - o **Committee Action:** Recommendation to the Board regarding technical corrections
  
- V. OTHER BUSINESS Committee Members
  
- VI. ADJOURNMENT Chairman

**Note: There will not be an open public comment period during the meeting**

# **AGENDA**

## **BOARD OF HOUSING and COMMUNITY DEVELOPMENT JOINT MEETING with the VIRGINIA FIRE SERVICES BOARD**

**Friday, September 7, 2018**

**To begin directly after the Codes and Standards Committee of the BHCD**

- |      |  |          |
|------|--|----------|
| I.   | CALL to ORDER                            | Chairman |
| II.  | REVIEW of FINAL REGULATIONS for the SFPC | Chairman |
| III. | ADJOURNMENT                              | Chairman |

**Note: There will not be an open public comment period during the meeting**

# AGENDA

## BOARD OF HOUSING and COMMUNITY DEVELOPMENT

Friday, September 7, 2018

Glen Allen, VA

**Public Comment before the Board will begin at 10:00 a.m.; the remainder of the agenda will begin at the conclusion of the Joint Meeting**

- |       |   |                    |
|-------|---|--------------------|
| I.    | OPENING   |                    |
|       | a. Call to Order  | Chairman           |
|       | b. Roll Call  | Kyle Flanders      |
|       | c. Public Comment   | Chairman           |
| II.   | CONSENT AGENDA  | Chairman           |
|       | o <i>Approval of Minutes</i> : July 30, 2018                      |                    |
| III.  | REPORT of the CODES and STANDARDS COMMITTEE and the JOINT MEETING | Committee Chairman |
|       | <i>Action Items</i>   |                    |
|       | o Adopt final provisions for the SFPC                             |                    |
|       | o Adopt USBC technical corrections                                |                    |
| IV.   | REPRESENTATIVE to VHDA BOARD                                      | Chairman           |
| V.    | CODE CHANGE PROCESS UPDATE  | Cindy Davis        |
| VI.   | BOARD RETREAT   | Erik Johnston      |
| VII.  | REPORTS AND INFORMATION   |                    |
|       | a. VHDA Report  | Susan Dewey        |
|       | b. Report of the Virginia Fire Services Board                     | Sean Farrell       |
|       | c. Report of the Director   | Erik Johnston      |
| VIII. | UNFINISHED BUSINESS   | Board members      |
| IX.   | NEW BUSINESS  | Board members      |
| X.    | BOARD MATTERS   | Board members      |
| XI.   | FUTURE BOARD MEETING DATES  | Erik Johnston      |
|       | o Board Retreat   |                    |
|       | o October 25/26   |                    |
|       | o December 17 (Tentative)   |                    |
| XII.  | ADJOURNMENT   | Chairman           |

**BOARD OF HOUSING AND COMMUNITY DEVELOPMENT**  
**Statewide Fire Prevention Code Development Committee**  
**Monday, October 16, 2017**  
**9:00 a.m.**  
**Glen Allen, VA**

**Members Present**

Jeff Bailey (VFSB)  
Walt Bailey (VFSB)  
J.P. Carr (BHCD)  
Robby Dawson (VFSB)  
Sean Farrell (BHCD)  
Tommy Shields (BHCD)

**Members Absent**

Call to Order

Mr. J.P. Carr, Chairman of the Statewide Fire Prevention Code Development Committee called the meeting to order.

Roll Call

The roll was called by Mr. Kyle Flanders of the Department of Housing and Community Development's (DHCD) Policy Office. Mr. Flanders reported that a quorum was present.

Opening Remarks

Mr. Carr noted that there would not be public comment during the committee meeting, though the chair may recognize members of the audience for limited comment on specific items. It was noted that any action taken by this committee would be presented as a recommendation to the Codes and Standards Committee.

Mr. Bill Shelton, Director of DHCD, stated that questions arose from the last meeting on procedures of the Board. Mr. Shelton confirmed that based on Robert's Rules of Order and the bylaws of the Board, that the chair is a voting member of the body and is entitled to a vote.

Mr. Carr wanted to advise the he felt the committee overlooked section 301.3 of the Virginia Statewide Fire Prevention Code (SFPC) concerning certificate of occupancy and stated there was conflicting language between the SFPC and the Virginia Uniform Statewide Building Code (USBC). Mr. Robby Dawson stated that he did not think it conflicted because they were separate regulations. Mr. Tommy Shields moved to change the language in the code section from shall to may to align with the USBC and Mr. Sean Farrell seconded the vote;

the motion failed on a tie vote.

Approval of Minutes

A motion was made and properly seconded to approve the minutes from the September 18, 2017 meeting of the committee; the motion passed.

Review of Final Regulations for the SFPC

Ms. Cindy Davis, Deputy Director of DHCD's Building and Fire Regulations Division, presented the final regulations based on the approved proposals made by the Codes and Standards Committee.

Mr. Dawson expressed concerns over the process of this code cycle. He indicated that he did not believe the final regulations were ready to come to the board for approval.

Mr. Shields made a motion to recommend approval of the final regulations as presented to the Codes and Standards Committee with Mr. Farrell seconding the motion; the motion failed on a tie vote.

Other Business

There was no other business to be discussed.

Adjournment

The meeting was adjourned

**BOARD OF HOUSING AND COMMUNITY DEVELOPMENT**  
**Codes and Standards Committee**  
**Monday, July 30, 2018**  
**10:20 a.m.**  
**Glen Allen, VA**

**Members Present**

Sonny Abbasi  
J.P. Carr  
Mimi Elrod  
Sean Farrell  
Andrew Friedman  
Richard Gregory  
Helen Hardiman  
Abigail Johnson  
Keith Johnson  
Jeff Sadler  
Steve Semones

**Members Absent**

Earl Reynolds  
Patty Shields

Call to Order

Mr. J.P. Carr, Chairman of the Codes and Standards Committee called the meeting to order.

Roll Call

The roll was called by Mr. Kyle Flanders of the Department of Housing and Community Development's (DHCD) Policy Office. Mr. Flanders reported that a quorum was present.

Approval of Minutes

A motion was made and properly seconded to approve the minutes from the October 16, 2017 meeting of the committee; the motion passed.

Discussion of Petition and  
Additional Comments for the  
Virginia Maintenance Code

Ms. Cindy Davis, Deputy Director of Building and Fire Regulations at DHCD, stated that a petition was received in regards to the Virginia Maintenance Code within the Uniform Statewide Building Code (USBC). Mr. Sean Farrell stated that the petition came forward from the Apartment and Office Building Association of Metropolitan Washington and the Virginia Apartment Management Association with concerns pertaining to the responsibility section and new language regarding legal proceedings. Since the filing of the petition, consensus was reached among stakeholders. The stakeholders agreed that, in regards to 13VAC5-63-470, Chapter 1 Administration; Section 103 Application of Code; Sec. D. 103.2.3 Responsibility, no revisions were necessary. However, they proposed deletion of the last sentence of Section 105.6 and adding a new subsection, 105.6.1:

Further action for corrected violations

After discussion, a motion was made and properly seconded to recommend the Board adopt the final regulations for the USBC as presented to the committee.

Other Business

There was no other business to be discussed.

Adjournment

The meeting was adjourned

**BOARD OF HOUSING AND COMMUNITY DEVELOPMENT  
JOINT MEETING with the VIRGINIA FIRE SERVICES BOARD  
Monday, October 16, 2017**

**10:45 a.m.  
Glen Allen, VA**

**Members Present**

John Ainslie  
Jeff Bailey (VFSB)  
Walt Bailey (VFSB)  
J.P. Carr  
Robby Dawson  
Susan Dewey  
Sean Farrell  
David Hankley (VFSB)  
Helen Hardiman  
Abigail Johnson  
Rich Napier  
Shekar Narasimhan  
Jeff Sadler  
Steve Semones  
Patty Shields  
Tommy Shields

**Members Absent**

James Calvert (VFSB)  
Lee Day (VFSB)  
Joseph Hale (VFSB)  
David Layman (VFSB)  
Dennis Linaburg (VFSB)  
Brian McGraw (VFSB)  
James Poindexter (VFSB)  
Bettie Reeves-Nobles (VFSB)  
Earl Reynolds  
Bettina Ring (VFSB)  
James Stokely (VFSB)

Call to Order

Mr. John Ainslie, Chairman of the Board of Housing and Community Development (BHCD), called the meeting to order.

Opening Remarks

Mr. Ainslie began the meeting by providing an overview of the process for the code update cycle. As required by the regulatory process and the memorandum of Agreement between BHCD and the Virginia Fire Services Board (VFSB), the update process included two public hearings, 17 stakeholder workgroups and five subworkgroup meetings. In addition, the process included postponement of the fire code edits for an additional year of review by the fire service with the follow-up workgroups to review their recommendations.

Mr. Walt Bailey introduced himself as the Chairman of the VFSB and stated that he wished there had been more consensus between the two boards.

Review of the Statewide Fire Prevention Code Development Committee Recommendation on the Final Regulations for the SFPC

Mr. Ainslie stated that there was no recommendation to adopt the final regulations from the Statewide Fire Prevention Code (SFPC) Development Committee. The regulations were brought forward from the Codes and Standards Committee with a recommendation for approval with a change to section 301.3 of the SFPC changing the language from shall to may. Mr. J.P. Carr made a motion to recommend approval to the full board; the motion was seconded and passed.

Adjournment

The meeting was adjourned

DRAFT

**BOARD OF HOUSING AND COMMUNITY DEVELOPMENT  
MEETING  
11:00 A.M., July 30, 2018  
Glen Allen, Virginia**

Members Present

Sonny Abbasi  
John Patrick “J.P.” Carr  
Susan Dewey  
Mimi Elrod  
Sean Farrell  
Andrew Friedman  
Richard Gregory  
Helen Hardiman  
Abigail Johnson  
Keith Johnson  
Jeff Sadler  
Steve Semones

Members Absent

Earl Reynolds  
Patricia Shields

Call to Order

Mr. J.P. Carr, Vice Chairman of the Board of Housing and Community Development, called the meeting of the Board to order.

Roll Call

The roll was called by Mr. Kyle Flanders of the Department of Housing and Community Development’s (DHCD) Policy Office. Mr. Flanders reported that a quorum was present.

Public Comment

Ms. Linda Hale, Chief Fire Marshal of Loudon County and a member of the Virginia Fire Prevention Association (VFPA), stated that she had submitted a petition for the Statewide Fire Prevention Code (SFPC). She requested that at their September meeting, the Board consider alternatives to the current final regulations, stating that the amendments lack consensus and create confusion.

No additional comments were made by the public; the public comment period was then closed.

Approval of Minutes

A motion was made and properly seconded to approve the minutes of the May 21, 2018, meeting of the Board; the motion passed.

Election of Officers

Mr. Erik Johnston, Director of DHCD, stated that according to the Board’s bylaws a chair is elected at the start of the fiscal year

and opened up the floor to nominations for chairman. Mr. Steve Semones nominated Mr. Carr. A motion was made to close the floor for nominations and properly seconded. Mr. Carr was voted in as chairman by acclamation.

As the newly elected chairman, Mr. Carr opened the floor to nominations for vice chairman. Mr. Sean Farrell nominated Mr. Semones. A motion was made to close the floor for nominations and properly seconded. Mr. Semones was voted in as vice chairman by acclamation.

Report of the Housing and Community Development Committee

Mr. Semones stated that the Housing and Community Development Committee met prior to the Board meeting to discuss the Private Activity Bond Guidelines and the Industrial Revitalization Fund Guidelines. Mr. Semones reported there was a unanimous vote to recommend to the Board to approve the Private Activity Bond Guidelines; the motion passed.

Mr. Semones also reported that there was a unanimous vote to recommend approval of the Industrial Revitalization Fund Guidelines; the motion passed.

Report of the Codes and Standards Committee

Mr. Carr stated that the Codes and Standards Committee met prior to the Board meeting to discuss a petition and additional comments for the Virginia Maintenance Code. Mr. Carr reported that the committee voted to recommend to the Board the final regulations for the Uniform Statewide Building Code (USBC), with the proposed changes as agreed to by stakeholders and recommended by the Committee. Specifically, the changes pertain to 13VAC5-63-485. Section 105 Violations, deletion of the last sentence of Section 105.6 and adding a new subsection, 105.6.1: Further action for corrected violations. The Committee's recommendation was passed with an effective date of September 4, 2018.

Code Change Process Update

Ms. Cindy Davis, Deputy Director of Building and Fire Regulations at DHCD, provided a brief update of the code change process. Ms. Davis stated that several petitions were received in regards to the SFPC. These regulations were suspended and the suspension will be published in the Register on August 6, which will allow for another 30 day comment period prior to the September 7 Board meeting. After some discussion, the Chairman and Mr. Johnston indicated that if stakeholders are seeking additional, specific changes to the

regulations, that submitting those comments in legislative format would provide clarity for the Board in their deliberations.

- Resolutions Mr. Carr presented resolutions for former Board members, John Ainslie, Shekar Narasimhan, and Tommy Shields for approval by the Board. A motion was made and properly seconded to approve the resolutions; the motion passed.
- VHDA Report Ms. Susan Dewey indicated that the Virginia Housing Development Authority (VHDA) is currently in the process of receiving comments on the Low Income Housing Tax Credit (LIHTC) program Qualified Allocation Plan (QAP). Ms. Dewey indicated she would be happy to accept any comments from the Board. Ms. Dewey noted that VHDA is able to routinely utilize carryforward bond allocation for conversion to mortgage credit certificates for use with their homeownership programs.
- VFSB Report Mr. Farrell stated that the Virginia Fire Services Board (VFSB) met on June 1, in Richmond. Year to date there have been 46 fire fatalities with the average age being 69 years old. Mr. Farrell stated that Walt Bailey was reelected chairman and that David Layman was elected vice chairman.
- Report of the Director Mr. Johnston shared several grant announcements made by the Governor since the last meeting of the Board.
- Unfinished Business There was no unfinished business to be discussed.
- New Business There was no new business to be discussed.
- Board Matters Mr. Johnston provided an overview of the standing committees of the Board and requested that board members let Mr. Carr or staff know their preferences for serving on committees and then the chair will appoint members to each of the committees.
- Future Meetings Mr. Carr advised board members that the next meeting of the Board will be held on September 7, 2018, noting that it is Friday.
- Adjournment Upon a motion duly made and seconded, the meeting was adjourned.



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# COMMONWEALTH of VIRGINIA

Erik C. Johnston  
Director

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

August 28, 2018

**To:** Board of Housing and Community Development Members

**From:** Erik C. Johnston, Director

**RE:** Additional Comments and Final Action on the SFPC

The final adoption (comment) period for the Statewide Fire Prevention Code (SFPC) closed on June 29, 2018. Multiple persons and organizations submitted petitions and comments regarding the SFPC and as a result, the SFPC was suspended in order to receive additional comment on changes between the proposed and final phases. An additional 30 days for comment on changes between the proposed and final phases of the SFPC is occurring from August 6 – September 5. The following materials are included within this package regarding the SFPC:

- Comments received during the additional (8/6-9/5) comment period
- Summary Response to July 20 SFPC Package
- Definitions
- Detailed Response to July 20 SFPC Package
  - Certain comments/petitions were submitted both via Town Hall and letter format; comments were addressed only once
- SFPC Published Errors
- SFPC Adoption Timeline
- [Link to SFPC Package dated July 20 \(previously sent\)](#)

Any comments not included with this memo but received before the September 5<sup>th</sup> deadline will be sent under a separate cover prior to the Board meeting.

The Board will take action to either adopt/readopt the SFPC with amendments, adopt/readopt the SFPC without amendments, and also to designate a new effective date for the SFPC. Staff recommends October 16<sup>th</sup> as the proposed effective for the SFPC.

Enclosure

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Comments received on SFPC  
during 8/6/2018-9/5/2018  
Comment Period (comments  
received after 8/29/2018 will be sent under  
separate cover)

8/6/18 7:29 pm

**Commenter:** James Dawson

### **Statewide Fire Prevention Code Rewrite**

My comments for this phase of review are copied below, and are reinforced by this comment. It is my understanding that there has been direction at the BHCD Meeting on July 30 that specific code change proposals should be submitted for consideration in lieu of the currently approved SFPC rewrite. That task is not realistic to complete in that timeframe. The Fire Services Board Code Committee took 10 months and more than 25 meetings to produce revisions to the first 10 chapters just to illustrate the level of scrutiny need to ensure an enforceable code. It is an impossible task to take the entire SFPC as proposed and re-edit the rewrite to a suitable and enforceable document.

I continue to urge the Board of Housing to reverse their decision to approve the FSB Code Change (submitted under my name) rewrite and the DHCD rewrite (submitted under Cindy Davis' name) for the SFPC. I would also point out that the BHCD has directed the stakeholders to continue working on the rewrite in anticipation of the adoption of 2018 edition of the model codes. This would approve those SFPC changes that were properly vetted by the Workgroups and the Board and update the balance of the SFPC to the 2015 edition of the IFC.

Additionally, there has been no demonstrated critical need for this revision, and therefore, this process should proceed with caution as requested by this and other public comments previously posted.

JRD

<<<<6/26/18 coments follow>>>>

I would like my comments to be added to those of the Virginia Fire Chiefs Association as well as the Virginia Fire Prevention Association, and include the following added commentary.

As the proponent on behalf of the Virginia Fire Services Board in 2017 - while a member of the Board of Housing - I requested the Board of Housing to defer any action on the SFPC rewrite to include those proposals submitted under my name for chapters 1-10 of the SFPC. The rationale for that request was clear in the complex nature of the SFPC and how many later chapters relate to or references are drawn from other chapters, and the true consensus process that was undertaken by the Fire Board Code Committee while laborious was far from complete.

The Board as rules making body, nor I who was deeply involved in the workgroup process from the beginning, had never reviewed the document that has become the final regulations and were not able to evaluate the relationships of the changes that were approved by the Board in October. This action has led to the problems outlined clearly in the attachments provided by Chief McDowell, and expanded on by others in this comment period.

I would urge the Board of Housing reconsider their actions on the code rewrite proposals, to include the proposals submitted under my name (consistent with my request at the 2017 Board of Housing Meeting), and to revert back to the base 2015 edition of the IFC with the individual SFPC amendments that were fully and completely vetted by the Workgroups and the Board and allow a more complete review of the SFPC in the coming years by the appropriate organizations and interest groups.

8/8/18 4:04 pm

**Commenter:** Glenn Dean

### **SFPC re-write or update**

I urge the Board to reverse its decision to adopt any and all proposals listed or enumerated under Tabs, 1, 2, 3 and 6 in the document titled "Virginia Fire Services Board and Board of Housing and Community Development, STATEWIDE FIRE PREVENTION CODE DEVELOPMENT COMMITTEE, 2015 CODE CHANGE CYCLE - BOOK 5 - PART 2" dated September 18, 2017 and which may have been subsequently listed, enumerated and BHCD approved under Tab 2 of the document titled, "2015 CODE CHANGE CYCLE - BOOK 7 (VIRGINIA STATEWIDE FIRE PREVENTION CODE)" dated October 16, 2017 and then published as part of the Final Regulations. I urge this based upon the lack of a full debate by impacted interest groups and the need for the

BHCD itself to conduct or direct that a more comprehensive review be performed before adopting a fire code so riddled with conflicts, gaps and consequences published as "Final Regulations" on April 30, 2018 in The Virginia Register of Regulations, Volume 34, Issue 18. To repeat, and paraphrase a previous comment of mine, compared to the promulgation process of the IFC model code which is the base document for the SFPC, the BHCD has NOT caused or invested a sufficient amount of time for informed debate on such an expansive set of changes as those found in the above referenced documents.

8/10/18 1:37 pm

**Commenter:** Michael O'Connor, VPCGA

### **In strong support of 5706.1.1**

Virginia Petroleum Convenience and Grocery Association is a statewide nonprofit trade association representing the Commonwealth's petroleum marketers and convenience store operators. We are an advocate of the change to the fire prevention code to prohibit mobile fueling operations except in emergencies and farm vehicles. This proposal was reviewed in depth during the stakeholder meetings and emerged without opposition, supported by the public safety and business communities alike. We urge your favorable consideration on this consensus item. Thank you for your consideration.

Michael J. O'Connor

President

VPCGA

5706.1.1 Mobile fueling operations. Delivery of Class I, Class II, and Class III liquids to the fuel tank of a highway vehicle from a tank vehicle, a tank carried on a vehicle, or a nonportable container is prohibited.

#### Exceptions:

1. The refueling of highway vehicles in an emergency.
2. The refueling of vehicles in compliance with Sections 5706.5.4.1 through 5706.5.4.5.
3. Vehicles used for farm operations and machinery.
2. Change Section 5706.2.4.2 to read:

8/27/18 12:56 pm

**Commenter:** Linda Hale-VFPA and Loudoun County

### **Specific Proposed Language to be adopted**

#### **Proposal:**

Approve the seventeen (17) proposed code changes found in Book 5 – Part 1 – Tabs 1 & 3 (listed in tables below), to the existing Proposed SFPC as printed in the Virginia Register February 20, 2017. These are the Statewide Fire Prevention Code proposals which were approved in October 2017 and this will ultimately undo the controversial and problematic SFPC rewrite changes that the BHCD had previously passed by a small margin.

#### **Background:**

The Proposed Statewide Fire Prevention Code (SFPC) that was presented to, and passed by, the Board of Housing and Community Development (BHCD) on December 19, 2016 contains the :

- The base document of the Statewide Fire Prevention Code (SFPC) is the 2015 International Fire Code (ICF)
- The current Virginia amendments to the SFPC
- And Three (3) SFPC proposals recommended by the Workgroups as Consensus for approval as presented in Book 1 – Part 1-- Tab 2 of the Virginia Fire Services Board and Board of Housing and Community Development 2015 Code Change Cycle (October 24, 2016)

These proposed regulations are not in question and are the base document for which the BHCD must consider any further proposed regulations.

During the September 18, 2017 Virginia Fire Services Board and Board of Housing and Community Development SFPC Proposals recommended by the Workgroups as Consensus for approval were presented in Book 5 – Part 1 -- Tab 1. These fifteen (15) consensus proposals have been fully vetted through the workgroups, and have withstood the scrutiny of the stakeholders as being proper to be adopted.

Further during the BHCD meeting to consider these consensus based proposals there were two (2) other non-consensus SFPC proposals that the BHCD chose to adopt and they are found in Book 5 – Part 1 -- Tab 3 : proposal number F-107.11 “State Fire Marshal’s Office permit fees for explosives, blasting agents, theatrical flame effects, and fireworks” and proposal number F-507.5.1 “Where required” which allows for two exceptions to the requirement for a fire hydrant/water supply system when building and/or rehabilitating single family homes. We understand that the BHCD, after a great deal of conversation, debate, and research feels that these are necessary and those also are acceptable inclusions into the Final SFPC that is to be adopted.

**Virginia Fire Services Board and Board of Housing and Community Development**

**STATEWIDE FIRE PREVENTION CODE DEVELOPMENT COMMITTEE**

**2015 CODE CHANGE CYCLE – BOOK 5 – PART 1**

**September 18, 2017**

**TAB 1 – SFPC Proposals Recommended by Workgroups as Consensus for Approval (approve individually or as a block)**

Proposal Number	Description of Proposal	Page No.
C-119.7 Hearings and decision.	Written decision (SFPC portion).	5
CB-202(2) Definitions (ch. of occupancy).	Use one definition (SFPC portion).	7
F-107.2(1) Operational permits.	Binary explosives.	11
F-107.2(2) Operational permits.	Mobile food vehicles.	19
F-112.5 Application for appeal.	Change terminology.	27

F-301.3 Occupancy.	Building official to issue cert. of occ.	29
F-609.3.3.1 Tags.	When hoods are cleaned.	31
F-703.1(2) Maintenance.	Time period for visual inspection.	35
F-703.4 Testing.	Opening protectives.	37
F-1030.1 General.	Emergency rescue (SFPC portion).	47
F-3103.2 Approval required.	Deletion of IFC tent scoping provision.	49
F-3501.2 Permits.	Correlation with state amendments.	51
F-5605.1 General.	Fireworks standards.	53
F-5706.1.1 Mobile fueling operations.	Prohibitions.	55
F-6701.2 Permits.	Correlation with state amendments.	59

**TAB 3 – SFPC Proposals Recommended by Workgroups as Non-consensus**

<u>Proposal Number</u>			<u>Description</u>
F-107.11 State Fire Marshal’s Office ...	Fee adjustments.	77	F-107.11
F-507.5.1 Where required.			Fire hydrant

8/28/18 8:14 am

**Commenter:** Darl Wayne Jewell / Department of Fire and Emergency Services, Richmond VA

**To Whom It May Concern**

Thank you for the opportunity to recommend to the Board of Housing and Community Development specific code language to be considered during the final stage of the 2015 Statewide Fire Prevention Code Change Cycle. As an advocate for the safety of all Virginians, I would like to add my name in support of the proposal made by the Virginia Fire Prevention Association.

Sincerely

Darl W. Jewell Jr. / Captain/Deputy Fire Marshal/Haz Mat Coord.

Department of Fire and Emergency Services, Richmond VA

8/28/18 10:08 am

**Commenter:** Earl Dyer, Richmond Fire and Emergency Services

**VFPA Proposal**

The Fire Marshal office within the City of Richmond supports the proposed code changes identified in book 5-1 as printed in the 2017 issue of the SFPC - the prolonging of these adoptions are problematic for Richmond and the Fire Marshal's office with the understanding we also adpted Code in its current form. This may prevent ammendments to some ordinances being impacted as mentioned in some commemts one bieng permit fees etc.

8/28/18 10:31 am

**Commenter:** John F. McCormick, Town of Abingdon Fire DEpartment

**2015 Statewide Fire Prevention Code Change Cycle**

*To Whom It May Concern:*

*Thank you for the opportunity to recommend to the Board of Housing and Community Development specific code language to be considered during final stage of the 2015 Statewide Fire Prevention Code Change Cycle. As an advocate for the safety of all Virginians, I would like to add my name in support of the proposal made by the Virginia Fire Prevention Association.*

*Sincerely,*

*John F. McCormick, CBO-CFO*

*Fire Chief / Fire Official*

*Town of Abingdon Fire Department*

8/28/18 10:32 am

**Commenter:** Brian Bennett, Deputy Fire Chief, New Kent Fire-Rescue

**Virginia Statewide Fire Prevention Code**

*To Whom It May Concern:*

*Thank you for the opportunity to recommend to the Board of Housing and Community Development specific code language to be considered during final stage of the 2015 Statewide Fire Prevention Code Change Cycle. As an advocate for the safety of all Virginians, I would like to add my name in support of the proposal made by the Virginia Fire Prevention Association.*

*Sincerely,*

Brian K Bennett, CFO  
Deputy Fire Chief,  
New Kent Fire-Rescue

8/28/18 10:36 am

**Commenter:** Claiborne Cofer, Virginia Beach Fire

**Support of the VFPA**

To Whom It May Concern:

*Thank you for the opportunity to recommend to the Board of Housing and Community Development specific code language to be considered during final stage of the 2015 Statewide Fire Prevention Code Change Cycle. As an advocate for the safety of all Virginians, I would like to add my name in support of the proposal made by the Virginia Fire Prevention Association.*

*Sincerely,*

*Claiborne Cofer*

*Fire Marshal*

*Virginia Beach Fire Department*

8/28/18 10:45 am

**Commenter:** Tony McDowell, President, Virginia Fire Chiefs Association

**Fire Prevention Code Adoption**

The Virginia Fire Chiefs Association recommends the DHCD Board adopt only the seventeen (17) proposed code changes (found in Book 5 – Part 1 – Tabs 1 & 3) to the SFPC that were printed in the Virginia Register on February 20, 2017, and approved by the Board in October 2017. This limited adoption of proposed changes will resolve the controversial and problematic full document SFPC “re-write” that the DHCD Board subsequently passed by a small margin.

8/28/18 11:21 am

**Commenter:** Peter Surran, County of Accomack Department of Public Safety

**Support for the VFPA Proposal re. 2015 SFPC change cycle**

To Whom It May Concern:

Thank you for the opportunity to recommend to the Board of Housing and Community Development specific code language to be considered during final stage of the 2015 Statewide Fire Prevention Code Change Cycle. As an advocate for the safety of all Virginians, I would like to add my name in support of the proposal made by the Virginia Fire Prevention Association.

Sincerely,

Peter Surran

Fire Inspector

County of Accomack Department of Public Safety

8/28/18 1:59 pm

**Commenter:** E. Keith Chambers

**2015 SFPC Code Changes**

During the BHCD meeting on July 30th, it was recommended by the board that specific code changes be submitted for review during the open comment period before the September 7th meeting. However, the changes incorporated are too voluminous to evaluate and write recommendations within such a short timeframe. In addition, during the last open comment period, problems with specific code sections were clearly outlined.

Although a workgroup was able to perform a re-write of the “unenforceable” codes, mainly through the first ten chapters, it is evident from previous comments they are riddled with issues, concerns, and apparent unintended consequences. The sheer volume of changes with identified issues should have anyone concerned there are undeniably more unidentified issues.

I urge the board to adopt only the seventeen proposed code changes (Book 5, Part 1, Tabs 1&3) to the SFPC. In addition I support the proposal made by the Virginia Fire Prevention Association.

8/28/18 2:56 pm

**Commenter:** Dwight Spangler, Fire Official, Town of South Boston VA

### **Support of Virginia Fire Prevention Association proposal**

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*To Whom It May Concern:*

*Thank you for the opportunity to recommend to the Board of Housing and Community Development specific code language to be considered during final stage of the 2015 Statewide Fire Prevention Code Change Cycle. As an advocate for the safety of all Virginians, I would like to add my name in support of the proposal made by the Virginia Fire Prevention Association.*

*Sincerely,*

*Dwight Spangler*

*Fire Official*

*Town of South Boston, VA*

8/29/18 8:08 am

**Commenter:** Craig Carroll

### **Support of Virginia Fire Prevention Association proposal**

In support of further review.

8/29/18 8:29 am

**Commenter:** City of Staunton Fire Marshal's Office

### **2015 Fire Code Adoption**

I recommend the DHCD Board adopt only the seventeen (17) proposed code changes (found in Book 5 – Part 1 – Tabs 1 & 3) to the SFPC that were printed in the Virginia Register on February 20, 2017, and approved by the Board in October 2017. This limited adoption of proposed changes should resolve most of the controversial and problematic SFPC “re-write” that the DHCD Board passed.

Sincerely,

Perry Weller

Deputy Fire Marshal

City of Staunton Fire Marshal's Office

*President:*  
**Gregg Fields**

*Executive Director:*  
**Sandy Harrington**



*Officers:*  
**Pete Mensinger**  
**Jimmy Moss**  
**Matt Westheimer**

TO: Board of Housing and Community Development Members  
FROM: The Virginia Building and Code Officials Association (VBCOA)  
THRU: Gregg Fields, President of VBCOA   
RE: 2015 Virginia Statewide Fire Prevention Code (SFPC) Adoption, Petitions and Subsequent Suspension

Distinguished Board Members,

This correspondence is submitted to detail our stakeholder position regarding the Virginia Statewide Fire Prevention Code Adoption and provide justification through a chronological summary and the effort involved in correcting the problem. Our organization has invested tremendous time and resources in developing partnerships with all stakeholders to deliver a fair, responsible and technically correct product in which citizens and businesses of the commonwealth will be subject to and regulated by. There was absolutely no intent to remove any legal enforcement authority or capacity that the Fire Services currently has to ensure safety of Virginia citizens and buildings. The process by which this proposed regulation was developed was performed in a very open transparent way, including all stakeholders, with group membership/participation balanced at all times. Support for our position is as follows:

1. **Problem:** As currently drafted and adopted, the SFPC is, in part, vastly incorrect, conflicting and unenforceable. Virginia statute and legislative authority limits enforcement of the SFPC related to matters regulated by the Virginia Uniform Statewide Building Code (USBC) to existing buildings and structures and governs the maintenance of those structures and components thereof/therein (including testing), as well as regulates operational activity carried out within and around existing buildings and structures. Existing buildings and structures must be maintained in accordance with the code under which they were constructed, altered or improved. However, the SFPC is currently littered with current technical and prescriptive standards/language that only apply to new buildings and therefore imply that approved existing buildings and structures should meet these new and current provisions; thereby potentially causing them to be upgraded or retrofitted improperly.
2. **Background:** The reason the current SFPC contains unenforceable construction and prescriptive provisions is due to the consolidation of the 3 model code agencies into the International Code Council (ICC) in the early 2000's. The BOCA National Fire Prevention Code, which was the adopted code in Virginia prior to the formation of ICC contained no construction and very little prescriptive provisions related to approved buildings and structures. It was properly scoped to govern maintenance and operations of existing buildings in Virginia. When ICC consolidated the

3 model fire codes into the International Fire Code (IFC), it expanded the scope to incorporate provisions from ICBO and SSBCI related to new construction and prescriptive provisions. Since the IFC contains both construction/prescriptive and operational/maintenance provisions, Virginia adopts it by reference in both the USBC and the SFPC. The construction and prescriptive provisions of the IFC are fully enforceable and applicable in Virginia related to new construction under the VCC; however, as already stated they are not enforceable or applicable to existing buildings and structures under the SFPC. So The Board of Housing and Community Development (BHCD) requested the Department of Housing and Community Development (DHCD) to undertake a process to remove unenforceable provisions and language from the SFPC in order to bring into alignment with legislative authority and scoping.

**3. Process to resolve:**

- a. DHCD convened a stakeholder subworkgroup dubbed the “edit group” to begin reviewing and removing unenforceable provision/language from the SFPC in the summer of 2015 and met until the spring of 2016.
- b. The edit group work/final product was vetted in entirety during the Proposed Phase Stakeholder Workgroup sessions from the summer of 2016 through the fall of 2016
- c. The BHCD carried over all work done by the edit group and workgroup processes in the fall of 2016 to provide additional review time by the Fire Services.
- d. VDFP and FSB expressed concerns and was provided an 8 month opportunity to provide comments on the edit group work/final product; however they decided to undertake the process all over again. The FSB CSC (including VBCOA members) worked from the Fall of 2016 through the Summer of 2017 and achieved consensus for chapters 1-10 which accepted (in large part) the work of the previous collaborative, transparent effort.
- e. The FSB CSC work product (chapters 1-10) was vetted in entirety during the Final Phase Stakeholder Workgroup sessions from Spring of 2017 through Summer of 2017. The final product of this effort has the same net outcome as the original edit group product.
- f. The BHCD approved the final phase consensus and non-consensus work for chapters 1-10 as well as the proposed phased work for the remaining chapters to move forward as the 2015 SFPC in the fall of 2017; however, the regulations were not acted on by the previous Governor.
- g. The current Governor signed the regulations in the spring of 2018 which opened up the petition period and the current suspension status that we have today.

- 4. Outreach:** Since the BHCD approved regulations were posted in the fall of 2016, DHCD and stakeholders have requested feedback on what was performed incorrectly during the edit process, both technically and prescriptively. To date, nothing of significant consequence has been provided to substantiate the claims made by those expressing concerns. However, should anything be discovered that unintendedly removed or removes current legal enforcement authority or capacity, it can be resolved through emergency protocol.

**5. Consequences to not adopting:**

- a. The SFPC reaches beyond its legislative authority.
- b. Misapplication of retrofit provisions- potentially requiring owners to incur additional costs to retrofit non-required systems.
- c. Falling further behind national standards
- d. Insurance Services Office (ISO) ratings decline
- e. Virginia code development process losses credibility as a premier code development program in the nation
- f. Unforeseen economic impacts
- g. Inconsistency in the enforcement of the fire code

- 6. Recommendation:** The VBCOA therefore recommends the BHCD to continue adoption of the current approved material and versions for the 2015 SFPC

Responses to comments/petitions  
received during  
4/30/2018-6/29/2018 Final  
adoption/comment period

# Response to Public Comments on 2015 Virginia Statewide Fire Prevention Code

August 2018

This document summarizes major themes of public comments submitted to the Virginia Board of Housing and Community Development (BHCD) during the April 30, 2018 to June 29, 2018 final adoption period on the 2015 Virginia Statewide Fire Prevention Code (SFPC). It also includes responses from the Department of Housing and Community Development (DHCD) on these major themes of comments.

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## Major Public Comment Themes and Staff Responses

1. Received 27 comments related items identified as errors.

**Staff response:** Review of items identified found no errors. See comments identified as “Summary item 1” in attached document (Attachment 2).

2. Received 25 comments related to concerns with “maintained” or “applicable building code” language and replacement of references to standards (NFPA, etc.) with “applicable building code” (i.e. Comment: 603.3.3 – This change removes an operational reference standard – NFPA 31).

**Staff response:** Refer to consensus definitions for the terms “maintained” and “applicable building code”. The definitions resolve many of the issues raised. The path to the applicable construction requirements is through the IBC, which uses the IFC as a referenced standard.

Additionally, several NFPA standards, such as NFPA 13 and 31, are installation standards and their scope states they shall not apply to existing installations. NFPA standards are covered under the applicable building code where used by the code under which an item was installed or constructed.

See attached “SFPC Definitions” document for consensus definitions (Attachment 1).  
See comments identified as “Summary item 2” in attached document.

3. Received 21 comments with concerns related to existing SFPC requirements being deleted from the 2015 SFPC. These comments were incorrect and appear to be due to a misunderstanding of formatting (stricken/deleted text) in the Virginia Register of Regulations.

**Staff response:** Stricken text depicts language that is being removed from the SFPC, however in these instances that same text is now included in the 2015 model code, so it is no longer needed as a state amendment. In a few instances, SFPC text was stricken because the same text was relocated to another section of the SFPC to correlate with 2015 sections that were rearranged. See comments identified as “Summary item 3” in attached document.

4. Received 14 comments related to concerns that the USBC does not regulate certain structures, materials, use, storage or testing (tank storage, hazardous materials storage, Maximum Allowable Quantities of hazardous materials, flammable and combustible liquids, shelf storage, high-piled combustible storage, fuel dispensing, etc).

**Staff response:** Items identified in the comments are regulated by the USBC. See comments identified as “Summary item 4” in attached document.

5. Received 12 comments related to concerns with the code update process, promulgation of the code or making amendments to nationally recognized standards.

**Staff Response:** Some comments suggested that the incorporated model code should not be amended. The International Fire Code contains construction provisions and is adopted by some jurisdictions across the country for use as their construction code. Under Virginia law, the Statewide Fire Prevention Code is a maintenance and operation code and any construction related provisions incorporated from the IFC are invalid.

Compared to the national code development process, code change proposal consideration at the national level has two opportunities for debate with a 2-minute time limit for testimony and then a final decision. This SFPC update process included eighteen six-hour days over a two-year period of stakeholder debate. This was in addition to public hearings and board/committee meetings before a decision was made.

In some comments, the fire code edit subcommittee proposal document is referred to as the “DHCD staff version” or “DHCD proposal”. This is not accurate, as the edit proposal was a product of a subworkgroup comprised of multiple stakeholders. There were also comments that additional changes were included in the fire code edit subcommittee document that were not discussed in the committee meetings. That is not accurate. Every section, including every proposed change, was presented to the workgroup and opportunity was provided for discussion on all changes. If no concerns were identified in a section, it was not discussed. Only changes that were discussed by the group were included in the meeting summary.

Some comments indicated that where there was non-consensus, the DHCD staff version was inserted. Again, there is no DHCD staff version. The final workgroup compared the subworkgroup proposal and the Fire Service Board proposal. The Board was presented with all consensus items and all non-consensus items resulting from the workgroup meetings. Where there was non-consensus, the BHCD made the decision as to which sections to approve. This is consistent with other proposals that go through the code update process.

See comments identified as “Summary item 5” in attached document.

6. Received 11 comments related to existing state amendments, technical amendments that were not part of the edits, or suggestions for new/additional amendments that were not proposed during the code update cycle.

**Staff Response:** The changes proposed in the comments were not provided or considered during the 2015 code update cycle and should be submitted during the next cycle. See comments identified as “Summary item 6” in attached document.

7. Received 7 comments related to errors or discrepancies in published regulations.

**Staff response:** Two of the items have been submitted to the Virginia Register to be corrected as errata and the other five can be corrected by the Board upon adoption/readoption of the final regulations. See attached “2015 SFPC Published Errors” document (Attachment 3).

8. Received 6 comments in disagreement with applicability of the SFPC and/or BHCD decisions.

**Staff response:** These comments were related to the authority to: enforce provisions of the Wildland Urban Interface Code, restrict occupancy of a building prior to issuance of a Certificate of Occupancy (CO), determine occupant loads, require building owners to obtain a CO for an existing building. See comments identified as “Summary item 8” in attached document.

9. Received 6 comments related to concerns that requirements have been removed from the SFPC and are not found in the Uniform Statewide Building Code (USBC).

**Staff Response:** The items that have been removed are construction related items and are regulated by the USBC. The USBC does not reference the SFPC for any construction requirements. The reference is to the International Fire Code (IFC) or other standards as incorporated by reference in the USBC. See also definition of “applicable building code”. See comments identified as “Summary item 9” in attached document.

10. Received 6 comments related to staff editorial corrections in final published regulations.

**Staff Response:** These items were editorial corrections for publishing in the Virginia Register of Regulations. See comments identified as “Summary item 10” in attached document.

11. Received 4 comments related to the use of “applicable NFPA 13 standard”.

**Staff Response:** This was consensus language agreed to by all stakeholders during the final phase workgroup process. This was verified by staff through review of workgroup meeting audio recordings. See comments identified as “Summary item 11” in attached document.

12. Received 4 comments related to defined terms not being italicized in the published SFPC regulations.

**Staff Response:** Defined terms are not italicized in the Virginia Register of Regulations. See comments identified as “Summary item 12” in attached document.

13. Received a comment related to issues with the proposed appendix N and the associated “(N)” designation inserted in front of section numbers that were edited to remove construction related provisions.

**Staff Response:** Appendix N was added at the request of some fire services members who were concerned that they could not reference the current code without using an additional book. The appendix and references to it can be removed if desired. See comment identified as “Summary item 13” in attached document.

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NOTE: Included in the above comments were 29 comments that disagreed with language that was submitted by the Fire Services Board Code Committee and approved as consensus.

A total of 88 public comments were submitted from individuals or on behalf of a group of individuals. Of the 88 comments, 72 were general comments in support/agreement with comments submitted by the Virginia Fire Prevention Association, the Virginia Fire Chiefs Association or the Virginia Fire Service Council. The other comments that raised specific questions or concerns are included in the 13 categories above. Some of the comments included multiple concerns and included multiple staff responses. See attached “Public Comments on the 2015 Virginia Fire Prevention Code” document for full comments.

## **SFPC Definitions** (Attachment 1)

The following are two consensus definitions that were developed by Workgroup 2 (Fire Code Edits) and moved forward as consensus by Workgroup 2 and the combined Workgroup 1-4 in August 2017. These consensus definitions and are included in section 202 of the approved 2015 SFPC final regulations.

**APPLICABLE BUILDING CODE.** The local or statewide building code and referenced standards in effect at the time the building or portion thereof was constructed, altered, renovated or underwent a change of occupancy. See Section 103 for the application of the code.

**MAINTAINED.** To keep unimpaired in an appropriate condition, operation, and continuance as installed in accordance with the applicable building code, or as previously approved, and in accordance with the applicable operational and maintenance provisions of this code.

**NOTE:** In April 2018, DHCD purchased pdf copies of every model code that has been incorporated in the USBC since the first 1973 edition and provided every locality in Virginia with a link to download copies of the books for free. Also, the DHCD website has been updated with pdf copies of every edition of the SFPC, USBC and other building and fire regulations adopted to date.

## Public Comments on 2015 Virginia Statewide Fire Prevention Code (Attachment 2)

**Commenter:** J. E. Boisseau Colonial Heights Fire and EMS

### Emergency Preparedness Covered Malls

The below sections of the fire code are slated to be deleted. I believe these sections need to be retained. The addresses on the front and rear of the tenant spaces are very important to all emergency services, including mall security. In addition, the mall having an emergency plan and reviewed by the local government is very important for preparedness and inter relationship before an incident. When Southpark Mall has had a fire prior to these plans, there are confusion and delay locating and controlling the fire. After these plans were developed, our response improved. The last incident involved a shooting, which allowed security and emergency services to react quickly. These plans should and would work. If not, there would be chaos

403.10.1. Covered and open mall buildings. Covered and open mall buildings shall comply with the requirements of Sections 403.10.1.1 through 403.10.1.6.

*Staff response: This existing state amendment is being deleted since it is now part of the model code and is unnecessary. Summary Item 3.*

403.10.1.1. Malls and mall buildings exceeding 50,000 square feet. An approved fire safety and evacuation plan in accordance with Section 404 shall be prepared and maintained for covered malls exceeding 50,000 square feet (4645 m<sup>2</sup>) in aggregate floor area and for open mall buildings exceeding 50,000 square feet (4645 m<sup>2</sup>) in aggregate area within perimeter line.

*Staff response: This existing state amendment is being deleted since it is now part of the model code and is unnecessary. Summary Item 3.*

403.10.1.2. Lease plan. In addition to the requirements of Section 404.2.2, a lease plan that includes the following information shall be prepared for each covered and open mall building:

1. Each occupancy, including identification of tenant.
2. Exits from each tenant space.
3. Fire protection features, including the following:
  - 3.1. Fire department connections.
  - 3.2. Fire command center.
  - 3.3. Smoke management system controls.
  - 3.4. Elevators, elevator machine rooms and controls.
  - 3.5. Hose valve outlets.
  - 3.6. Sprinkler and standpipe control valves.
  - 3.7. Automatic fire-extinguishing system areas.
  - 3.8. Automatic fire detector zones.
  - 3.9. Fire barriers.

*Staff response: This existing state amendment is being deleted since it is now part of the model code and is unnecessary. Summary Item 3.*

403.10.1.3. Lease plan approval. The lease plan shall be submitted to the fire code official for approval, and shall be maintained on site for immediate reference by responding fire service personnel.

*Staff response: This existing state amendment is being deleted since it is now part of the model code and is unnecessary. Summary Item 3.*

403.10.1.4. Lease plan revisions. The lease plans shall be revised annually or as often as necessary to keep them current. Modifications or changes in tenants or occupancies shall not be made without prior approval of the fire code official and building official.

*Staff response: This existing state amendment is being deleted since it is now part of the model code and is unnecessary. Summary Item 3.*

403.10.1.5. Tenant identification. Tenant identification shall be provided for secondary exits from occupied tenant spaces that lead to an exit corridor or directly to the exterior of the building. Tenant identification shall be posted on the exterior side of the exit or exit access door and shall identify the business name or address, or both, using plainly legible letters and numbers that contrast with their background.

Exception: Tenant identification is not required for anchor stores.

*Staff response: This existing state amendment is being deleted since it is now part of the model code and is unnecessary. Summary Item 3.*

403.10.1.6. Unoccupied tenant spaces. The fire safety and evacuation plan shall provide for compliance with the requirements for unoccupied tenant spaces in Section 311.

*Staff response: This existing state amendment is being deleted since it is now part of the model code and is unnecessary. Summary Item 3.*

## **Event Preparedness**

The below sections of the fire code should not be deleted. The fire code official should be able to develop a safety and emergency plan at any large event. There was a large event in Dinwiddie that resulted in a shooting. The Boy Scout event several years ago at Ft A P Hill that resulted in several injuries because of the weather. Without local government being involved on the front side these event could be out of control or delay emergency services obtaining access. This section should stay and allow the local government that authority to work with the host to plan for the safety of those attending. Typ

*Staff response: This existing state amendment is being deleted since it is now part of the model code and is unnecessary. Summary Item 3.*

403.11.2. Public safety plan for gatherings. In other than Group A or E occupancies, where the fire code official determines that an indoor or outdoor gathering of persons has an adverse impact on public safety through diminished access to buildings, structures, fire hydrants and fire apparatus access roads or where such gatherings adversely affect public safety services of any kind, the fire code official shall have the authority to order the development of or prescribe a public safety plan that provides an approved level of public safety and addresses the following items:

1. Emergency vehicle ingress and egress.
2. Fire protection.
3. Emergency egress or escape routes.
4. Emergency medical services.
5. Public assembly areas.
6. The directing of both attendees and vehicles, including the parking of vehicles.
7. Vendor and food concession distribution.
8. The need for the presence of law enforcement.
9. The need for fire and emergency medical services personnel.

*Staff response: This existing state amendment is being deleted since it is now part of the model code and is unnecessary. Summary Item 3.*

403.11.3. Crowd managers for gatherings exceeding 1,000 people. Where facilities or events involve a gathering of more than 1,000 people, crowd managers shall be provided in accordance with Section 403.11.3.1.

*Staff response: This existing state amendment is being deleted since it is now part of the model code and is unnecessary. Summary Item 3.*

403.11.3.1. Number of crowd managers. The minimum number of crowd managers shall be established at a ratio of one crowd manager for every 250 persons.

Exception: Where approved by the fire code official, the number of crowd managers shall be permitted to be reduced where the facility is equipped throughout with an approved automatic sprinkler system or based upon the nature of the event.

*Staff response: This existing state amendment is being deleted since it is now part of the model code and is unnecessary. Summary Item 3.*

403.11.3.2. Duties. The duties of crowd managers shall include, but not be limited to:

1. Conduct an inspection of the area of responsibility and identify and address any egress barriers.
2. Conduct an inspection of the area of responsibility and identify and mitigate any fire hazards.
3. Verify compliance with all permit conditions, including those governing pyrotechnics and other special effects.
4. Direct and assist the event attendees in evacuation during an emergency.
5. Assist emergency response personnel where requested.
6. Other duties required by the fire code official.
7. Other duties as specified in the fire safety plan.

*Staff response: This existing state amendment is being deleted since it is now part of the model code and is unnecessary. Summary Item 3.*

403.11.3.3. Training. Training for crowd managers shall be approved.

*Staff response: This existing state amendment is being deleted since it is now part of the model code and is unnecessary. Summary Item 3.*

## **Lockdown Plan**

The section on the lockdown plan and using having a separate notification signal should remain. We do not need occupants confused as to natural of the emergency. The lockdown plan should be shared with emergency responders.

404.2.3.3. Lockdown notification. The method of notifying building occupants of a lockdown shall be included in the plan. The method of notification shall be separate and distinct from the fire alarm signal.

*Staff response: This existing state amendment is being deleted since it is now part of the model code and is unnecessary. Summary Item 3.*

404.3. Maintenance. Fire safety and evacuation plans shall be reviewed or updated annually or as necessitated by changes in staff assignments, occupancy or the physical arrangement of the building.

*Staff response: This existing state amendment is being deleted since it is now part of the model code and is unnecessary. Summary Item 3.*

404.4. Availability. Fire safety and evacuation plans shall be available in the workplace for reference and review by employees, and copies shall be furnished to the fire code official for review upon request.

*Staff response: This existing state amendment is being deleted since it is now part of the model code and is unnecessary. Summary Item 3.*

### **Fuel Dispensers Add Wording**

I would like to add the following wording to clarify the maintenance of fuel dispensing devices. I have had several occasions where the fuel nozzle did not cut off during fueling. This would just make it easier to enforce and make those corrections.

2304.3.2 Dispensers. Dispensing devices shall be maintained **to prevent accidental or unauthorized discharge and** in accordance with the applicable building code.

*Staff response: The proposed language was not considered during the 2015 code update cycle and should submitted during the next cycle. Summary Item 6.*

### **Fuel nozzles**

I would like to add the following wording to clarify the maintenance of fuel dispensing devices. I have had several occasions where the fuel nozzle did not cut off during fueling. This would just make it easier to enforce and make those corrections.

2306.7.6 Fuel delivery nozzles. Fuel delivery nozzles shall be maintained **to prevent accidental or unauthorized discharge and** in accordance with the applicable building code.

*Staff response: The proposed language was not considered during the 2015 code update cycle and should submitted during the next cycle. Summary Item 6.*

### **Pyrophoric materials**

I think the below wording should change to clarify the use of pyrophoric materials.

6403.1 Storage and use. The storage ~~and use~~ of pyrophoric material shall be maintained in accordance with the applicable building code. *The use or dispensing of pyrophoric materials shall be in accordance with the manufactures instructions or Safety Data Sheet.*

*Staff response: The proposed language was not considered during the 2015 code update cycle and should submitted during the next cycle. Summary Item 6.*

### **Oxidizing materials**

I think the below wording should change to clarify the use of oxidizing materials.

6303.1 Storage and use. The storage ~~and use~~ of oxidizing materials shall be maintained in accordance with the applicable building code. **The use or dispensing of oxidizing materials shall be in accordance with the manufactures instructions or Safety Data Sheet.**

*Staff response: The proposed language was not considered during the 2015 code update cycle and should submitted during the next cycle. Summary Item 6.*

### **Decoration and Curtains**

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This section appears to be slated to be deleted. Till me how can a fire official can require flammable decorations inside a school or night club be immediately removed. Of course you can say follow applicable building code when the building was built. What if, in this case, the building was built prior to 1973 and has not changed use. Given the fact that the decoration would be installed on a Friday evening and removed by Monday morning and the local building official is not available. The fact that a building permit is not required for curtains and wall hangings, so the local building official would not be inspecting for such. The example is ring dance or prom decorations in a high school that opened in 1964.

807.1. General requirements. In occupancies in Groups A, E, I and R-1 and dormitories in Group R-2, curtains, draperies, hangings and other decorative materials suspended from walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 806.2 or be noncombustible.

*Staff response: This section is an existing state amendment. The section was overhauled in the model code and the state amendment (exception 2) was incorporated accordingly. This is a typical correlation between code editions and is not part of the edits. Summary Item 3.*

## Fuel Pumps

I read this as problem with enforcing. The building was built and operated as a service station in 1950's. They upgrade the pumps sometime in the 1990's. However, there was no building permit issued because they were replacing like or like. Which applicable building code do we use? No building code for the building and unknown which code was used for the pumps.

2309.4.1 Dispensing systems. Dispensing systems shall be maintained in accordance with the applicable building code.

*Staff response: Refer to consensus definition of applicable building code. Summary Item 2.*

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**Commenter:** Linda Hale, On Behalf of 106 VFPA Signatures

## Re-Evaluate the Re-Write Code Changes to the Proposed 2015 SFPC

On behalf of the Virginia Fire Prevention Association, its membership and the Commonwealth Fire Service Community, please accept this signed petition from 106 concerned and impacted persons with regards to the upcoming 2015 adoption process of the Statewide Fire Prevention Code.

We are petitioning to re-evaluate the re-write code changes to the proposed 2015 Statewide Fire Prevention Code. We acknowledge that the majority of Chapters 1-10 were consensus based updates. Areas in which non-consensus was not reached the DHCD staff versions were added, which changes the means and implementation of this process. But this is not true of Chapters 11-69, and no consensus process with the Fire Service Board's Codes and Standards Committee occurred due to time constraints.

No person, including the BHCD, was able to see what the blended version of the SFPC that was "approved" by BHCD prior to April 30, 2018 when the regulations were printed in the Va. Register.

*Staff response: The final version was provided in the October 17, 2017 board package – Book 7. Summary item 5.*

Concern for the process:

Chapters 1-10 were mostly consensus based changes, but where there was not consensus the DHCD staff version was recorded, and that is problematic.

*Staff response: There is no "DHCD staff version". The Board of Housing and Community Development (BHCD) approved all workgroup non consensus items. Summary item 5.*

(N) Language inclusions are historically an appendix notation, and this language then removes operational and maintenance language into an appendix that is not enforceable. It also is in conflict with a current NFPA practice of using the "N" notation to identify new code sections.

*Staff response: Appendix N was added at the request of some fire services members that were concerned that they could not reference the current code without using another book. The appendix and references to it can be removed. Summary item 13.*

Chapters 11-69 should also be a consensus process but were not.

*Staff response: Every code cycle provides an opportunity for further improvement and we are committed to continue collaborating. Summary item 5.*

There are more than 80 changes in the Final regulations which were not presented to, or vetted in the workgroup process. These changes occurred in the later chapters of the SFPC which were glossed over in the last meeting of the workgroups in 2016. There was no further review of the DHCD proposal after those meetings.

The Final Regulations were not available to the Fire Services Board representatives until the last possible minute which prevented a full and careful evaluation of the proposal. This was in spite of the Final Regulations being presented to the building officials group for review two weeks prior to it being provide to the fire service or Fire Services Board members.

As examples of the issues presented by the non-consensus document being injected, as well as not updating Chapters 11-69 through a consensus process, here are but a few of the issues noted:

**603.3.3 Underground storage of fuel oil.** What the code currently states is that “the storage of fuel oil in underground storage tanks shall comply with NFPA 31.” The proposed code is re-written and the NFPA 31 reference is removed and replaced with “in accordance with the applicable building code.” This change removes an operational reference standard – NFPA 31 – which includes operating regulations such as mixing oil based fuels with gasoline (NFPA 31 4.6.1).

*Staff response: NFPA 31 is an installation standard and the scope specifically says it shall not apply to existing installations. Summary Item 2.*

**901.5.1 Occupancy** currently indicates that, “It shall be unlawful to occupy any portion of a building or structure until the required fire detection, alarm and suppression systems have been tested and *approved.*” This entire code section was deleted. This was a non-consensus code section. It makes it unlawful to occupy a portion of a building without a certificate of occupancy. It allows a fire official to require the evacuation of a building in conjunction with 1001.3 Overcrowding or 110.4 Unsafe Structure. DHCD staff stated that a fire official might try to give a certificate of occupancy instead of the building official as the rationale for removal.

*Staff response: Testing and acceptance is in accordance with the Uniform Statewide Building Code. This was a non consensus item that was approved by BHCD. Summary item 8.*

**2306.7.5 Dispenser hose** currently indicates that, “Dispenser hoses shall be not more than 18 feet in length unless otherwise *approved.* Dispenser hoses shall be *listed* and *approved.* When not in use, hoses shall be reeled, racked or otherwise protected from damage.” The section was changed to remove the specific length as well as the operation and maintenance of the hose, in lieu of “Dispenser hoses shall be maintained in accordance with the applicable building code.” Nowhere in the applicable building code does it indicate when a hose is not in use it shall be reeled, racked or otherwise protected from damage. This is a dispenser of class I and II flammable liquids that still has product in the hose. This is another example of a weakening of the SFPC fire and life safety standards.

*Staff response: Current language affects manner of construction so maintenance language was incorporated. Summary Item 4.*

Again, these are but a sampling of the problems that the current proposed SFPC would create, and is not an exclusive list of detrimental impacts.

We hope the Board reassesses the entirety of what has been approved as non-consensus in chapters 3-10 and Chapters 11-69 because of the numerous issues that exist of which we have only highlighted a few..

We also believe that when the final regulations are adopted that a delayed implementation should be enacted, as even the consensus document highlights changes that are robust. And additional time is required to educate the enforcement officers as well as the citizens and constituents we serve.

We thank you and the Board for the opportunity to provide comment and we sign this petition in opposition of this process moving forward.

You will find that 106 individuals have signed this petition, and it has been emailed to the agency contact, Mr. Kyle Flanders, Policy and Legislative Director with DHCD. A copy may also be viewed at [www.VFPA.org](http://www.VFPA.org)

**Commenter:** Anthony McDowell, president, Va Fire Chiefs Assoc

### **Fire Prevention Code edits**

Dear Chairman Ainslie:

Thank you for the opportunity to participate in the regulatory process. I write to you today in my capacity as President of the Virginia Fire Chiefs Association (VFCA.) The VFCA is comprised of more than 600 members with its sole mission to serve the communities of Virginia through its fire service leaders and advance the fire and rescue service through leadership, education and advocacy.

We appreciate the ability to share our ongoing concerns about changes to the Statewide Fire Prevention Code, specifically as it relates to a “rewrite” of the code.

The Commonwealth of Virginia adopts a nationally-recognized model code, which itself is the result of a well-established, nationally- accepted, consensus code development process with broad stakeholder input. The detailed, technical nature of this process requires careful and deliberate effort to ensure each word, each sentence, and each chapter of the code is carefully vetted from a legal and functional standpoint, and is consistent with all referenced standards and codes. Fire officials who enforce this code rely on the document to be absolutely technically correct, so that it will stand up to legal scrutiny. Because of this long-standing process, we did not feel that there was a need to essentially rewrite the code in Virginia.

*Staff response: The International Fire Code contains construction provisions and is adopted by some jurisdictions across the country for use as their construction code. In Virginia, the Statewide Fire Prevention Code is a maintenance code. Summary item 5.*

Despite this belief, over the past two years, the fire service has been happy to work with the members of the BHCD workgroup 2, which consisted of both fire service and building code official contingencies, to find much consensus in re-writing Chapters 1-10. Although all members did not agree on all changes to these ten chapters, after several months of meetings, there was a final compromise document produced that everyone could agree to and that maintained the integrity of the Statewide Fire Prevention Code. Unfortunately, this document was not adopted by the Board as a whole, and additional, non-consensus items were added after the work of the group was completed. These new changes were problematic as they include both known and yet-to-be discovered technical flaws, mismatched references, and inconsistencies. We are submitting specific examples (these examples are offered in two additional letters, due to limitations on allowable word count in one document during public comments).

Furthermore, work group 2 was not able to complete the process of finding consensus for the remaining chapters in the allotted time.

The non-consensus items in chapters 1-10 and the remaining chapters were not reviewed in total by stakeholders, workgroups, or the Board at large before the vote was taken.

In summary, we believe the Statewide Fire Prevention Code as presented in the Final Regulations will create confusion due to conflicts created, result in significant local amendments and variation from a statewide regulation, and lessen safety for Virginia communities and firefighters alike. As a result of these and other concerns, no statewide fire service organization in the Commonwealth supports these changes. In fact, every statewide fire organization stands strongly in opposition to these changes as written.

Therefore, pursuant to the Code of Virginia, Sec. 2.2-4007.06, in order to provide additional time for comment, discussion and hopefully amendments, we are formally petitioning the Board of Housing and Community Development to reconsider their approval from the October 2017 meeting of the Statewide Fire Prevention Code published on April 30, 2018 in the Register of Regulations. We would respectfully ask that the Board reconsider their approval of those sections and allow only the consensus document created by workgroup 2 that consists of Chapters 1-10 be adopted, and that all other provisions that were removed in the subsequent chapters and sections be reinserted to allow time for consensus to be reached in the next code cycle. If the Board still feels that a total rewrite during this code cycle is necessary, we would respectfully request additional time to allow the stakeholder review process to finish its consensus work which will ensure a workable Statewide Fire Prevention Code that will protect all the citizens of the Commonwealth.

Should the 2015 Statewide Fire Prevention Code be adopted, the Virginia Fire Chiefs Association believes, at a minimum, the Board should consider the following amendments:

- Item F-107.2(2) Dawson/Dean – Reactive and exploding targets
- Item F-107.2(2) Dawson/Dean – Mobile food cooking operations
- Item F-107.11 Sites – State FM Inspection fees
- Item F-112.5 Andrews – Appeals application activities
- Item F-301.3 Milliken – Certificate of occupancy requests
- Item F-507.5.1 Toalson – Water supplies for infill developments
- Item F-609.3.3.1 Mullens – Commercial hood system tags
- Item F-703.1(2) Dawson – Exception to visual inspection of rated assemblies
- Item F-703.4 Dawson – Testing of opening protectives
- Item F-1030.1 Milliken – Emergency escape and rescue openings in R-4 use groups. NOTE – This approved change was voided by the SFPC re-write provisions which are being challenged.

*Staff response: The proposal changes this section in the IBC and included a correlating change to the IFC that is construction-related. Summary Item 10.*

- Item F-3103.2 Milliken – Tent clarification
- Item F-3501.2 Dean – Permit notation correction
- Item F-5605.1 Sites – Reference standards for manufacture of blasting agents
- Item F-5706.1.1 Dawson – Mobile fueling operations
- Item F-6701.2 Dean – Permit notation correction

Because of the word limit allowed in posting public comments, we are submitted two separate letters that provide specific examples of the problems associated with the Final Regulations as approved. These examples do not constitute a comprehensive assessment of the full document, but rather provide a sample of the most egregious and concerning issues in the Statewide Fire Prevention Code as proposed.

### **Attachment 1 to VFCA petition**

Dear Chairman Ainslie:

This letter is the first of two companion documents intended to support the Virginia Fire Chiefs Association's petition to the Board of Housing and Community Development to reconsider its approval of the Statewide Fire Prevention Code, as published on April 30, 2018 in the Register of Regulations.

As noted under that petition, we have requested the Board reconsider their approval of those sections and allow only the consensus document created by workgroup 2 that consists of Chapters 1-10 be adopted, and that all other provisions that were removed in the subsequent chapters and sections be reinserted to allow time for consensus to be reached in the next code cycle. If the Board still feels that a total rewrite during this code cycle is necessary, we would respectfully request additional time to allow the stakeholder review process to

finish its consensus work which will ensure a workable Statewide Fire Prevention Code that will protect all the citizens of the Commonwealth.

Because of the word limit allowed in posting public comments, we are submitted these two separate letters that provide specific examples of the problems associated with the Final Regulations as approved. These examples do not constitute a comprehensive assessment of the full document, but rather provide a sample of the most egregious and concerning issues in the Statewide Fire Prevention Code as proposed.

The following are examples from Chapters 2 through 8:

#### Chapter 2 Issues:

The definition of “maintained” creates a conflict within various portions of the code given the definition includes, “continuance as installed”. The phrase “in an appropriate manner” is undefined, subjective, and will lead to inconsistent enforcement.

#### Chapter 3 Issues:

301.3 – The Board changed the language as noted: “the owner or owner’s agent shall may request that one [certificate of occupancy] be issued by the Building Official...” This is poor code language as the regulations are not voluntary in nature. The building officials used the same language as in the USBC, however that is found in the administration section of the USBC and is directed at how the code is administered. It is found in Chapter 3 of the SFPC because it relates heavily to the safety of the structure and occupants and is a requirement for complying with the SFPC in many areas.

*Staff response: This was a BHCD decision. Summary item 8.*

304.1.2 – This new language removes a recognized standard and creates a condition to be corrected based on judgement rather than the prescriptive and specific criteria contained in the referenced standard.

*Staff response: This was a BHCD decision. Summary item 8.*

313.1; 318.1 – The phrase “applicable NFPA 13 standard” may be misinterpreted and is not what was agreed to in the workgroup meetings over 2017. The FSB proposal would have allowed any NFPA 13 compliant system to meet the exceptions in this and other sections of the SFPC. As written with “applicable” the only standard that can apply to the exemption is the one listed in the USBC under which the building was constructed. The broad use of all of the NFPA 13 design standards allows more flexibility and meets the intent of the code in these sections to allow the condition with the system that is designed to fully protect the building. Differing standards may have required more or less in terms of notification and alarm systems and may not have been included in the design. In that case, additional modification to the system would be needed to meet the “applicable NFPA 13 standard” versus any edition of the standard. This is also inconsistent with other code provisions in Chapter 8 which creates additional confusion.

*Staff response: According to the meeting summary, it was determined to add “applicable” to all instances of NFPA 13. Consensus FSB. Summary item 11.*

316.6.1 – “Approved” is a defined term and should be italicized. This is a problem throughout the Final Regulations.

*Staff response: Definitions are not italicized in the Regulation Information System (RIS). Consensus FSB. Summary item 12.*

317.3 – This section in the Final Regulations is not what was approved by the C&S Committee from the “consensus” document presented on 9/18/17. The language here is as proposed in the DHCD draft and not what was reviewed and endorsed by the Workgroup on 4/23/17.

*Staff response: See attached “2015 SFPC Published Errors” document for details. Summary item 7. According to the meeting audio, it was determined that there wasn’t much of a difference between the two proposed changes. However, there is a typo and the section should read as follows:*

*317.3 Rooftop structure and equipment clearance. Required structure and equipment clearances shall be maintained as provided by the applicable building code.*

Chapter 5 issues:

503.1.1 – This section was changed from the consensus proposal approved at the C&S Committee meeting on 9/18/17, and was changed from appropriate terminology to “applicable NFPA 13 Standard” creating the same conflict noted in Chapter 3 313.1 and 318.1.

*Staff response: According to the meeting summary, it was determined to add “applicable” to all instances of NFPA 13. Consensus FSB. Summary item 11.*

Chapter 6 Issues:

603.3.3.2.4 – This code sections scope has been changed and this edit removes operational issues associated with tanks that may not be regulated by the USBC. This reduces a safety provision of the SFPC.

*Staff response: Section is specific to installation so language was changed to reference maintenance. Summary Item 4.*

603.3.3 – This change removes an operational reference standard – NFPA 31 – which includes operating regulations such as mixing oil based fuels with gasoline (NFPA 31 4.6.1).

*Staff response: NFPA 31 is an installation standard and the scope specifically says it shall not apply to existing installations. Summary Item 2.*

603.6.2, 603.6.4, & 603.6.5 – There are inconsistencies within these sections. Corroded chimneys can be regulated and repaired, but the connectors that are corroded don’t have to be. The change to 603.6.4 and 603.6.5 removes the ability of the fire code to mitigate a dangerous condition.

*Staff response: Section only reiterates that they need to be repaired or replaced. Consensus FSB. Summary Item 1.*

604.1 & 604.2 – There are conflicts between these two sections: one says “shall be maintained in accordance with the applicable building code”, and the other says “maintained in accordance with sections 604.2 through 604.2.16”. There was consensus in the workgroups to have 604.1 say, “in accordance with this section” which would eliminate the conflict.

*Staff response: Recording from meeting verifies that applicable building language was agreed to (4-25-17 4:16) Consensus FSB. Summary Item 1.*

604.1.2 – There are conflicting terms in the same section which are supposed to mean the same thing. If they are written differently, it gives the impression they are two different conditions or situations. This creates confusion.

*Staff response: Section deleted and matches the consensus proposal. Consensus FSB. Summary Item 1.*

604.2.2 – The wording “maintained for emergency alarm systems as required by the applicable building code (emphasis added)” only require maintenance to be performed on system which are required by the USBC. Any elective alarm systems would not have to meet the inspections, testing, and maintenance requirements of the SFPC.

*Staff response: Matches the consensus version. Consensus FSB. Summary Item 1.*

604.2.6 & 604.2.8 – This code section as edited creates confusion. “shall be maintained in accordance with NFPA 70 when required by the applicable building code” reads literally that when the building code requires maintenance, it shall be done in accordance with NFPA 70. The building code does not require maintenance, therefore maintenance should never be required.

*Staff response: Both match the consensus version. Consensus FSB. Summary Item 1.*

604.2.12 – This section should reference the subsequent sections as they are the specific sections for egress illumination.

*Staff response: Matches the consensus version. Consensus FSB. Summary Item 1.*

605.11.1 – The strikethrough removes too much of the section. All of the sections referenced in that paragraph are applicable to access and pathways. The “through 605.11.1.3.3” should not have been stricken. Exception 2 was also not stricken in the consensus document which was approved by the C&S Committee on 10/18/17. This exception is an operational issue which does not involve construction and deleting it removes some flexibility of the fire official to achieve compliance and allow the owner flexibility. This section in the Final Regulations is not consistent with the consensus document approved by the C&S Committee on 10/18/17.

*Staff response: Matches the fire services version, which removes both exceptions. The “through 605.11.1.3.3” was editorially removed since sections 605.11.1.3.3 were deleted. Consensus FSB. Summary Item 1.*

606.9.2 – “Approved” in the section should be italicized since it is a defined term.

*Staff response: Definitions are not italicized in the Virginia Register of Regulations. Consensus FSB. Summary item 12.*

606.13 – The “consensus” Fire Services Board change document presented to the C&S Committee, and published in the Final Regulations, is inaccurate when compared to the FSB change and the consensus comments in the workgroup summary.

*Staff response: See attached “2015 SFPC Published Errors” document for details. Summary item 7.*

Chapter 8 Issues:

803.1 – The section is poorly written or inappropriately edited and is confusing as written. Also, there are no maintenance provisions in the USBC so it is not possible to maintain anything in accordance with the building code.

*Staff response: See definition of maintained. Summary Item 2.*

803.5.1; 803.5.1.1; and 803.8.1 – These deletions were only considered “consensus” by the FSB Code Committee if table 803.3 was retained in the SFPC. This change does damage to the SFPC and weakens the code by allowing wall coverings which are not regulated by the SFPC to be unregulated by the SFPC as well.

*Staff response: Installation of wall finishes are regulated by the USBC. See USBC Chapter 8 “Interior Finishes”. Consensus FSB. Summary Item 4.*

803.6; 804.1; 804.3 – These sections, when combined with the definition of “maintained” will not allow any modification of these materials since they must be maintained “in continuance as installed”. This is pulling the definition into use as these materials shall be maintained and the definition says “in continuance”.

*Staff response: Correct, they must be maintained as approved. Installation, alteration, repair or replacement of wall finishes is regulated by the USBC. Summary Item 2.*

Section 805 – several subsections; 807.5 – Use of the phrase “the applicable NFPA 13 standard” was not in the consensus document which was approved by the C&S Committee on 10/18. The phrase “applicable NFPA 13 standard” may be misinterpreted and is not what was agreed to in the workgroup meetings over 2017. The FSB proposal would have allowed any NFPA 13 compliant system to meet the exceptions in this and other sections of the SFPC. As written with “applicable” the only standard that can apply to the exemption is the one listed in the USBC under which the building was constructed. The broad use of all of the NFPA 13 design standards allows more flexibility and meets the intent of the code in these sections to allow the condition with the system is designed to fully protect the building. Differing standards may have required more or less in terms of notification and alarm systems and may not have been included in the design. In that case, additional modification to the system would be needed to meet the “applicable NFPA 13 standard” versus any edition of the standard. This is also inconsistent with other code provisions in chapter 8 which creates additional confusion.

See workgroup summary notes p. 522 for sections 805.1.1.2 -> 805.4.2.2 noted as “consensus for FSB edit” which did not include the “applicable” term.

*Staff response: Alterations to existing systems must comply with the USBC. The USBC contains the applicable NFPA standards. Summary from workgroup meeting says consensus to add “applicable”. This agreement was verified by staff through audio recordings of workgroup meetings (April 25, 2017). Consensus FSB. Summary item 11.*

The FSB proposed language is consistent with other sections in the SFPC which were not edited; 904.11; 904.6; 912.6; 913.5 among others.

*Staff response: The consensus agreement in the workgroup to us “Applicable NFPA” language was specific to NFPA 13 only. These sections reference other NFPA standards. All Consensus FSB. Summary item 11.*

Section 806, 807, 808 – Title – The title change was agreed to in the workgroup meetings, and 806 was included in the consensus changes presented to and approved by the C&S Committee on 10/18. The changes are not reflected in the Final Regulations.

*Staff response: Book 7 approved by the board does not show this language deleted. Consensus from the workgroup was for the FSB version where the words “new and existing were removed from these titles, including sections 803, 804 and 805. This was inadvertently omitted in book 7 and Town Hall See attached “2015 SFPC Published Errors” document for details. Summary item 7.*

These examples do not constitute a comprehensive assessment of the full document, but rather provide a sample of the most egregious and concerning issues in the Statewide Fire Prevention Code as proposed.

## **Attachment 2 to VFCA petition**

Dear Chairman Ainslie:

This letter is the second of two companion documents intended to support the Virginia Fire Chiefs Association’s petition to the Board of Housing and Community Development to reconsider its approval of the Statewide Fire Prevention Code, as published on April 30, 2018 in the Register of Regulations.

As noted under that petition, we have requested the Board reconsider their approval of those sections and allow only the consensus document created by workgroup 2 that consists of Chapters 1-10 be adopted, and that all other provisions that were removed in the subsequent chapters and sections be reinserted to allow time for consensus to be reached in the next code cycle. If the Board still feels that a total rewrite during this code cycle is necessary, we would respectfully request additional time to allow the stakeholder review process to finish its consensus work which will ensure a workable Statewide Fire Prevention Code that will protect all the citizens of the Commonwealth.

Because of the word limit allowed in posting public comments, we are submitted these two separate letters that provide specific examples of the problems associated with the Final Regulations as approved. These examples do not constitute a comprehensive assessment of the full document, but rather provide a sample of the most egregious and concerning issues in the Statewide Fire Prevention Code as proposed.

The following are examples from Chapters 9 through the end:

Chapter 9 Issues:

901.4 1 – This section requires the system to be “maintained in accordance with the original installation standards for that system”. The installation standard provides the regulation as to how the system is to be constructed and installed. The installation standard does not have any maintenance requirements or provisions and is in conflict with other sections of the code which note NFPA as the maintenance standard.

*Staff response: See definition of maintained. Consensus FSB. Summary Item 2.*

901.4.1 – Adds additional confusion to 901.4 when this section says “maintained in accordance with this code”.

*Staff response: See definition of maintained. Consensus FSB. Summary Item 2.*

(N) 901.4.1; (N) 901.4.3; (N) 901.4.6 – The N designation seems to indicate this is only in the appendix N, but these are clearly needed and enforceable provisions of the SFPC. See section 901.4.2 as the proper notation.

*Staff response: “(N)” simply denotes that the unamended IFC model code language will be provided as a reference. Summary Item 1.*

901.5.1 – This substantial change prohibits the fire official from prohibiting occupancy of a partially approved and constructed building. This prevents the fire official from correcting a dangerous situation.

*Staff response: Testing and acceptance of system installations is regulated by the USBC. The building official has the authority under the USBC to regulate occupancy of a building prior to issuance of a Certificate of Occupancy. Authority to enforce the SFPC does not pass to the fire official until after the CO is issued. This was a non consensus item that was approved by BHCD. Summary Item 4.*

901.5 (unchanged from IFC) and 901.5.2 – The FSB added section 901.5.2 to address those issues which are not part of the USBC. And in consort with an edit to 901.5, pulled those things from 901.5 which were USBC provisions and added them to 901.5.2. These things now seem to be regulated and tested twice rather than a single acceptance

*Staff response: Included as approved by the board. No additional requirement, possible redundancy in language. Consensus FSB. Summary Item 1.*

905.6.2 – The “(N)” preceding this section seems to indicate this section is moving to the appendix N, but nothing is stricken. The format of the Final Regulations is confusing.

*Staff response: This section has been deleted, as shown in book 7 approved by BHCD. Consensus FSB. Summary Item 1.*

907.2.3 – This section was not deleted in the “consensus” changes that were approved by the C&S Committee on 10/18/17, and yet was deleted in the Final Regulations draft presented to the BHCD.

*Staff response: Both versions show this section as deleted. Consensus FSB. Summary Item 1.*

907.4.2.3 – “Approved” should be italicized.

*Staff response: Definitions are not italicized in the Regulations Information System. Consensus FSB. Summary item 12.*

907.6 compared to 907.6.3 – Note the differences in phrases “maintained in accordance with the applicable building code” and “maintained as provided in accordance with the applicable building code.” These two mean the same or do they?

*Staff response: Board approved consensus language. Consensus FSB. Summary Item 1.*

909.18 – This section was not stricken in the draft presented to the BHCD – Book 7 dated 10.16/17 and should remain in the SFPC rather than in the appendix.

*Staff response: Although it was shown not stricken in book 7, approved by the board, both proposed versions struck this section. Consensus FSB. See attached “2015 SFPC Published Errors” document for details. Summary item 7.*

909.20.1 – The reference to chapter 9 here is inappropriate. Chapter 9 of the “applicable building code” may not have been addressing these systems. The model code does not specify where the maintenance provisions are spelled out, and a more generic statement is clearly appropriate due to its language in the model code.

*Staff response: Matches the consensus fire services version. Consensus FSB. Summary Item 1.*

Table 911.5 – The consensus document approved by the C&S Committee indicated “no change” and the table appears as deleted in the Final Regulations. The proposal reviewed by the BHCD on 10/16/17 did not include the deletion of the table.

*Staff response: There is no section 911.5. If this was meant to be 911.1, the fire services version deleted reference to the table so it was editorially removed. Summary Item 1.*

Chapter 10 Issues:

Many of the Final Regulations in Chapter 10 indicate (N) in front of the code section. This implies these appendix provisions were edited to be enforceable provisions of the SFPC. It seems the following sections are not included in the SFPC but the appendix:

Based on the (N) indicating material dedicated for the appendix, the only provision of chapter 10 will be 1001 and 1003.3. All other sections of this chapter have the (N) designation.

(N) 1003.1 – The scope of the chapter has changed dramatically from addressing simply the elements of the means of egress to the entire building.

*Staff response: Maintenance is specific to means of egress – section title. Consensus FSB. Summary Item 1.*

(N) 1010.1.9.3 – Deletion of this section removes an operational component that allows fire code officials to have flexibility and work with building occupants to ensure safety and security of their buildings. This section has been used extensively to allow businesses to lock egress doors without having to install panic type hardware to ensure the usability of the exit. This will now require doors to only comply with the building code under which it was constructed and remain in continuance as installed.

*Staff response: Ability to require and maintain signage has not been removed. Summary Item 1.*

1003.4 – Floor surfaces were clearly defined in the IFC as “walking surfaces of the means of egress shall have a slip resistant surface and be securely attached” The new language is vague and opens up the interpretation of “slip and trip hazards” to the individual inspector rather than clear narrowly scoped language related to the specific surface.

*Staff response: Language permits abatement of dangerous tripping hazards without requiring new flooring. Consensus FSB. Summary Item 1.*

1004.1 (and subsequent sections) – Without these provisions, the fire official has no authority or prescriptive regulation to adjust the occupant load from that established by the designer. Many times the occupant load is adjusted to meet the needs of the occupant to accommodate added occupants (removal of fixed seating) or reduction in occupants (if exits are blocked or floor area reduced). The removal of these provisions prohibit the ability of the fire code official to exercise judgment based on the environment or customer need. Additionally, when determining the occupant loads, the charts and tables which have been removed serve as guidance in determining compliance.

*Staff response: Occupant load is determined by the USBC. Summary item 8.*

1004.2 – Deleted section expressly prohibits the ability of the fire code official to exceed the designed occupant load even if enhanced fire safety provisions are in place. This would not be able to be modified by local amendment as reverting back to the model code language would be less stringent and not permitted.

*Staff response: Occupant load is determined by the USBC. Summary item 8.*

1004.5 – Outdoor areas – Outdoor areas not associated with a structure are not regulated by the building code. This would allow unlimited occupancy to a patio that is connected to a business, but not regulated by the USBC.

*Staff response: Entire chapter is for means of egress, which is a defined term specific to buildings and structures. Chapter 4 addresses this. Summary Item 1.*

1005.7 – Changes to this section only would prohibit items that are associated with a building element with the new language and deletion of sub sections. Doors that are modified to not open fully, or obstructions to their swing would not be a violation even though they would reduce the egress width. The issue here would be the trashcan behind a door, while limiting the door swing, would not violate the SFPC, but based on this new language be a violation of the USBC, however the building official has no authority or ability to inspect for or correct these issues.

*Staff response: This is addressed in 1031, “maintenance of means of egress”. Summary Item 1.*

Throughout Chapter 10, there are multiple references to components of the Means of Egress being “maintained in accordance with the applicable building code”. We believe this phrase – used in several sections of the

proposed Final Regulations will create confusion. There are no maintenance provisions in the building code, the applicable building code may not have referenced the maintenance standards that are currently required, and a legal question is created since the fire code is enforced as a present regulation and not retroactively.

*Staff response: See definition of maintained. Summary Item 2.*

#### Chapter 21 Issues:

2107.2 – completely deletes the prohibition of solvent tanks below grade as well as the exception and doesn't even reference back to the applicable building code

*Staff response: Covered by USBC, which references the IFC. Summary Item 4.*

2107.2.3 – deletes references to proper spill control; no maintenance requirements for spill control in the applicable building code. This is operational, not construction.

*Staff response: See definition of maintained. Summary Item 2.*

#### Chapter 23 Issues:

2303.1 – removes technical guidance for proper location of dispensing devices (often these can be portable and are not covered under the building code)

*Staff response: Chapter is specific to fueling facilities. Requirements specific to fueling facilities are covered by the USBC, which references the IFC. Those construction requirements have not been altered. Summary Item 4.*

2306.8.6 – removes requirement for compatibility between products and equipment; existing state amendment.

*Staff response: State amendment was deleted when creating the base document since it was now provided by the 2015 code which changed to 2306.8.2 and subsequently deleted. Summary Item 3.*

2306.2.3 – removes guidance or indication of the requirements regarding location of outdoor tanks.

*Staff response: Chapter is specific to fueling facilities. Requirements specific to fueling facilities are covered by the USBC, which references the IFC. Those construction requirements have not been altered. Summary Item 9.*

2306.2.4.1 – deletes tank capacity limits with no reference to MAQ or applicable building code.

*Staff response: Chapter is specific to fueling facilities. Requirements specific to fueling facilities are covered by the USBC, which references the IFC. Those construction requirements have not been altered. Summary Item 9.*

2306.2.6 – removes guidance for special situation and leaves the term “special enclosure” undefined and unclear as to what it is addressing.

*Staff response: Chapter is specific to fueling facilities. Requirements specific to fueling facilities are covered by the USBC, which references the IFC. Those construction requirements have not been altered. Summary Item 9.*

2306.6.2.6 – removes any requirement for spill containers, including portable, and any indication as to the hazard or how to protect against it.

*Staff response: Chapter is specific to fueling facilities. Requirements specific to fueling facilities are covered by the USBC, which references the IFC. Those construction requirements have not been altered. Summary Item 9.*

2306.8.2 through 2306.8.4 – deletes fire code official approval; deletes signage requirements; operational issues, not construction.

*Staff response: Chapter is specific to fueling facilities. Requirements specific to fueling facilities are covered by the USBC, which references the IFC. Those construction requirements have not been altered. Summary Item 9.*

2307.7 – removes item 6 and 7 regarding signs and maintenance of area around the dispenser.

*Staff response: The requirement for maintenance around the dispenser (Item #7) was not edited. Items 2 and 4 contained construction requirements and were stricken; remaining items in list were renumbered. Summary Item 3.*

2309.2 – makes it unclear if all hydrogen equipment is required to be listed or only if regulated by the building code.

*Staff response: Chapter is specific to fueling facilities. Requirements specific to fueling facilities are covered by the USBC, which references the IFC. Those construction requirements have not been altered. Summary Item 9.*

Chapter 24 Issues:

2403.2.1.3 – This section regulates equipment outside of the spray booth – electrical cords, motors, hand tools, etc. that are not within the scope of the USBC. As proposed, anything that is not regulated by the USBC would be allowed within the 5 feet of a spray booth where flammable gases may be located. This section is provided in the model code to prevent sources of ignition from being close to the openings of these booths to limit the sources of ignition in flammable gas areas.

*Staff response: This section is specific to permanent wiring. Virginia does not permit retroactive code application to legally existing construction. Summary Item 4.*

2404.3.2.5 – The intent of the model code in this section is for the purposes of keeping the area free of storage of combustibles AND “so that all parts of the booth are readily accessible for cleaning”. The change proposed in the Final Regulations will allow non-combustible storage in areas that will require cleaning and inspections to ensure there is no build-up of flammable finishes. This change increases the risk for fires in and around spray operations.

*Staff response: This section requires clear space to be kept free of storage or combustible materials. Summary Item 1.*

2407.1 – The proposal deletes a very clear directive and safety provision in that “spraying operations cannot be conducted unless the ventilation system is in operation.” This revision of the language is confusing.

*Staff response: Section requires maintenance. Summary Item 2.*

2404.7.8 – Proposed regulations remove critical certification standards for the performance of intake filters. The model code requires UL 900 certification for Class I or Class II combustible atmospheres. These requirements have been removed.

*Staff response: See definition of maintained. Summary Item 2.*

Chapter 25 Issues:

2504.1 – The model code requires all sources of ignition to be controlled and protected from the flammable gases that are associated with fruit and crop ripening operations. The proposed regulation will limit this control of those sources of ignition from ANY source, to only those sources regulated by the USBC. Open flames, smoking, cooking operations, candles, and any other source of ignition would not be prohibited in these dangerous areas as they are not regulated by the building code.

*Staff response: Section 308 still applies. Summary Item 1.*

Chapter 27 Issues:

2703.2 – The model code address all electrical wiring and equipment within the hazard area. Hand tools, electronics, phone systems, radios etc. are not regulated by the building code, but are intended to be regulated here due to the hazardous conditions presented and flammable atmospheres likely to occur. Removing the provision of this section will eliminate the fire code official ability to require electronic equipment to meet the explosive resistance required in NFPA 70 thus adding risk to the workspace. This may also allow a non-compliant OSHA condition to be created as well.

*Staff response: Appears this comment is in reference to 2703.2.2 (2703.2 was not changed). The references to the I-codes were removed throughout. Design of all fabrications, including work station are approved by the USBC and must be maintained. Summary Item 4.*

2704 – All of this section dealing with storage is beyond the scope of the USBC and should not be modified. These are operational issues, include the maximum allowable quantity, which may not have been identified in the construction of the building.

*Staff response: MAQs were vetted with Attorney General's office and quantities permitted at the time of construction can't be retroactively reduced. Summary Item 4.*

Chapter 28 Issues:

2803.4 – This provision deals with more than just building systems and requires all electrical equipment – hand tools and the like – be compliant with NFPA 70. Those items not regulated by the USBC would in fact become not regulated.

*Staff response: Equipment is defined, which does not include hand tools. Summary Item 4.*

Chapter 32 Issues:

3208.2 – The proposed regulation indicates, “where automatic sprinklers are provided, they shall be maintained in accordance with the applicable building code.” This creates confusion as Chapter 9 directs all inspection testing and maintenance of water based fire protection systems to be done in accordance with NFPA 25. Additionally, there are no maintenance provisions in the USBC and the language here as in all other parts of the Final Regulations where the phrase is used will create confusion.

*Staff response: See definition of maintained. Summary Item 2.*

3208.3.1 – The addition of the heightened text here is problematic, “where required by the fire code official, flue spaces required by the applicable building code...”. The fire code official does not have the authority to enforce the USBC. The Final Regulations here take out the reference in the model code that outlines when the fire code official can take action on protection of a flue space in high piled storage. The Final Regulations as published are unenforceable.

*Staff response: Flue spaces must be maintained as required by the applicable building code. Summary Item 2.*

Chapter 50 - 67 issues:

The regulation of hazardous materials –in the handling, storage, and use – is not within the application of the USBC. The USBC notes in section 103.1, “In accordance with Section 36-99 of the Code of Virginia, the USBC shall prescribe building regulations to be complied with in the construction and rehabilitation of buildings and structures, and the equipment therein.” [emphasis added]. This clearly does not include materials, chemicals, emergency planning, evacuation drills, or anything else that falls within the scope of the Statewide Fire Prevention Code.

*Staff response: Storage limits of material are governed by the USBC. Summary Item 4.*

In contrast, the SFPC's purpose as stated in 101.3 is, to provide for statewide standards 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.” [emphasis added]. It's clear when held side by side, the provisions in chapter 50 of the SFPC are enforceable, and should not undergo such heavy amendments in the absence of a clear problem with the code. This entire chapter should be left as is in the model code or with existing state amendments until further evaluation of the proposed changes can be fully evaluated and only those construction provisions are removed.

*Staff response: Correct, 101.3 is only for improper maintenance. MAQs were vetted with Attorney General's office and quantities permitted at the time of construction can't be retroactively reduced. Summary Item 4.*

Chapter 60 Specific Issues:

Various changes in this chapter were not reviewed at the workgroup meetings. Three sections (two of which were unchanged at the time of the WG review), were reviewed on 8/26/16 meeting: 6004.1.1; 6003.2.5; 6004.1.1.1. Sections now modified in the Final Regulations include 6001.1; 6003.1 (2 sections); 6004.2.2.6; 6004.2.2.8 (2 sections).

*Staff response: No changes to 6004.1.1 or 6004.1.1.1 (agreed to unstrike at workgroup meeting), 6003.2.5 is deleted. Summary Item 1.*

6004.1.2 (5) – Change is not consistent with other SFPC rewrite changes and points to a deleted section of the code.

*Staff response: This was editorially corrected before publishing in townhall. Summary Item 1.*

6004.2.1.1 – This section points to a deleted group of tables in chapter 50.

*Staff response: These tables are not deleted in final regulations. Summary Item 1.*

6004.3.2.1.2 – Several sections related to methods of construction were retained and are not consistent with the purpose of the SFPC rewrite.

*Staff response: Scoping, 6001.1, covers maintenance and operation (outside and inside). Summary Item 6.*

Chapter 61 Specific Issues:

There were two sections reviewed at the workgroup meeting on 8/26/16. The following sections were modified without workgroup review or input:

6103; 6104; 6108; 6109

6103.3.1 – The reference to these systems being maintained in accordance with the code under which they were installed is inconsistent with other changes and does not reference maintenance standards for these systems.

*Staff response: See definition of maintained. Summary Item 2.*

Chapter 62 Specific Issues:

There were only two sections reviewed at the workgroup meetings based on the summaries published from the final workgroup meeting on 8/26/16, and there were no changes noted to those sections.

The following sections were modified and not reviewed according to the workgroup summaries: 6203.1 and 5 additional subsections; 6203.2; 6204 and 12 additional subsections.

*Staff response: Every change was presented and only changes that were discussed were included in the meeting summary. Summary item 5.*

Chapter 63 Specific Issues:

There were only three sections reviewed at the 8/26/16 workgroup meeting.

There were 17 sections modified and four tables deleted in the Final Regulations which were not reviewed by the workgroups.

*Staff response: Every change was presented and only changes that were discussed were included in the meeting summary. Summary item 5.*

Chapter 64 Specific Issues:

There was only one section (6404.1.4) which was reviewed by the workgroup at the 8/16/16 meeting. There were 11 additional sections modified in the Final Regulations which have not been reviewed by the workgroup.

*Staff response: Every change was presented and only changes that were discussed were included in the meeting summary. Summary item 5.*

Chapter 65 Specific Issues:

There was only one section (6504.1.3) which was reviewed by the workgroup at the 8/16/16 meeting. There were two additional sections modified in the Final Regulations which have not been reviewed by the workgroup.

*Staff response: Every change was presented and only changes that were discussed were included in the meeting summary. Summary item 5.*

Chapter 66 Issues:

There were three sections which were reviewed by the workgroup at the 8/16/16 meeting. There were seven additional sections modified in the Final Regulations which have not been reviewed by the workgroup.

*Staff response: Every change was presented and only changes that were discussed were included in the meeting summary. Summary item 5.*

Chapter 67 Specific Issues:

There was only one section which was reviewed by the workgroup at the 8/16/16 meeting. There were eight additional sections modified in the Final Regulations which have not been reviewed by the workgroup.

*Staff response: Every change was presented and only changes that were discussed were included in the meeting summary. Summary item 5.*

6705.1 – Points to deleted sections of the SFPC.

*Staff response: These tables are not deleted in final regulations. Summary Item 1.*

These examples do not constitute a comprehensive assessment of the full document, but rather provide a sample of the most egregious and concerning issues in the Statewide Fire Prevention Code as proposed.

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**Commenter:** Richmond Fire and Emergency Services

**2012 VSFPC**

We should use caution when being ask to simply keep the 2012 Statewide Fire Prevaention Code. Section 104.1 notes that the locality may adopt VSFPC in its' entirity , relating to open burning, fire lanes, fire lanes and hazardous materials. Although we specifics can be amended to be more restrictive (not having any affectt on building code issues), attorneys could challenge in court the locality's down right rejection and the complete substution of the current State Fire code when violated is sited the is covered by VSFPC. The City of Richmond with past leaderrship has adopted The virginia Statewide Fire Prevention Code that supports our efforts for code enforcement. It would be extermely problematic to enforce maintenace under the current building codes,continuing to reference the the 2012 code. Prolonging the publilation of the 2015 even with disagreements that most juridishtions are having with the removal of some languish will increasing hamper our ability to provide service to our customers.

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**Commenter:** Perry Weller, City of Staunton Fire & Rescue

**2015 VSFPC**

To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. As an advocate for the safety of the citizens of the City of Staunton and all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association and the Virginia Fire Prevention Association.

Moving forward without consensus is a dangerous gamble with fire safety. As outlined by others, there are too many code sections that need closer evaluation by the fire service stakeholders. Numerous sections severely diminish the regulations that are currently in place to protect the citizens of Virginia. We cannot allow for anything but a complete review and consensus document to be released and adopted.

Sincerely,

Perry W. Weller  
Deputy Fire Marshal

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**Commenter:** Keith Chambers, President, Central Virginia Fire Arson Association

### **SFPC Comments**

Representing the Central Virginia Fire Arson Association (CVFAA), please accept these comments on behalf of over 100 members of the fire service community regarding the 2015 Statewide Fire Prevention Code adoption process.

In addition of support to the comments entered by VFCA President, Anthony McDowell and VFPA representative, Linda Hale we are urging you to consider re-evaluating changes proposed in the 2015 Statewide Fire Prevention code. The changes presented are voluminous and nowhere near being vetted to ascertain any of the unintended consequences. Below are just a few code section changes that were recognized as being potential problems. We are certain there are many more because the entirety of these massive changes have not been thoroughly evaluated.

**301.3 Occupancy.** Within this section change the Board voted to change the last sentence to state, “Where a certificate of occupancy is not available for a building, the owner or owners agent *MAY* (*emphasis added*) request that one be issued by the building official and retained on site for reference.”

The use of the word “MAY” is not proper code language and is completely unenforceable.

**603.3. Underground Storage of Fuel Oil.** Current codes references NFPA 31 as the guiding document for compliance. Under the changes proposed the reference to use NFPA 31 is removed and substituted with the statement, “in accordance with the applicable building code.” This removes any guidance and enforcement to operation requirements and may prevent enforcing standards such as mixing fuels.

*Staff response: NFPA 31 is an installation standard and the scope specifically says it shall not apply to existing installations. Summary Item 2.*

**901.5.1 Occupancy.** This entire section is proposed to be deleted. Currently, this section gives authority to the Fire Marshal to not allow a building to be occupied unless all fire detection and suppression systems have been tested and approved. By deleting this, a building can be stocked, operating and/or occupied before any fire safety systems are functional, and there are no enforcement capabilities for the Fire Marshal to utilize to prevent it.

*Staff response: Testing and acceptance is in accordance with the Uniform Statewide Building Code. This was a non consensus item that was approved by BHCD. Summary item 8.*

Throughout many code section changes the statement “maintained in accordance with the applicable building code” is used. This can be very confusing, as the building code does not have any maintenance provisions, and some of those changed sections do not point to the applicable NFPA guidance document, whereas some do. No consistency.

*Staff response: Refer to consensus definition of “maintained”. Summary Item 2.*

The word “approved” is a defined word and italicized to indicate the defined term. In several sections “approved” is not italicized as should be required.

*Staff response: Defined terms are not italicized in the Virginia Register of Regulations. Summary item 12.*

These are merely a sampling of concerns regarding specific proposed changes. Others have provided even more in their respective comments. Please consider our request for re-evaluation of the slated changes.

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**Commenter:** James Cullinan

**Fire Prevention Code Edits**

To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is James Cullinan and I am the Fire Chief for the Spotsylvania County Department of Fire, Rescue & Emergency Management. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

James Cullinan

Fire Chief

Spotsylvania County Department of Fire, Rescue & Emergency Management

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**Commenter:** Carrsville Fire & Rescue

**Statewide Fire Prevention Code**

To Whom it May Concern;

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Kevin Duck and I am the Commissioner of the Carrsville Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments provided earlier by the Virginia Fire Chiefs Association.

Sincerely,

Kevin Duck, Commissioner

Carrsville Fire & Rescue

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**Commenter:** Chris Eudailey - VFCA

**Fire Prevention Code**

To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Chris Eudailey and I serve as the Executive Director for the Virginia Fire Chiefs Association and recently retired as the Fire Chief for Spotsylvania Department of Fire, rescue and EM. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association. The safety and welfare of the citizens and visitors of the Commonwealth would be jeopardized if the proposed fire code changes were adopted as published. Thanks for the opportunity to share these concerns.

Sincerely,

R. Christian Eudailey

Executive Director/ Fire Chief (Ret.)

**Commenter:** Darren Stevens, Chief Fauquier County Fire Rescue

**Statewide Fire Prevention Code**

"To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Darren Stevens and I am the Fire Chief/Fire Marshal for the \_\_\_\_\_County of Fauquier. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

Darren Stevens

Fire Chief/Fire Marshal

Fauquier County

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**Commenter:** R. Scott Garber, City of Staunton Fire & Rescue

**Fire Chief**

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is R. Scott Garber and I am the Fire Chief for the City of Staunton Fire & Rescue Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

R. Scott Garber

Fire Chief

City of Staunton Fire & Rescue

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**Commenter:** Keith Chambers, Fire Marshal, Chesterfield Fire and EMS

**SFPC Code Updates**

To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Keith Chambers and I am the Fire Marshal for Chesterfield County Fire and EMS. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

Keith Chambers

Assistant Chief, Fire Marshal

Chesterfield Fire and EMS

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**Commenter:** Charles Knowles, Chesterfield Fire & EMS - Fire & Life Safety Division

**Virginia Statewide Fire Prevention Code**

As the Chief Deputy Fire Marshal for Chesterfield Fire & EMS, I stand in oppositon to the proposed SFPC code changes in their current format. The recommended changes, proposed by Board of Housing and Community Development, will weaken the Fire Prevention Code and, in turn, reduce the safety of all Virginians and the citizens who visit our Commonwealth.

I, too, support the legislative efforts of the Virginia Fire Chief's Association (VFCA) and request to have my name added to their comments.

Respectfully,

Charles M. Knowles, Jr.

Chief Deputy Fire Marshal

Chesterfield Fire & EMS

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**Commenter:** Chief, Kenbridge Fire Department

**Virginia Statewide Fire Prevention Code**

To Whom It May Concern:

As Chief of the Kenbridge Fire Department and a long time advocate for a safe community for the Commonwealth of Virginia and its citizens I oppose the changes as introduced in the Statewide Fire Prevention Code. I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Richard W. Harris, Chief

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**Commenter:** Simone Gulisano, Chesapeake Fire Department

**Virginia Fire Prevention Code Updates**

Thank you for the oppurtunity to comment on the the updates to the Staewaide Fire Prevention Code. My name is Simone "Sam" Gulisano and I serve as the Fire Marshal for the City of Chesapeake. As an advocate for safety of all Virginians, I would like to add my name to the comments made by the Virgini Fire Chiefs Association.

Sincerely,

Simone J. Gulisano

Division Chief/Fire Marshal

Chesapeake Fire Department

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**Commenter:** John Prillaman, Salem Fire & EMS Department

**Statewide Fire Prevention Code**

To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is John Prillaman and I am the Fire Chief for the Salem Fire & EMS Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

John Prillaman

Fire Chief

Salem Fire & EMS Department

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**Commenter:** Jay Davis, Charlottesville Fire Department

**Statewide Fire Prevention Code Concerns**

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Jay Davis and I am the Fire Marshal for the Charlottesville Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association. As outlined by others, there are too many code sections that need closer evaluation by the fire service stakeholders. Numerous sections severely diminish the regulations that are currently in place to protect the citizens of Virginia. We need a complete review and consensus document to be released and adopted.

Sincerely,

Jay Davis

Fire Marshal

Charlottesville Fire Department

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**Commenter:** Kevin Good, Stafford County

**Statewide Fire Prevention Code**

"To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Kevin Good and I am the Assistant Chief for the Fort Belvoir Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

Kevin Good

Stafford County, VA

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**Commenter:** David Eagle, City of Danville

**Statewide Fire Prevention Code edits**

To Whom it may Concern:

Thank you for the opportunity to comment on the VSFPC updates and edits. My name is David Eagle and I am the Fire Chief and Fire Official for the City of Danville. I am a longtime advocate for a safe community for the

Commonwealth of Virginia, its citizens, and those who visit our great state. I oppose the current changes to the Statewide Fire Prevention Code as it has been introduced and also oppose the methods that were used to propose these updates. I respectfully wish to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

David Eagle

Fire Chief

Danville Fire Department

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**Commenter:** Glenn A Dean, CFM (Retired)

### **Promulgation of 2015 SFPC**

I strongly suggest that the current promulgation effort for updating the Statewide Fire Prevention Code (SFPC) be suspended, or remanded back to the Board of Housing and Community Development (BHCD) for a more comprehensive or inclusive review/process. While I may now be retired, my request is based on my long and continued interest, involvement and exposure to the code adoption process at both the state and national levels and based upon that long involvement and exposure I can assure you - even guarantee you - compared to the promulgation process for the national IFC model code that is the base document for the SFPC, the BHCD has NOT invested a sufficient amount of time for an informed debate on such an expansive set of changes as those currently proposed for this edition of the SFPC. The proposed code has not been fully vetted by all impacted entities and for that reason alone, the effort should be suspended.

*Staff response: Code proposal consideration at the national level has 2 opportunities for debate and then a final decision. This process has had 18 full six-hour days of stakeholder debate in addition to public hearings and board/committee meetings. Summary item 5.*

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**Commenter:** Mike Armstrong, Fire Chief, City of Bristol, VA Fire Department

### **Statewide Fire Prevention Code**

#### **Statewide Fire Prevention Code**

I would like to echo the concerns made by fire service professionals in the Commonwealth of Virginia and oppose the current proposal being forwarded by the BHCD. I stand in opposition to the current Statewide Fire Prevention Code proposal and the manner in which it was developed. I strongly believe this will weaken fire safety efforts in Virginia. I thank you for the opportunity to voice my concerns.

Respectfully,

Mike Armstrong, Ed.D.

Fire Chief

City of Bristol, VA

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**Commenter:** Fire Chief Stephen P. Kopczynski, Chairman Virginia Fire Service Council

### **Statewide Fire Prevention Code Input from VA Fire Service Council**

Dear Chairman Ainslie:

On behalf of the Virginia Fire Service Council, I am writing about the proposed changes to the Virginia Statewide Fire Prevention Code. I am aware that you have received in-depth input from the Virginia Fire Chiefs Association (VFCA) and others. The Virginia Fire Service Council concurs with these concerns.

As indicated by others, we too believe that the Statewide Fire Prevention Code, as presented in the “final regulations,” will create confusion due to the various conflicts that will be created, will cause the need for significant local amendments and potentially reduce the safety of Virginia’s citizens, businesses and visitors, as well as our own firefighters. These concerns are shared by virtually all of the major Fire/EMS organizations in the Commonwealth and have been previously expressed. Further, the extensive explanation submitted by the VFCA amply describes the concerns.

Therefore, pursuant to the Code of Virginia, Sec. 2.2-4007.06, in order to provide additional time for comment, discussion and hopefully amendments, we are formally petitioning the Board of Housing and Community Development to reconsider their approval from the October 2017 meeting of the Statewide Fire Prevention Code published on April 30, 2018 in the Register of Regulations. We would respectfully ask that the Board reconsider their approval of those sections and allow only the consensus document created by workgroup 2 that consists of Chapters 1-10 be adopted, and that all other provisions that were removed in the subsequent chapters and sections be reinserted to allow time for consensus to be reached in the next code cycle. If the Board still feels that a total rewrite during this code cycle is necessary, we would respectfully request additional time to allow the stakeholder review process to finish its consensus work which will ensure a workable Statewide Fire Prevention Code that will protect all the citizens of the Commonwealth.

Should the 2015 Statewide Prevention Code be adopted, the Virginia Fire Service Council believes, at a minimum, the Board should consider the following amendments:

- Item F-107.2(2) Dawson/Dean – Reactive and exploding targets
- Item F-107.2(2) Dawson/Dean – Mobile food cooking operations
- Item F-107.11 Sites – State FM Inspection fees
- Item F-112.5 Andrews – Appeals application activities
- Item F-301.3 Milliken – Certificate of occupancy requests
- Item F-507.5.1 Toalson – Water supplies for infill developments
- Item F-609.3.3.1 Mullens – Commercial hood system tags
- Item F-703.1(2) Dawson – Exception to visual inspection of rated assemblies
- Item F-703.4 Dawson – Testing of opening protectives
- Item F-1030.1 Milliken – Emergency escape and rescue openings in R-4 use groups

NOTE – This approved change was voided by the SFPC re-write provisions which are being challenged.

- *Staff response: The proposal changes this section in the IBC and included a correlating change to the IFC that is construction-related. Summary Item 10.*

- Item F-3103.2 Milliken – Tent clarification
- Item F-3501.2 Dean – Permit notation correction
- Item F-5605.1 Sites – Reference standards for manufacture of blasting agents
- Item F-5706.1.1 Dawson – Mobile fueling operations
- Item F-6701.2 Dean – Permit notification correction

I am hopeful that you and the Board of Housing and Community Development will seriously consider the input from our organization and other Fire/EMS organizations and individuals.

Sincerely,

Fire Chief Stephen P. Kopczynski

Chairman, Virginia Fire Service Council

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**Commenter:** Stephen P. Kopczynski, Fire Chief/Director -York County, VA

**Statewide Fire Prevention Code Input**

As a local fire chief/fire official, I am concerned with the changes to the Statewide Fire Prevention Code as published by the Board of Housing and Community Development. I believe that if the the changes, as published, are imposed and if there is not the necessary additional work done on this code it will be at the safety detriment of the citizens, businesses and visitors of the Commonwealth as well as our firefighters. Therefore, I support the petition of the Virginia Fire Chiefs Association as well as the comments that have been submitted on behalf of the Virginia Fire Service Council and ask for additional consideration bu the Virginia Board of Housing and Community Development..

Thanks for the opportunity to address this critical life safety issue.

Sincerely,

Stephen P. Kopczynski

Fire Chief/Director

York County (VA) Department of Fire and Life Safety

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**Commenter:** Julien Crolet

**Virginia Statewide Fire Prevention Code**

To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Julien Crolet and I am a Fire Protection Specialist for the Fort Belvoir Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

Julien Crolet

Spotsylvania County, VA

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**Commenter:** Jeffrey F. Wise

**Virginia State Wide Fire Prevention Code concerns**

My name is Jeffrey Wise and I am the Fire Chief in Norfolk. I want to thank you for the opprotunity to express my concern during this comment period, related to the proposed changes/edits to the State Wide Fire Prevention Code. Having reviewed the concerns expressed by the Virginia Fire Chiefs Association and the Virginia Fire Services Council, I would like to add my name in support of the positions expressed by those two groups.

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**Commenter:** Gregory Cade, NFPA

**Virginia State Wide Fire Prevention Code**

Virginia Department of Housing & Community Development

Main Street Centre

600 East Main Street, Suite 300

Richmond, VA 23219

Reference: 2015 Statewide Fire Prevention Code

June 23, 2018

Dear Sirs,

I am writing to appeal the decision to adopt the 2015 International Code Council's "International Fire Prevention Code (IFC)" as amended by the Department of Housing and Community Development (DHCD). The ability to properly review the voluminous changes recommended by DHCD staff and correlate them back to the origin language in the 2015 ICC-IFC and the various National Fire Protection Associations (NFPA) Codes and Standards "Incorporated by Reference (IBR)" in the IFC is critical to evaluating the safety of existing buildings. The number of changes suggested by staff and others coupled with the short period of time allowed to comprehensively review the document and assess the potential impact of those changes does not allow for an appropriate review.

We believe that the safety of the community is better served by allowing a sufficient amount of time to properly review and comment on the changes. Given the fact that with this adoption the DHCD is already one whole complete cycle behind the ICC's current IFC we believe the review is critical.

Sincerely,

Gregory B. Cade

Mid-Atlantic Regional Director

National Fire Protection Association

619 Chesapeake Drive

Stevensville, Maryland 21666

202-309-8537 (phone); gcade@nfpa.org (email)

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**Commenter:** James Dawson

**Statewide Fire Prevention Code Rewrite**

I would like my comments to be added to those of the Virginia Fire Chiefs Association as well as the Virginia Fire Prevention Association, and include the following added commentary.

As the proponent on behalf of the Virginia Fire Services Board in 2017 - while a member of the Board of Housing - I requested the Board of Housing to defer any action on the SFPC rewrite to include those proposals submitted under my name for chapters 1-10 of the SFPC. The rationale for that request was clear in the complex nature of the SFPC and how many later chapters relate to or references are drawn from other chapters, and the true consensus process that was undertaken by the Fire Board Code Committee while laborious was far from complete.

The Board as rules making body, nor I who was deeply involved in the workgroup process from the beginning, had never reviewed the document that has become the final regulations and were not able to evaluate the

relationships of the changes that were approved by the Board in October. This action has lead to the problems outlined clearly in the attachments provided by Chief McDowell, and expanded on by others in this comment period.

I would urge the Board of Housing reconsider their actions on the code rewrite proposals, to include the proposals submitted under my name (consistent with my request at the 2017 Board of Housing Meeting), and to revert back to the base 2015 edition of the IFC with the individual SFPC amendments that were fully and completely vetted by the Workgroups and the Board and allow a more complete review of the SFPC in the coming years by the appropriate organizations and interest groups.

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**Commenter:** Bill MacKay, Goochland County

**VA Statewide Fire Code**

To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Bill MacKay and I am the Fire-Rescue Chief for the Goochland County Fire-Rescue Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

The current proposal and edits to the SWFPC are inadequate and are not in the best interest of all Virginians. As public servants we have no more important duty than to provide for the safety and welfare of those who have entrusted us with their safety. As written and if approved, the safety of all Virginians will be lessened and eroded with this proposal.

Along with my fellow fire service professionals (both career and volunteer), I stand in opposition to this action by the Board of Housing and Community Development. The number of identified consequences to adopting this as presented is well documented.

Sincerely,

William (Bill) MacKay

Fire-Rescue Chief

Goochland County Department of Fire-Rescue and Emergency Services

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**Commenter:** Claiborne F. Cofer, Virginia Beach Fire Department

**Virginia Fire Prevention Code Updates**

Virginia Fire Prevention Code Updates

Thank you for the opportunity to comment on the the updates to the Staewaide Fire Prevention Code. My name is Claiborne F. Cofer and I serve as Fire Marshal for the City of Virginia Beach. As an advocate for safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

Claiborne F. Cofer

Battalion Chief/Fire Marshal

Virginia Beach Fire Department

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**Commenter:** Willie G. Shelton Jr, retired Executive Director VDFP & Federal Fire Chief

**State Fire Prevention Code**

Fire codes were enacted to protect the public! Weakening the codes does not protect the public. I suggest that the International Fire Code as employed in the US be employed in Virginia in its entirety. One only needs to see the devastation caused by fires today to realize that the synthetics materials burn twice or three times faster than natural wood products. Fire sprinklers should be considered in Virginia; look at the reduction of damage and positive impacts that have occurred in Maryland since fire sprinklers were mandated. Losses are nil since the 24-hour fire fighter (sprinkler) is always ready instantly.

Don't be misled. I fully fire sprinklered my home in 1989 and now the reduction in insurance premiums makes me money!!!!

Codes need to be strong and not weakened.

W. G. Shelton Jr., CEM, FIFireE

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**Commenter:** William Gerstein Jr. Virginia Beach Fire Department

**Virginia Fire Prevention Code Updates**

"To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is William Gerstein Jr and I am the Deputy Fire Marshal for the Virginia Beach Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

William Gerstein Jr

Deputy Fire Marshal

Virginia Beach Fire Department

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**Commenter:** Keith Ashbury Virginia Beach Fire Department

**Virginia Fire Prevention Code update**

Thank you the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Keith Ashbury and I am the Deputy Fire Marshal for the Virginia Beach Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

Keith Ashbury

Deputy Fire Marshal

Virginia Beach Fire Department

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**Commenter:** George Hughes Virginia Beach Fire Department

**Virginia Fire Prevention Code Updates**

"To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is George D. Hughes and I am the Deputy Fire Marshal for the Virginia Beach Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

George D. Hughes

Deputy Fire Marshal

Virginia Beach Fire Department

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**Commenter:** James Hartnett, City of Manassas Fire & Rescue Department

**Proposed edits and updates to the Virginia Statewide Fire Prevention Code**

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is James Hartnett and I am the Fire Marshal for the City of Manassas Fire & Rescue Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

James Hartnett

Fire Marshal

City of Manassas Fire & Rescue Department

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**Commenter:** Matthew Gallina Virginia Beach Fire Department

**Virginia Fire Prevention Code Updates**

To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Matthew Gallina and I am the Assistant Fire Marshal for the Virginia Beach Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

Matthew Gallina

Assistant Fire Marshal  
Virginia Beach Fire Department

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**Commenter:** Deidra Peterson Virginia Beach Fire Department

**Virginia Fire Prevention Code Updates**

To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Deidra Peterson and I am the Assistant Fire Marshal for the Virginia Beach Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,  
Deidra Peterson  
Assistant Fire Marshal  
Virginia Beach Fire Department

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**Commenter:** Donald Moss Virginia Beach Fire Department

**Virginia Fire Prevention Code Updates**

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Donald Moss and I am the Assistant Fire Marshal for the Virginia Beach Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,  
Donald Moss  
Assistant Fire Marshal  
Virginia Beach Fire Department

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**Commenter:** M. Painter City of Virginia Beach Fire Department

**Virginia Fire Prevention Code Updates**

To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Michael Painter and I am the Assistant Fire Marshal for the Virginia Beach Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

M. Painter

Assistant Fire Marshal

Virginia Beach Fire Department

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**Commenter:** Mr Brian K Bennett

**Virginia Statewide Fire Prevention Code edits**

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Brian Bennett and I am the Deputy Fire Chief for New Kent Fire-Rescue. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

Brian K. Bennett, CFO NRP

Deputy Fire Chief

New Kent Fire-Rescue

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**Commenter:** Richard Semaria Virginia Beach Fire Department

**Virginia Fire Prevention Code Updates**

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To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Richard Semaria and I am the Assistant Fire Marshal for the Virginia Beach Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

Richard Semaria

Assistant Fire Marshal

Virginia Beach Fire Department

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**Commenter:** Lawrence Sayre Virginia beach Fire Department

**Virginia Fire Prevention Code Updates**

To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Lawrence Sayre and I am the Assistant Fire Marshal for the Virginia Beach Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

Lawrence S. Sayre

Assistant Fire Marshal

Virginia Beach Fire Department

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**Commenter:** Summer R Pruette City of Virginia Beach Fire Department

**Virginia Fire Prevention Code Updates**

To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Summer Pruette and I am the Assistant Fire Marshal for the Virginia Beach Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

Summer Pruette

Assistant Fire Marshal

Virginia Beach Fire Department

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**Commenter:** Henry Duchene City of Va. Beach Fire Department

**Virginia Fire Prevention Code Updates**

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Henry Duchene and I am the Assistant Fire Marshal for the Virginia Beach Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,  
Henry Duchene  
Assistant Fire Marshal  
Virginia Beach Fire Department

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**Commenter:** Hope Scott Va. Beach Fire Department

**Virginia Fire Prevention Code Updates**

To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Hope Scott and I am the Assistant Fire Marshal for the Virginia Beach Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,  
Hope Scott  
Assistant Fire Marshal  
Virginia Beach Fire Department

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**Commenter:** Ryann Snyder Virginia Beach Fire Department

**Virginia Fire Prevention Code Updates**

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Ryan Snyder and I am the Assistant Fire Marshal for the Virginia Beach Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,  
Ryan J. Snyder  
Assistant Fire Marshal  
Virginia Beach Fire Department

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**Commenter:** Mark Castlebury City of Virginia Beach Fire Dept.

**Virginia Fire Prevention Code Updates**

To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Mark Castlebury and I am the Assistant Fire Marshal for the Virginia Beach Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

Mark Castlebury

Assistant Fire Marshal

Virginia Beach Fire Department

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**Commenter:** Matthew H. Gifford Virginia Beach Fire Department

**Virginia Fire Prevention Code Updates**

To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Matthew Gifford and I am the Assistant Fire Marshal for the Virginia Beach Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

Matthew H. Gifford

Assistant Fire Marshal

Virginia Beach Fire Department

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**Commenter:** Todd Strang, Spotsylvania Fire, Rescue & Emergency Management

**Virginia Statewide Fire Prevention Code Updates**

"To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Todd Strang and I am the Deputy Fire Marshal for Spotsylvania Fire, Rescue & Emergency Management. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

Todd Strang

Captain/Deputy Fire Marshal

Spotsylvania Fire, Rescue & Emergency Management

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**Commenter:** Renee Allen-Stallings, Isle of Wight County Department of Emergency Service

**Virginia Fire Prevention Code Updates**

To Whom It May Concern

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Renee Allen-Stallings and I am the Office Administrator for Isle of Wight County Department of Emergency Services. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

Renee Allen-Stallings

Office Administrator

Isle of Wight County Department of Emergency Services

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**Commenter:** Thomas L Goode, Lynchburg Fire Department

**Virginia Statewide Fire Prevention Code**

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Battalion Chief Thomas L Goode and I am the Fire Marshal for the City of Lynchburg, Va. Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association. As outlined by others, there are too many code sections that need closer evaluation by the fire service stakeholders. Numerous sections severely diminish the regulations that are in place to protect all citizens of Virginian. We need a complete review and consensus document to be released and adopted.

Sincerely,

Thomas L Goode

Fire Marshal

Lynchburg Fire Department

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**Commenter:** Steven Huey

**Fire Code Update**

To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Steven Huey and I am the Fire Investigator for the Virginia Beach Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

Steven Huey

Assistant Fire Marshal  
Virginia Beach Fire Department

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**Commenter:** Rob Doran, VBFD

**Fire Code**

To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Rob Doran and I a Fire Investigator for the Virginia Beach Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

Rob Doran

Assistant Fire Marshal

Fire Investigator

Virginia Beach Fire Department

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**Commenter:** Linda Hale, Loudoun County

**VFCA Petition**

To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Linda Hale and I am the Chief Fire Marshal for the Loudoun County Combined Fire and Rescue System. And am the responsible Fire Code Official for Loudoun County and her seven incorporated towns. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

Linda Hale

Chief Fire Marshal

Loudoun County Combined Fire and Rescue System

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**Commenter:** Jerome Swain, County of Loudoun, Fire Marshal's Office

**Fire Code Update**

"To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Jerome Swain and I am the Deputy Fire Marshal for the Loudoun County Fire Department. As an advocate

for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Prevention Association and the Virginia Fire Chiefs Association.

Sincerely,

Jerome Swain, Deputy Fire Marshal

County of Loudoun, Department of Fire and Rescue, Fire Marshal's Office

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**Commenter:** Justin Laidler

**Fire Prevention Code Updates**

To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Justin Laidler and I am an Assistant Fire Marshal for the City of Manassas Fire & Rescue Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Prevention Association and the Virginia Fire Chiefs Association.

Sincerely,

Justin Laidler

Asst. Fire Marshal

City of Manassas Fire & Rescue Department

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**Commenter:** Warren Lamb, Virginia Beach Fire Department

**Virginia Fire Prevention Code update/ Assistant Fire Marshal**

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Warren Lamb and I am the Assistant Fire Marshal for the Virginia Beach Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

Warren Lamb

Assistant Fire Marshal

Virginia Beach Fire Department

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**Commenter:** Keith Crow, Virginia Beach Fire Department

**Virginia Fire Prevention Code update**

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Keith Crow and I am the Assistant Fire Marshal for the Virginia Beach Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Beach Fire Chiefs Association.

Sincerely,

Keith Crow  
Assistant Fire Marshal  
Virginia Beach Fire Department

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**Commenter:** Jeremy Luttrell, Winchester Fire and Rescue Department

**Support of the VFPA Comments on Fire Code Rewrite**

To Whom It May Concern:

Thank you for the opportunity to comment on the rewrite of the Virginia Statewide Fire Prevention Code. My name is Jeremy Luttrell and I am the Fire Marshal for the City of Winchester Fire and Rescue Department. As an advocate for the fire and life safety of Virginians and those visiting the Commonwealth, I would like to add my name to the comments made by the Virginia Fire Prevention Association and the Virginia Fire Chiefs Association.

Safest regards,

*Jeremy Luttrell*

Fire Marshal

Winchester Fire and Rescue

jeremy.luttrell@winchesterva.gov

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**Commenter:** Andrew Wilson, City of Fairfax

**Support of the VFPA and VFCA comments and opposition to the process and proposed changes**

Thank you for the opportunity to provide comments on the proposed updates and changes to the Statewide Fire Prevention Code. My name is Andrew Wilson and I have served as both Building Official and Fire Official/Fire Marshal of the City of Fairfax for over 20 years. In total I have over 30 years experience in the field of fire prevention. During my career I have spent many hours in code development meetings at the state and national levels on building and fire related codes. I have never experienced as much discord as was shown during the process to develop the proposed changes to the Statewide Fire Prevention Code. I am extremely disappointed in the way this process was conducted and I believe that the proposed re-write significantly reduces our ability to ensure fire and life safety in the Commonwealth of Virginia.

As an experienced fire investigator, I believe I have an understanding of the causes and consequences of hostile fire that many involved in the development of these proposed changes obviously do not. In most localities, when the building has been built, the Building Official's work is done. The Fire Official is handed a product and is expected to ensure that it is safe and is maintained. I am fortunate to work in a locality where the regulation of new construction is the responsibility of the Fire Department. I was profoundly disappointed to observe the level of discord that exists between the Building official and Fire Marshal in many localities, which was evident during the code development process.

The safety and security of the general public is one of the most important functions of any government. If we are unable to come together and accomplish this, we will have failed the people we serve.

I support the comments expressed by the Virginia Fire Prevention Association and the Virginia Fire Chief's Association.

Thank you for your time and attention to this important issue.

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**Commenter: Ernie Little, Virginia Fire Prevention Association**

**Statewide Fire Prevention Code Amendments- rewrite**

My name is Ernie Little who is a member of the Virginia Fire Prevention Association, the International Code Council, and the Virginia Fire Chiefs Association. I have been involve in use of building and fire prevention codes adopted by the Commonwealth of Virginia since 1975 and worked with several building officials, building inspections, fire inspectors, and fire marshals during my career in a career fire and rescue department. I wish to express my support of comments offered by the Virginia Fire Chiefs Association, Virginia Fire Prevention Association, and others who are concerned about the current amendments to the Virginia Statewide Fire Prevention Code with regards to the need for the proposed amendments reflect the consensus of the stakeholders who use it and it is technically correct and able to stand up to any legal challenges. I have reviewed the proposed changes and have found several instances where there are a number of issues with regards to format, mismatched section titles that do not appear to relate to what is in the associated code section, typos in to what code section is being amended, and others that I will illustrate in a separate document that I will enter.

I would like to stress that any code that is proposed to be amended must be techically correct and free from errors that may create issues when enforcement of the fire prevention and building code is necessary. It is vital that we have a building and fire codes that can be used together to allow fire and building code officials to provide a safe builidng environment for the residents, visitors, and businesses that live, stay, or operate in the Commonwealth of Virginia.

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**Commenter: Andrew Meyers City of Virginia Beach Fire Department**

**Virginia Statewide Fire Prevention Code Review**

To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Andrew Meyers and I am a Fire Investigator for the Virginia Beach Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

Andrew Meyers

Assistant Fire Marshal

Virginia Beach Fire Department

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**Commenter: Kevin Sweeney Virginia Beach Fire Department**

**Virginia Statewide Fire Prevention Code Updates**

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Kevin Sweeney and I am the Assistant Fire Marshal for the Virginia Beach Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

Kevin Sweeney  
Assistant Fire Marshal  
Virginia Beach Fire Department

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**Commenter:** M. Gearhart

**SFPC**

To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Matthew Gearhart and I am the Deputy Fire Marshal for the City of Winchester Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Prevention Association and the Virginia Fire Chiefs Association.

Sincerely,

M. Gearhart

Deputy Fire Marshal

Winchester Fire and Rescue Department

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**Commenter:** Cecil Webb, City of Virginia Beach Fire Department

**Virginia Fire Prevention Code Updates**

To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Cecil Webb and I am the Fire Investigator for the Virginia Beach Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Chiefs Association.

Sincerely,

Cecil Webb

Assistant Fire Marshal

Virginia Beach Fire Department

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**Commenter:** S. Mark Showers, Frederick County Fire Marshal's Office

**Virginia Statewide Fire Prevention Code**

To Whom It May Concern:

Thank you for the opportunity to comment on the rewrite of the Virginia Statewide Fire Prevention Code. My name is S. Mark Showers and I am a Lieutenant in the Fire Marshal Office for Frederick County. As an advocate for the fire and life safety of Virginians and those visiting the Commonwealth, I would like to add my name to the comments made by the Virginia Fire Prevention Association and the Virginia Fire Chiefs Association.

Safest regards,

S. Mark Showers  
Frederick County, Va.  
Life Safety Division  
Lieutenant  
Assistant Fire Marshal

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**Commenter:** Jay Bauserman Frederick County Fire and Rescue Department

**SFPC**

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Jay Bauserman \_\_\_\_\_ and I am the Fire Marshal \_\_\_\_\_ for the Frederick county \_\_\_\_\_ Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Prevention Association and the Virginia Fire Chiefs Association.

Sincerely,

Name Jay Bauserman

Title Deputy Chief / Fire Marshal

Department" Frederick County Fire and Rescue Department

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**Commenter:** Randy C. Pearce City of Emporia Building and Fire Official

**Virginia Fire Prevention Code Rewrite**

To whom it may concern. I fell even though some feel enough time has been taken reviewing codes, I still feel it has been rushed too much and we need to time for all involved to review all of the codes and have a complete cencus from everyone involved. I have the job of handling both Building and Fire Codes, but I don't see a lot of the Fire people rewriting building codes. We all need to work together for the better cause of our citizens and not our having to be on different sides of the fence. We are all professionals and I was at the last hearings in November and I did not feel, or viewed a fair hearing for the codes, and what was best for our enforcement and the Safety of our citizens.

Thank you,

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**Commenter:** Gerry R. Maiatico, Virginia Fire Prevention Association

**SFPC Process**

I stand with the Virginia Fire Prevention Association, Virginia Fire Chiefs, and the other Piblic Safety Stakeholders in strongly requesting that the current promulgation effort for updating the Statewide Fire Prevention Code (SFPC) be suspended, or remanded back to the Board of Housing and Community Development (BHCD) for a more comprehensive or inclusive review/process.

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**Commenter:** Todd Bedwell Salem Fire - Ems

**Statewide Fire Prevention Code**

Thank you for the opportunity to comment on the rewrite of the Virginia Statewide Fire Prevention Code. My name is Todd Bedwell and I am a Fire Investigator in the Fire Marshal Office for Salem Fire-Ems. As an advocate for the fire and life safety of Virginians and those visiting the Commonwealth, I would like to add my name to the comments made by the Virginia Fire Prevention Association and the Virginia Fire Chiefs Association.

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**Commenter:** System Chief Keith H Johnson, Loudoun County Combined Fire and Rescue System

### **Virginia Statewide Fire Prevention Code Update**

Dear Chairman Ainslie:

On behalf of Loudoun County Combined Fire and Rescue System and the Virginia Fire Chiefs Association, I am writing about the proposed changes to the Virginia Statewide Fire Prevention Code. I am aware that you have received in-depth input from the Virginia Fire Chiefs Association (VFCA) and others. The Virginia Fire Service Council concurs with these concerns.

As indicated by others, we too believe that the Statewide Fire Prevention Code, as presented in the "final regulations," will create confusion due to the various conflicts that will be created, will cause the need for significant local amendments and potentially reduce the safety of Virginia's citizens, businesses and visitors, as well as our own firefighters. These concerns are shared by virtually all of the major Fire/EMS organizations in the Commonwealth and have been previously expressed. Further, the extensive explanation submitted by the VFCA amply describes the concerns.

Therefore, pursuant to the Code of Virginia, Sec. 2.2-4007.06, in order to provide additional time for comment, discussion and hopefully amendments, we are formally petitioning the Board of Housing and Community Development to reconsider their approval from the October 2017 meeting of the Statewide Fire Prevention Code published on April 30, 2018 in the Register of Regulations. We would respectfully ask that the Board reconsider their approval of those sections and allow only the consensus document created by workgroup 2 that consists of Chapters 1-10 be adopted, and that all other provisions that were removed in the subsequent chapters and sections be reinserted to allow time for consensus to be reached in the next code cycle. If the Board still feels that a total rewrite during this code cycle is necessary, we would respectfully request additional time to allow the stakeholder review process to finish its consensus work which will ensure a workable Statewide Fire Prevention Code that will protect all the citizens of the Commonwealth.

Should the 2015 Statewide Prevention Code be adopted, the Virginia Fire Service Council believes, at a minimum, the Board should consider the following amendments:

- Item F-107.2(2) Dawson/Dean – Reactive and exploding targets
- Item F-107.2(2) Dawson/Dean – Mobile food cooking operations
- Item F-107.11 Sites – State FM Inspection fees
- Item F-112.5 Andrews – Appeals application activities
- Item F-301.3 Milliken – Certificate of occupancy requests
- Item F-507.5.1 Toalson – Water supplies for infill developments
- Item F-609.3.3.1 Mullens – Commercial hood system tags
- Item F-703.1(2) Dawson – Exception to visual inspection of rated assemblies
- Item F-703.4 Dawson – Testing of opening protectives
- Item F-1030.1 Milliken – Emergency escape and rescue openings in R-4 use groups

NOTE – This approved change was voided by the SFPC re-write provisions which are being challenged.

*Staff response: The proposal changes this section in the IBC and included a correlating change to the IFC that is construction-related. Summary Item 10.*

- Item F-3103.2 Milliken – Tent clarification
- Item F-3501.2 Dean – Permit notation correction
- Item F-5605.1 Sites – Reference standards for manufacture of blasting agents
- Item F-5706.1.1 Dawson – Mobile fueling operations
- Item F-6701.2 Dean – Permit notification correction

I am hopeful that you and the Board of Housing and Community Development will seriously consider the input from our organization and other Fire/EMS organizations and individuals.

Sincerely,

System Fire Chief Keith H. Johnson

Loudoun County Combined Fire and Rescue System

Vice President Virginia Fire Chief Association, Region 7

**Commenter:** W. Keith Brower, Jr. Former Chief, Loudoun County Fire and Rescue

**Statewide Fire Prevention Code**

**Dear Members of the Board:**

**Thank you for the opportunity to comment on the updates to the Virginia Statewide Fire Prevention Code (SFPC). My name is Keith Brower and I am the former System Chief for the Loudoun County Combined Fire and Rescue System. As you can see, I have moved from Virginia since retiring on April 1, 2018. I hope that you will add my name to the comments made by the Virginia Fire Prevention Association and the Virginia Fire Chiefs Association. Although I no longer reside in the Commonwealth, I have 2 sons who reside in Virginia who will be safer with passage of the SFPC once it undergoes a more comprehensive review. I, along with my former staff, have made significant investment in the SFPC over the years to ensure it meets the needs of the public while not becoming a detriment to economic development. As it stands now, there is risk of dangerous unintended consequences in the enforcement of the package you will be debating next month.**

**Please do the right thing and take more time on this important regulation.**

Sincerely,

W. Keith Brower, Jr.

**Commenter:** Ernie Little, Virginia Fire Prevention Association

**Virginia Fire Prevention Code- rewrite**

My name is Ernie Little, a retired Battalion Chief and member of the Virginia Fire Chiefs Association, Virginia Fire Prevention Association, and International Code Council. This document is the second part of my comments regarding the proposed amendments to the 2015 SFPC. There are two parts, first dealing with fire and building code development and the second indicating samples of instances where the proposed amendments have instances incorrect references, formatting issues, mismatched section titles that do not appear to relate to what is in the associated code section, typos in what code section is being amended, and other issues that could and should have been caught when the document was proofread.

**Code development:**

The International Code Council (ICC) family of model codes, which include the IBC and IFB, are developed using a nationally accepted code development process. This process is consensus driven and allows input from a wide variety of stakeholders to “vet” possible code changes and allow the positives and negatives of the changes to be heard by all. These codes, each on their own, are comprehensive, are coordinated and compatible with each other, and are developed according to the same process in the same forum. All codes reference consensus standards developed by Standard Developing Organizations (SDO’s) which keep them current with the most current codes and standards developed by these organizations. The ICC code process has been used by stakeholders representing an assortment of local and state government agencies and other organizations and individuals from Virginia that want to have a safe and sound built environment that they and the citizens and visitors to the Commonwealth can live and visit. The codes that are developed through this process are widely accepted and recognized as being technically correct, correlated, legally sound, and enforceable on the part of building and fire inspectors.

I have spoken to many involved in the 2015 Virginia code development process that have indicated to me that the code development process used in the USBC and SFPC amendments for the state 2015 code cycle was difficult and “rushed” to make allow the various code development work groups to meet the deadlines imposed upon them. I understand, through the same conversations, that the 2015 proposed amendments contain both consensus and non-consensus items from the work groups as well as other changes made by the Virginia Department of Housing and Development staff. With that said it understandable that the proposed amendments could be flawed and contain typos, incorrect references, and disassociated section titles and section material that could can and will cause significant issues dealing with life safety in the buildings and structures located in the Commonwealth. To me this is not acceptable and the proposed amendments need to be reviewed for the abovementioned issues and corrected before final action on the proposed amendments takes place.

In my review of the proposed SFPC amendments I found many instances of where they contain one or more issues dealing with the SFPC and USBC scope, Chapter and section formatting, incorrect references, lack on consistent code language, mismatched section titles, and typos that need correction. I provide the following as sample of the problems I found during my review.

**General comments:**

- Section 202, definitions, has created a new definition for a “special expert”. It is suggested that this definition be changed to be the definition of “subject matter expert”, which would indicate that the individual has a high level of understanding in the subject area he or she is giving opinion or testimony for.

*Staff response: This was part of the change on laboratories, not the edits. Summary Item 6.*

- Section 606.9.1 was contains a change that deleted the words “clearly identified”. Clearly identified emergency switches are vital in the mitigation of an emergency situation involving refrigeration equipment to keep workers and emergency providers safe. The section should be revised to read “606.9.1- Refrigeration system emergency shutoff. Clearly identified emergency shutoff switches shall accessible at all times and maintained in operable condition at all times.” The deletion of the words “clearly identified” leaves no requirement for the emergency shutoff switches to be identified.

*Staff response: FSB consensus language from the workgroup. Maintained would still require identification, where required. Summary Item 2. Consensus FSB.*

- Section 1003.1 Applicability. The section was reworded however to state that the requirements specified in Sections 1003 through 1015 shall apply to the maintenance of the building. The section is in the means of egress Chapter of the code and it unclear if it is referring to maintenance of the building or maintenance of the building’s means of egress. I would recommend the section be reworded to read, “1003.1 Applicability. The general requirements specified in Sections 1003 through 1015 shall apply to the maintenance of the building’s means of egress.”

*Staff response: See definition of maintained. Summary Item 2.*

- 1005.1 General. This section is intended to require all portions of the means of egress to be designed to comply with the applicable building code. The word “building” was not included in the amended section and needs to be added to correct this deficiency.

*Staff response: See attached “2015 SFPC Published Errors” document for details. Summary item 7.*

- 1016.2 Egress through intervening spaces. The words “where permitted by that code” needs to be added to the end of the proposed amendment. These words are needed to provide guideline to the fire inspector to be aware that the building code has regulation to how the egress is to be arranged in such spaces.

*Staff response: See definition of maintained. Summary Item 2.*

- 5003.9.9 Shelf Storage. Shelving shall be maintained in accordance with the applicable code. The section in the 2015 IFC, had specific requirements for shelving for the storage of hazardous materials. The code change made the section only deal with maintenance of the shelving. I could not find anything in the 2015 IBC or 2015 USBC amendments that addressed the construction of shelving for hazardous materials.

*Staff response: Regulated by USBC, which references the IFC. See consensus definition of “applicable building code”. Summary Item 4.*

- There are several instances in the amendments of the SFPC chapters that deal with hazardous materials where reference is made to “be maintained in accordance with the applicable building code” where the SFPC is referring to the use, storage, or operation involving hazardous materials. These requirements do not deal with the construction of a building or structure and appear to be outside the scope of the USBC. These SFPC sections should be left as shown in the 2015 IFC and not be amended.

*Staff response: Storage, use and dispensing facilities of hazardous materials is regulated by the USBC. See USBC section 414. Summary Item 4.*

**Incorrect reference:**

- Section 107.7 Department records contains an incorrect reference to General Schedule Number Ten of the Library of Virginia for fire prevention related information. The correct reference is General Schedule Seventeen of the Library of Virginia. General Schedule 10 was removed in August of 2014 and the retention of fire prevention records was moved to General Schedule 17 on that date. The correct reference, General Schedule 17, should be used in the code section.

*Staff response: Existing state amendment, no change made during the 2015 cycle. Summary Item 6.*

- Section 704.1 states that new floor openings must comply with the International Building Code. This is an incorrect code reference and the requirement should be that they comply with the Uniform Statewide Building Code (USBC). The International Building Code is not enforced in Virginia.

*Staff response: Existing state amendment. Summary Item 6.*

- Section 2909.6 Finished products. This section contains a reference to Chapter 57.1 at the end of the amendment. This reference is incorrect and should be Chapter 57.

*Staff response: Final regulations say 57. Summary Item 1.*

- In Chapter 65, the document states to “C. Change Sections 6505.1 and 6504.2.” contains an incorrect code section. The actual Sections to be amended are 6504.1 and 6504.2. The reference to 6501.1 is incorrect as that section does not exist.

*Staff response: See attached “2015 SFPC Published Errors” document for details. Summary item 7.*

**Formatting issues:**

- Table 5003.1.1(1) shows has the permissible fireworks line with strike thru. This line is being added and the strike thru needs to be removed from the first three columns of the proposed amendment under permissible fireworks to properly show what is being added.

*Staff response: Incorrect. The requirements are still in the SFPC. The text was stricken and relocated in the regulations due to RIS formatting. Summary Item 3.*

**Lack of consistency:**

- Section 604.14 contains the phrase “as required by the building code” which is inconsistent with other amended sections which use “in accordance with the applicable code”. The phrase needs to be changed to maintain consistency throughout the document in such cases and also provide reference to the “applicable” building code as without this word there could be confusion as to which building code contained the maintenance requirements.

*Staff response: This section is not included/amended in the regulation, nor does this section exist in the IFC. If referring to 604.2.14: Summary Item 2. Consensus FSB.*

- Section 3003.2 Approval required. The code section is in disagreement with Table 107.2. The requirement for a tent permit in Table 107.2 is that the tent must be larger than 900 square feet in size AND have an occupant load of 50 or more. The amendment does not contain the words “and have an occupant load of 50 or more”. The proposed change would provide consistency within the amendment package on this issue.

*Staff response: We believe section 3103.2 is the section the comment is referring to. This is a technical change and is not part of the edits. Summary Item 6.*

**Mismatched section titles:**

- Section 903.3 section title is “Installation requirements” however the section states that sprinkler systems shall be “maintained” in accordance with the applicable building code. As written this section has an incorrect title and needs to be changed to “Maintenance requirements” to make it contain the requirements referred to in the title of the section.

*Staff response: This can be presented during the next code cycle. Summary Item 1. Consensus FSB.*

- Section 907.4.2.3 has a title of “color” however the section reads that manual fire alarm boxes shall be maintained as installed unless otherwise approved. The 2015 verbiage deals with a manual fire alarm box has to be red in color and does not deal with maintenance. The new verbiage does not make sense when compared to what it is replacing.

*Staff response: See definition of maintained. Summary Item 6. Consensus FSB.*

I appreciate the opportunity to participate in the SFPC code update process and my support to the positions and comments other fire related organizations, such as the Virginia Fire Chiefs Association, Virginia Fire Prevention Association, Virginia International Association of Arson Investigators, and individuals that share my concerns regarding the SFPC process and proposed amendments. I ask that we remember that building and fire officials, building and fire code inspectors, plans reviewers all have a charge to assure that our building and structures provide a healthy, affordable, safe environment protecting those that live, work, and visit the Commonwealth of Virginia to be safe in them.

**Commenter:** Brian M. McGraw, P.E. Virginia State Fire Marshal

**SFPC Adoption - Section 2306**

To Whom It May Concern:

My name is Brian McGraw and I am the State Fire Marshal for the Commonwealth of Virginia. As the individual responsible for enforcement of the SFPC in all state facilities and in all portions of the Commonwealth that do not have a local fire official (approximately 63% of the land mass of the Commonwealth) , I would like to add my name to the comments made by the Virginia Fire Chiefs Association. I would also like to add the following technical concerns to the list already submitted by VFCA.

An area of confusion results from the language used when construction related provisions are removed. In most of these instances, the proposed text requires that a system or component be “maintained in accordance with the applicable building code”.

For example, in the 2012 SFPC, Chapter 23, “Motor Fuel-Dispensing Facilities and Repair Garages”, Section 2306.2.3 currently reads “Above-ground tanks shall not be used for the Storage of Class I, II or III liquid motor fuels, except as provided by this section”. The proposed language for the 2015 SFPC reads “Above ground tanks located outside shall be maintained in accordance with the applicable building code” and deletes all references to above ground tanks being listed and labeled for their intended purpose.

*Staff response: Path for construction requirements is through the IBC, which uses the IFC as a referenced standard. Summary Item 2.*

USBC Section 406, Motor-Vehicle-Related Occupancies, contains no requirements or language related to above ground storage tanks. So how does one maintain these tanks in accordance with the applicable building code? USBC Section 406.7, Motor Fuel-Dispensing Facilities, requires compliance with the *International Fire Code*.

*Staff response: Correct. The path for construction requirements is through the IBC/USBC, which uses the IFC as a referenced standard for construction and installation of tanks and dispensing. See USBC sections 414 Hazardous Materials, 414.6 Outdoor storage disposal and use. Summary Item 2.*

This is a perfect example of having two applicable fire codes and the potential for conflict between them. Presumably, this is where the requirements related to above ground storage tanks come in based on when the installation was permitted and constructed. However, the *International Fire Code* also contains maintenance provisions. Since the proposed fire code language requires maintenance in accordance with the applicable building code and the building code requires compliance with the *International Fire Code*, which maintenance provisions take precedence? Those in the *International Fire Code*, a referenced standard, or those in the SFPC, a state adopted regulation?

*Staff response: Path for construction requirements is through the IBC, which uses the IFC as a referenced standard. Maintenance requirements are located in the applicable maintenance code. In many instances, the applicable edition of the IFC (or it's referenced standards) will contain that maintenance language. Summary Item 2.*

Sincerely,

Brian M. McGraw, P.E.

State Fire Marshal

Virginia Department of Fire Programs

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**Commenter:** Brian M. McGraw, P.E. Virginia State Fire Marshal

**SFPC Adoption - Section**

To Whom It May Concern:

My name is Brian McGraw and I am the State Fire Marshal for the Commonwealth of Virginia. As the individual responsible for enforcement of the SFPC in all state facilities and in all portions of the Commonwealth that do not have a local fire official (approximately 63% of the land mass of the Commonwealth) , I would like to add my name to the comments made by the Virginia Fire Chiefs Association. I would also like to add the following technical concerns to the list already submitted by VFCA.

Table 5605.3 provides the “Minimum Intraline (Intraplant) Separation Distances Between Barricaded Operating Buildings Containing Explosives – Division 1.1, 1.2 or 1.5 Mass-Explosion Hazard”. As indicated in Section 5605.3, the separation distances in this table also apply to magazine separation distances making this table an important tool for Fire Officials who regulate explosives magazines. However, references to this table have been deleted in Section 5601.8.1.3 and 5605.6.4.1 in the version published on the Register of Regulations. However, the deletions did not occur using legislative text, i.e. the references to the tables are not struck out, they simply do not exist.

These deletions do not appear in the “Book 7 FINAL” which is the document that the Board of Housing and Community Development and their associated code committees acted on in September and October of 2017. In other words, it appears that this is a deletion that occurred after formal action was taken by the Board. These deletions were not considered during the Work Group Meetings and therefore, are not consensus changes.

*Staff response: 5605.3, including the table, was deleted in book 7 as approved by the board. All “broken” references to the table were then editorially removed. The text was entered using the style manual requirements for the Regulation Information System. Summary item 10.*

Sincerely,

Brian M. McGraw, P.E.

State Fire Marshal

Virginia Department of Fire Programs

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**Commenter:** Russell Furr, Chief Deputy Fire Marshal / Fire Official, City of Alexandria

**Virginia Statewide Fire Prevention Code Re-write**

Thank you for the opportunity to comment on the updates to the Virginia Statewide Fire Prevention Code. I would like to add my name to support the previous comments made by the Virginia Fire Chiefs Association and others in the interest of preserving fire safety and prevention throughout the Commonwealth of Virginia. While there was a review process for the re-write and edits to the existing code, the process has been flawed since the inception. The process has been rushed without sufficient time, considering the massive number of changes being proposed and there has not been sufficient time to analyze the potential impacts such as eliminations and changes. There has been little consensus on many of the changes and additional time should be allowed before such significant changes are made.

Russell Furr

Chief Deputy Fire Marshal / Fire Official

City of Alexandria

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**Commenter:** Brian M. McGraw, P.E. Virginia State Fire Marshal

**SFPC Adoption - Section 107.11**

To Whom It May Concern:

My name is Brian McGraw and I am the State Fire Marshal for the Commonwealth of Virginia. As the individual responsible for enforcement of the SFPC in all state facilities and in all portions of the Commonwealth that do not have a local fire official (approximately 63% of the land mass of the Commonwealth) , I would like to add my name to the comments made by the Virginia Fire Chiefs Association. I would also like to add the following technical concerns to the list already submitted by VFCA.

Proposal F107.11 proposed changes to the SFMO Permit Fees. Proposal F-107.2(1) cdpVA-15 also proposed a change to the SFMO Permit Fees based for "Restricted" and "Unrestricted" manufacturing of explosives. On September 27, 2017, DHCD Staff contacted the proponents of these two proposals via E-mail and requested assistance in correlating the two proposals based on the actions taken by the Work Group. The proponents (Dawson, Dean, Sites, McGraw) collectively agreed on the appropriate lanague and I submitted this to DHCD Staff via E-mail on September 28, 2017. That document indicated that Section 107.11, Item 5, should read "5. Manufacture explosives (unrestricted), blasting agents, and fireworks, 12-month permit, \$250 per site" and that Section 107.11, Item 6, should read "6. Manufacture explosives (Restricted), 12-month permit, \$20 per site".

The final regulation has the text "Manufacture explosives (unrestricted), blasting agents, and fireworks, 12-month permit, \$250 per site" for both Items 5 and 6 and completely omits the language "Manufacture explosives (Restricted), 12-month permit, \$20".

This may be considered an "editorial" issue. But how many similar "editorial" issues exist within the final regulations? This is of particular concern in Chapters 11 - 59 where the proposed changes were not vetted through the consensus process.

*Staff response: See attached "2015 SFPC Published Errors" document for details. Summary item 7.*

I urge the BHCD to remove the DHCD Staff Proposal from the proposed regulation and move forward ONLY those changes that were agreed to through the Work Group process.

Sincerely,

Brian M. McGraw, P.E.

State Fire Marshal

Virginia Department of Fire Programs

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**Commenter:** Philip Sullivan, Spotsylvania County Fire,Rescue and Emergency Management

**SFPC**

To Whom it May Concern, Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Philip Sullivan and I am the Fire Marshal for the Spotsylvania County Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Prevention Association and the Virginia Fire Chiefs Association.

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**Commenter:** Joseph A. Cardello Stafford County Fire & Rescue

**Virginia Fire Prevention Code Rewrite**

To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Joseph A. Cardello and I am the Fire Chief of the Stafford County Fire and Rescue Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Prevention Association and the Virginia Fire Chiefs Association.

Stafford County is committed to protecting our residents, businesses and visitors from the devastating consequences from fires, explosions and hazardous materials. Enforcing a Fire Prevention Code that is consistent with and follows the intent of the national model codes is critical to not only the future safety of our community but also to the sustainability of our economic development. In fact, Virginia Code section 27-97 requires that, "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 International Code Council, the National Fire Protection Association, and recognized organizations issuing standards for the protection of the public from the hazards of explosives and blasting agents." The hundreds of non-consensus changes proposed for the 2015 Virginia Statewide Fire Prevention Code do not seem to espouse those principals and legislative directives.

*Staff response: Also, see Code of VA 27.34.4, 27.95, 27.96 and 36.98. Summary item 5.*

Stafford County Fire and Rescue is committed to participating and supporting the good work that continues to be underway to methodically and appropriately revise these regulations, however we urge that the Board of Housing and Community Development move forward with only the consensus-based changes while the remaining code development work continues into the next code development cycle.

Sincerely,

Joseph A. Cardello

County Fire Chief

Stafford County Fire and Rescue Department

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**Commenter:** Richard Trent

### **Virginia Fire Prevention Code Updates**

To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Richard H. Trent and I am an Acting Battalion Chief for the Virginia Beach Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Beach Fire Department.

Sincerely,

Richard H. Trent

Acting Battalion Chief

Virginia Beach Fire Department

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**Commenter:** Kenneth Pravetz, Virginia Beach Fire Department

### **2015 Virginia Statewide Fire Prevention Code Review**

Virginia Department of Housing and Code Enforcement

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Kenneth Pravetz and I am a District Chief for the Virginia Beach Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Beach Fire Department.

Sincerely,

Kenneth Pravetz  
District Chief  
Virginia Beach Fire Departmen

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**Commenter:** Shawn Maddox, Albemarle County Fire Rescue

**2015 Fire code adoption**

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Shawn Maddox and I am the Deputy Fire Marshal for the Albemarle County Fire Rescue Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Fire Prevention Association and the Virginia Fire Chiefs Association.

Sincerely,  
Shawn N. Maddox

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**Commenter:** Michael Brashear

**Virginia Fire Prevention Code Updates**

To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Michael Brashear and I am the Battalion Chief of Training for the Virginia Beach Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Beach Fire Department.

Sincerely,  
Michael Brashear  
Battalion Chief  
Virginia Beach Fire Department

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**Commenter:** William "Eric" Ashley, CPT, VBFD

**State Fire Prevention Code**

To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is CPT William Ashley and I am speaking for the Virginia Beach Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Beach Fire Department.

I do not support the current changes to the State Fire Prevention Code. In my humble opinion, these changes weaken the code and will place lives in danger...

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**Commenter:** Keith Johnson, System Chief, Loudoun County Fire and Rescue

**Statewide Fire Prevention Code**

Dear Chairman Ainslie:

On behalf of the Virginia Fire Service Council, I am writing about the proposed changes to the Virginia Statewide Fire Prevention Code. I am aware that you have received in-depth input from the Virginia Fire Chiefs Association (VFCA) and others. The Virginia Fire Service Council concurs with these concerns.

As indicated by others, we believe that the Statewide Fire Prevention Code, as presented in the "final regulations," will create confusion due to the various conflicts that will be created, will cause the need for significant local amendments and potentially reduce the safety of Virginia's citizens, businesses and visitors, as well as our own firefighters. These concerns are shared by virtually all of the major Fire/EMS organizations in the Commonwealth and have been previously expressed. Further, the extensive explanation submitted by the VFCA amply describes the concerns.

Therefore, pursuant to the Code of Virginia, Sec. 2.2-4007.06, in order to provide additional time for comment, discussion and hopefully amendments, we are formally petitioning the Board of Housing and Community Development to reconsider their approval from the October 2017 meeting of the Statewide Fire Prevention Code published on April 30, 2018 in the Register of Regulations. We would respectfully ask that the Board reconsider their approval of those sections and allow only the consensus document created by workgroup 2 that consists of Chapters 1-10 be adopted, and that all other provisions that were removed in the subsequent chapters and sections be reinserted to allow time for consensus to be reached in the next code cycle. If the Board still feels that a total rewrite during this code cycle is necessary, we would respectfully request additional time to allow the stakeholder review process to finish its consensus work which will ensure a workable Statewide Fire Prevention Code that will protect all the citizens of the Commonwealth.

Should the 2015 Statewide Prevention Code be adopted, the Virginia Fire Service Council believes, at a minimum, the Board should consider the following amendments:

- Item F-107.2(2) Dawson/Dean – Reactive and exploding targets
- Item F-107.2(2) Dawson/Dean – Mobile food cooking operations
- Item F-107.11 Sites – State FM Inspection fees
- Item F-112.5 Andrews – Appeals application activities
- Item F-301.3 Milliken – Certificate of occupancy requests
- Item F-507.5.1 Toalson – Water supplies for infill developments
- Item F-609.3.3.1 Mullens – Commercial hood system tags
- Item F-703.1(2) Dawson – Exception to visual inspection of rated assemblies
- Item F-703.4 Dawson – Testing of opening protectives
- Item F-1030.1 Milliken – Emergency escape and rescue openings in R-4 use groups

NOTE – This approved change was voided by the SFPC re-write provisions which are being challenged.

*Staff response: The proposal changes this section in the IBC and included a correlating change to the IFC that is construction-related. Summary Item 10.*

- Item F-3103.2 Milliken – Tent clarification
- Item F-3501.2 Dean – Permit notation correction
- Item F-5605.1 Sites – Reference standards for manufacture of blasting agents
- Item F-5706.1.1 Dawson – Mobile fueling operations
- Item F-6701.2 Dean – Permit notification correction

I am hopeful that you and the Board of Housing and Community Development will seriously consider the input from our organization and other Fire/EMS organizations and individuals.

Sincerely,

Keith H. Johnson  
System Chief  
Loudoun County Combined Fire and Rescue System  
Office: 703-777-0435  
Cell: 571-465-0119  
Email: Keith.Johnson@loudoun.gov

***Teamwork \* Integrity \* Professionalism \* Service***

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**Commenter:** Michael Howard, City of Virginia Beach Fire Department

**Virginia Fire Prevention Code Update**

To Whom It May Concern:

Thank you for the opportunity to comment on the updates to the Statewide Fire Prevention Code. My name is Michael Howard and I am a Master Firefighter with the City of Virginia Beach Fire Department. As an advocate for the safety of all Virginians, I would like to add my name to the comments made by the Virginia Beach Fire Department.

Sincerely,  
Michael Howard  
Master Firefighter  
City of Virginia Beach Fire Department

---

**Commenter:** Stephen D. Lesinski, Virginia Beach Fire Department

**SFPF/Section 403 Emergency Preparedness Requirements**

To Whom it May Concern,

As the largest city in the Commonwealth, Virginia Beach prides itself as being one of the safest large cities in the nation. As a tourist destination, Virginia Beach permits over six hundred special events each year. Several of the events attract tens of thousands of people. This 4th of July holiday we can expect 150,000 guests at the oceanfront and another 65,000 at Mt. Trashmore Park.

Today's climate has changed from the past with the ever increased threat of an unprovoked attack on the public using an array of diabolical means. As an example, a beach concert can attract as many as 30,000 concert goers who assemble in a three block area. As soon as fencing or bike racking is used to enclose a venue we limit the public's ability to remove themselves from a threat area. Whether the threat is natural or man made, public safety providers have a duty to develop site plans which enable the public to evacuate an area in a reasonable amount of time. As a key player in special event planning and review, the Virginia Beach Fire Department plays a major role in site plan development. We do this by applying occupancy loads to VIP areas, increased use of emergency aisles, requiring additional emergency egresses from the venue, requirement of crowd managers, tent inspections to ensure tents meet fire resistive construction and provide for

structural stability during weather events, emergency lighting and vendor inspections of fuel fired cooking appliances.

The recent tent fire at Soldier Field in Chicago resulted from a propane cooking fire. The Las Vegas Rt.99 Concert Massacre not including the gunshot fatalities resulted in 871 injuries. Approximately 1/2 were gunshot wounds, the other half were a traumatic fractures and crush injuries from the mass evacuation. These are just two recent examples how things can awry.

The Statewide Fire Prevention Code, particularly Section 403, gives authority to local governments to intervene during the special event planning process. I urge the board to reconsider their adaption of the code review process in it's current state. It will cripple the fire marshals of the commonwealth and jeopardize public safety in many ways.

*Staff response: This existing state amendment is being deleted since it is now part of the model code and is unnecessary. Summary Item 3.*

Thank you for the opportunity to provide feedback during this review process.

Stephen D. Lesinski

District Chief/Chief Fire Marshal

Office of Community Risk Reduction

Virginia Beach Fire Department



**COMMONWEALTH of VIRGINIA**

**Virginia Fire Services Board**

**Virginia Fire Services Board**  
c/o Virginia Department of Fire Programs  
1005 Technology Park Drive  
Glen Allen, VA 23059-4500  
Phone: 804/ 371-0220  
Fax: 804/ 371-3408

**Walter T. Bailey**  
CHAIRMAN,  
VA STATE FIREFIGHTER'S  
ASSOC.

**David E. Layman**  
VICE-CHAIRMAN,  
VA FIRE CHIEFS ASSOCIATION

**James D. Poindexter**  
VA PROFESSIONAL  
FIREFIGHTERS ASSOCIATION

**David C. Hankley**  
VA MUNICIPAL LEAGUE

**Stephanie Koren**  
ASSOCIATION OF COUNTIES

**Ernie Little**  
VA FIRE PREVENTION  
ASSOCIATION

**H. Lee Day**  
VA FIRE SERVICES COUNCIL

**Dennis D. Linaburg**  
VA CHPT INTERNATIONAL  
ASSOC. OF ARSON  
INVESTIGATORS

**Sean Farrell**  
VA BOARD OF HOUSING AND  
COMMUNITY DEVELOPMENT

**James A. Calvert**  
INDUSTRY - SARA TITLE III &  
OSHA

**Bettie Reeves-Nobles**  
GENERAL PUBLIC

**Brian McGraw**  
VA STATE FIRE MARSHAL

**Rob Farrell**  
VA STATE FORESTER

**Jeff H. Bailey**  
VA CHAPTER OF THE  
INTERNATIONAL SOCIETY OF FIRE  
SERVICE INSTRUCTORS

Board of Housing and Community Development  
c/o Mr. Kyle Flanders  
Policy and Legislative Director  
Department of Housing and Community Development  
600 East Main Street, Suite 300  
Richmond, Virginia 23219

6/29/2018

To Whom It May Concern:

On behalf of the Virginia Fire Services board and the Commonwealth's Fire Service community, we respectfully petition the Board of Housing and Community Development to reevaluate the proposed 2015 Statewide Fire Prevention Code as published in Volume 34, Issue 18, of the Virginia Register of Regulations on April 30, 2018.

We acknowledge that the majority of the proposed changes to Chapters 1 through 9 and the first half of Chapter 10 are based on consensus. However, there appear to be areas where changes that were not discussed during the work group meeting process have been inserted. The proposed changes to the second half of Chapter 10 and all of Chapters 11 through 69 were not reviewed during the work group meeting process and therefore, are not consensus changes. It appears that the proposed changes to these sections represent the DHCD Staff document.

The above requirements are essential components for safeguarding the public in the event of fires or other emergencies. Deleting these requirements exposes citizens of, and visitors to, the Commonwealth, to unnecessary and unacceptable risk.

Another area of confusion results from the language used when construction related provisions are removed. In most of these instances, the proposed text requires that a system or component be "maintained in accordance with the applicable building code". For example, in Chapter 23, "Motor Fuel-Dispensing Facilities and Repair Garages", Section 2306.2.3 currently reads "Above-ground tanks shall not be used for the Storage of Class I, II or III liquid motor fuels, except as provided by this section". The proposed language reads "Above ground tanks located outside shall be maintained in accordance with the applicable building code" and deletes all references to

above ground tanks being listed and labeled for their intended purpose. USBC Section 406, Motor-Vehicle-Related Occupancies, contains no requirements or language related to above ground storage tanks. Therefore, one cannot maintain these tanks in accordance with the applicable building code as the building code contains no such requirements.

*Staff response: Summary item 2.*

USBC Section 406.7, Motor Fuel-Dispensing Facilities, requires compliance with the *International Fire Code*. Presumably, this is where the requirements related to above ground storage tanks come in based on when the installation was permitted and constructed. However, the *International Fire Code* also contains maintenance provisions. Since the proposed fire code language requires maintenance in accordance with the applicable building code and the building code requires compliance with the *International Fire Code*, which maintenance provisions take precedence? Those in the *International Fire Code*, a referenced standard, or those in the SFPC, a state adopted regulation? This is just one of many examples of having two applicable fire codes and the potential for conflict between them.

*Staff response: Summary item 2.*

Table 5605.3 provides the “Minimum Intraline (Intraplant) Separation Distances Between Barricaded Operating Buildings Containing Explosives – Division 1.1, 1.2 or 1.5 Mass-Explosion Hazard”. As indicated in Section 5605.3, the separation distances in this table also apply to magazine separation distances making this table an important tool for Fire Officials who regulate explosives magazines. However, references to this table have been deleted in Section 5601.8.1.3 and 5605.6.4.1 in the version published on the Register of Regulations. However, the deletions did not occur using legislative text, i.e. the references to the tables are not struck out, they simply do not exist. These deletions do not appear in the “Book 7 FINAL” which is the document that the Board of Housing and Community Development and their associated code committees acted on in September and October of 2017. In other words, it appears that this is a deletion that occurred after formal action was taken by the Board.

*Staff response: Summary item 10.*

We urge the Board of Housing and Community Development to remove all proposed changes from the original DHCD Staff proposal that have not been vetted through the consensus work group process. We firmly believe that the 2015 Statewide Fire Prevention Code should reflect only those changes that were made based on clear consensus.

Sincerely,

Virginia Fire Services Board Members in support of this letter include;

Walter T. Bailey, Chair, Virginia State Firefighters Association  
David E. Layman, Vice Chair, Virginia Fire Chiefs Association  
David C. Hankley, Virginia Municipal League  
James D. Poindexter, Virginia Professional Firefighters Association (IAFF)  
Jeff H. Bailey, VA Chapter of the International Society of Fire Service  
Instructors  
Stephanie Koren, Virginia Association of Counties

Ernest Little, Virginia Fire Prevention Association  
James M. Stokely, Insurance Industry  
H. Lee Day, Virginia Fire Services Council  
Dennis D. Linaburg, VA Chapter of the International Association of Arson  
Investigators  
Bettie Reeves-Nobles, General Public

1. Yes, petition seeks change proposed 2018 Virginia Statewide Fire Prevention Code section 5704.2.12.2 so not require fire official present when testing underground tank during installation, since installation jurisdiction of building / mechanical official. Fire official lacks authority to regulate structure construction, thus no need for fire official's presence then.

*Staff response: This is model code language and there were no changes proposed to be made to this section of the IFC. Summary item 6.*

2. Petition on behalf of the City of Richmond's Fire Marshal's office.

William Andrews, Assistant Fire Marshal, City of Richmond, desk phone 646 0621, email:[William.Andrews@RichmondGov.com](mailto:William.Andrews@RichmondGov.com)  
[201 E. Franklin St, Richmond, VA 23219](#) office phone 646 6640

**From:** Flanders, Kyle [mailto:[kyle.flanders@dhcd.virginia.gov](mailto:kyle.flanders@dhcd.virginia.gov)]  
**Sent:** Monday, May 14, 2018 09:07  
**To:** Andrews, William - Fire  
**Subject:** Re: FW: 2018 Fire code, petition to amend; ref. installing UST

---

Mr. Andrews:

Thank you for your submission. I wanted to verify two points:

- 1) Are you seeking to petition Section 5704.2.12.2?
- 2) Are you submitting the petition on behalf of yourself, or are there additional individuals/groups/organizations that are party to the petition?

Sincerely,

Kyle T. Flanders

Senior Policy Analyst

Virginia Department of Housing and Community Development

Policy Office

[600 E. Main St. Suite 300](#)

[Richmond, VA 23219](#)

phone: (804) 786-0701

fax: (804) 371-3090

## 2015 SFPC PUBLISHED ERRORS (Attachment 3)

### ERROR #1 (Corrected by errata):

"Proposal F107.11 proposed changes to the SFMO Permit Fees. Proposal F-107.2(1) cdpVA-15 also proposed a change to the SFMO Permit Fees based for "Restricted" and "Unrestricted" manufacturing of explosives. On September 27, 2017, DHCD Staff contacted the proponents of these two proposals via E-mail and requested assistance in correlating the two proposals based on the actions taken by the Work Group. The proponents (Dawson, Dean, Sites, McGraw) collectively agreed on the appropriate lanague and I submitted this to DHCD Staff via E-mail on September 28, 2017. That document indicated that Section 107.11, Item 5, should read "5. Manufacture explosives (unrestricted), blasting agents, and fireworks, 12-month permit, \$250 per site" and that Section 107.11, Item 6, should read "6. Manufacture explosives (Restricted), 12-month permit, \$20 per site".

The final regulation has the text "Manufacture explosives (unrestricted), blasting agents, and fireworks, 12-month permit, \$250 per site" for both Items 5 and 6 and completely omits the language "Manufacture explosives (Restricted), 12-month permit, \$20"."

### STAFF RESPONSE: (Discrepancy in Va Register Publication/RIS typo)

Text entered into RIS incorrectly (see below)

Town hall text:

*5. Manufacture explosives (unrestricted), blasting agents, and fireworks, 12-month permit \$250 per site*

*6. Manufacture explosives (unrestricted), blasting agents, and fireworks, 12-month permit \$250 per site*

Correct text (Matches book 7 approved by the board):

*5. Manufacture explosives (Unrestricted), blasting agents, and fireworks, \$250 per site 12-month permit.*

*6. Manufacture explosives (Restricted), 12-month permit \$20 per site.*

### CORECTION SUBMITTED TO VA REGISTER:

"6. Manufacture explosives (Restricted), 12-month permit \$20 per site."

**ERROR #2 (Corrected by errata):**

In Chapter 65, the document states to “C. Change Sections 6505.1 and 6504.2.” contains an incorrect code section. The actual Sections to be amended are 6504.1 and 6504.2. The reference to 6501.1 is incorrect as that section does not exist.

**STAFF RESPONSE:** (Discrepancy in Board materials/RIS typo)

The typo is in only in Town Hall and is not enforceable text. We believe the commenter is referring to 6505.1 in their last sentence, which is accurate. With that said, the correct sections were amended. Below is text from town hall with an underline of the incorrect text.

C. Change Sections 6505.1 and 6504.2 to read:

*6504.1 Raw material. Raw cellulose nitrate (pyroxylin) plastic material in a Group F building shall be stored and handled in accordance with Sections 6504.1.2 and 6504.1.4 through 6504.1.7.*

*(N)6504.2 Fire protection. Fire protection for the manufacture or storage of articles of cellulose nitrate (pyroxylin) plastic in quantities exceeding 100 pounds (45 kg) shall be in accordance with the applicable building code.*

**Commented [PR(1):** Should be 6504.1. Not enforceable language.

**CORRECTION SUBMITTED TO VA REGISTER:**

“C. Change Sections 6504.1 and 6504.2 to read”

**ERROR #3:**

“317.3 – This section in the Final Regulations is not what was approved by the C&S Committee from the “consensus” document presented on 9/18/17. The language here is as proposed in the DHCD draft and not what was reviewed and endorsed by the Workgroup on 4/23/17. “

**STAFF RESPONSE:** (Discrepancy in Board materials/formatting error)

Much of the text (highlighted below) that was supposed to be removed was inadvertently left in book 7 and entered into the Regulation Information System (RIS). Also, “Rooftop” should be “Required” and “clearance” should be “clearances”.

Townhall text (matches text approved by BHCD in book 7):

*(N)317.3 Rooftop structure and equipment clearance. For all vegetated roofing systems abutting combustible vertical surfaces, a Class A-rated roof system complying with ASTM E 108 or UL 790 for required structure and equipment clearances shall be achieved for a minimum 6-foot-wide (1829mm) continuous border placed around rooftop structures and all rooftop equipment including mechanical and machine rooms, penthouses, skylights, roof vents, solar panels, antenna supports, and building service equipment. Rooftop structure and equipment clearance shall be maintained as provided by the applicable building code.*

FSB version (as approved by the workgroup):

*317.3 Rooftop structure and equipment clearance. Required structure and equipment clearances shall be maintained as provided by the Applicable Building Code.*

- Commented [PR(2):** Highlighted should have been struck in town hall and was not.
- Commented [PR(3):** Needs to be “Required”
- Commented [PR(4):** Needs to be “clearances”
- Commented [PR(5):** Consensus language from workgroup.

**ERROR #4:**

“606.13 – The “consensus” Fire Services Board change document presented to the C&S Committee, and published in the Final Regulations, is inaccurate when compared to the FSB change and the consensus comments in the workgroup summary. “

**STAFF RESPONSE:** (Discrepancy in Board materials/formatting error)

There was an agreement in the workgroup to add the word “for” in the FSB proposal. The changes were made and a formatting error occurred in Book7. Highlighted is the text that was different between books 5-2 and 7.

Townhall version (matches text approved by BHCD in book 7):

*(N)606.13 Discharge location for refrigeration machinery room ventilation. Treatment systems for mechanical ventilation systems serving refrigeration machinery rooms containing flammable, toxic or highly toxic refrigerants, other than ammonia, capable of exceeding 25% of the LFL or 50% of the IDLH shall be maintained in accordance with the applicable building code.*

Commented [PR(6)]: Needs to be “system”

Commented [PR(7)]: Need to add “for exhaust from”

FSB version (Book 5-2)

*606.13 Discharge location for refrigeration machinery room ventilation. Treatment system exhaust for mechanical ventilation systems serving refrigeration machinery rooms containing flammable, toxic or highly toxic refrigerants, other than ammonia, capable of exceeding 25 percent of the LFL or 50 percent of the IDLH shall be maintained as provided in accordance with the Applicable Building Code.*

Correct Text

*606.13 Discharge location for refrigeration machinery room ventilation. Treatment systems for exhaust from mechanical ventilation systems serving refrigeration machinery rooms containing flammable, toxic or highly toxic refrigerants, other than ammonia, capable of exceeding 25 percent of the LFL or 50 percent of the IDLH shall be maintained in accordance with the applicable building code.*

**ERROR # 5:**

“909.18 – This section was not stricken in the draft presented to the BHCD – Book 7 dated 10.16/17 and should remain in the SFPC rather than in the appendix.”

**STAFF RESPONSE:** (Discrepancy in Board materials/formatting error)

As stated, Book 7 (approved by board) shows no change. In addition, there was a reference document provided in Book 5-2 that inadvertently left this section unchanged. However, both proposed versions show this section being deleted, and both were also provided in book 5-2.

Townhall version (matches text approved by BHCD in book 7):

*(N) 909.18 Acceptance testing. Devices, equipment, components and sequences shall be individually tested. These tests, in addition to those required by other provisions of this code, shall consist of determination of function, sequence and, where applicable, capacity of their installed condition.*

FSB version:

~~*909.18 Acceptance testing. Devices, equipment, components and sequences shall be individually tested. These tests, in addition to those required by other provisions of this code, shall consist of determination of function, sequence and, where applicable, capacity of their installed condition.*~~

Edit Committee version:

~~*909.18 Acceptance testing. Devices, equipment, components and sequences shall be individually tested. These tests, in addition to those required by other provisions of this code, shall consist of determination of function, sequence and, where applicable, capacity of their installed condition.*~~

**ERROR # 6:**

Section 806, 807, 808 – Title – The title change was agreed to in the workgroup meetings, and 806 was included in the consensus changes presented to and approved by the C&S Committee on 10/18. The changes are not reflected in the Final Regulations.

**STAFF RESPONSE:** (Discrepancy in Board materials)

Book 7 approved by the board does not show this language deleted. Consensus from the workgroup was for the FSB version where the words “new and existing” were removed from these titles, including sections 803, 804 and 805. This was inadvertently omitted in book 7 and ultimately townhall.

Example: SECTION 806 DECORATIVE VEGETATION IN ~~NEW AND EXISTING~~ BUILDINGS

**ERROR # 7:**

1005.1 General. This section is intended to require all portions of the means of egress to be designed to comply with the applicable building code. The word “building” was not included in the amended section and needs to be added to correct this deficiency.

**STAFF RESPONSE:** (Discrepancy in Board materials)

This matches book 7 approved by the board. However, the section should read as follows:

(N) 1005.1 General. All portions of the means of egress system shall be sized in accordance with the applicable building code.

## **Recommended Board Action to Correct 2015 SFPC Published Errors**

**Approve corrections for errors 3 through 7 as shown below.**

(Note: Errors #1 and #2 have already been corrected by errata)

### **Correction for Error #3:**

*317.3 Rooftop structure and equipment clearance. Required structure and equipment clearances shall be maintained as provided by the applicable building code.*

### **Correction for Error #4:**

*606.13 Discharge location for refrigeration machinery room ventilation. Treatment systems for exhaust from mechanical ventilation systems serving refrigeration machinery rooms containing flammable, toxic or highly toxic refrigerants, other than ammonia, capable of exceeding 25 percent of the LFL or 50 percent of the IDLH shall be maintained in accordance with the applicable building code.*

### **Correction for Error #5:**

~~909.18 Acceptance testing. Devices, equipment, components and sequences shall be individually tested. These tests, in addition to those required by other provisions of this code, shall consist of determination of function, sequence and, where applicable, capacity of their installed condition.~~

### **Correction for Error #6:**

~~SECTION 803 INTERIOR WALL AND CEILING FINISH AND TRIM IN EXISTING BUILDINGS~~

~~SECTION 804 INTERIOR WALL AND CEILING TRIM AND INTERIOR FLOOR FINISH IN NEW AND EXISTING BUILDINGS~~

~~SECTION 805 UPHOLSTERED FURNITURE AND MATTRESSES IN NEW AND EXISTING BUILDINGS~~

~~SECTION 806 DECORATIVE VEGETATION IN NEW AND EXISTING BUILDINGS~~

~~SECTION 807 DECORATIVE MATERIALS OTHER THAN DECORATIVE VEGETATION IN NEW AND EXISTING BUILDINGS~~

~~SECTION 808 FURNISHINGS OTHER THAN UPHOLSTERED FURNITURE AND MATTRESSES OR DECORATIVE MATERIALS IN NEW AND EXISTING BUILDINGS~~

### **Correction for Error #7:**

*1005.1 General. All portions of the means of egress system shall be sized in accordance with the applicable building code.*



## 2015 Code Cycle Timeline

2  
0  
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- 5/19/14 BHCD approved final USBC & SPFC contingent upon staff removing unenforceable language prior to the next update cycle
- 11/2014 Invitation to collaborate

2  
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5

- 1/20/15 First meeting of the Maintenance Code Edit Sub-workgroup
- 3/13/15 Second meeting of the Maintenance Code Edit Sub-workgroup
- 3/23/15 BHCD reiterated the request to have staff edit codes to reflect "actual enforceable language"
- 5/6/15 Third meeting of the Maintenance Code Edit Sub-workgroup
- 6/15 VMC meets to review the final edits and submits suggestions
- 7/15 Final VMC Meeting consensus document
- 8/15 Invitation to collaborate on SPFC edits sent to President of VFPA
- 9/1/15 Implementation of the online development process cdpVA begins
- 9/25/15 Meeting notice sent to participants
- 10/15/15 Fire Code Sub-workgroup
- 12/10/15 Fire Code Sub-workgroup

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6

- 2/2/16 Fire Code Sub-workgroup
- 2/22/16 Fire Code Sub-workgroup
- 3/1/16 Launched cdpVA
- 3/2/16 Fire Code Sub-workgroup
- 3/21/16 BHCD approved NOIRAs
- 3/23/16 Workgroup 1 Meeting
- 3/24/16 Fire Code Sub-workgroup
- 4/6/16 Workgroup 2 Meeting
- 4/12/16 Fire Code Sub-workgroup Meeting
- 4/18/16 Published NOIRAs in the Virginia Register
- 5/10/16 Workgroup 3 Meeting
- 5/18/16 End of 30-day NOIRA comment period
- 5/28/16 Added public comment functionality to cdpVA
- 6/1/16 Workgroup 4 Meeting
- 6/9/16 Workgroup 2 (Fire Code)
- 6/27/16 Published public hearing notice in Virginia Register
- 7/7/16 Workgroup 1 Meeting
- 7/18/16 Public Hearing prior to publishing proposed regulations
- 7/20/16 Workgroup 2 Meeting
- 8/3/16 Workgroup 2 (Fire Code) Meeting
- 8/17/16 Combined Workgroup 1,2,3, & 4 Meeting
- 8/26/16 Workgroup 2 (Fire Code) Meeting
- 9/19/16 SFPC Dvlp Committee review of base docs and proposed regulations
- 9/19/16 C & S Committee review of base docs and proposed regulations
- 10/24/16 SFPC Dvlp Committee review of base docs and proposed regulations / Decision to carryover SPFC edits to final phase to allow FS additional time to review
- 10/24/16 C & S Committee review of base docs and proposed regulations / Decision to carryover SPFC edits to final phase to allow FS additional time to review
- 12/19/16 SFPC Dvlp Committee considers approval of proposed regulations without SPFC edits
- 12/19/16 C & S Committee considers approval of proposed regulations without SPFC edits

- PUBLIC HEARINGS – Total 2
- BOARD & COMMITTEE MEETINGS – Total 15
- WORKGROUP MEETINGS – Total 11
- FIRE CODE WORKGROUP & SUB-WORKGROUP MEETINGS – Total 15
- MAINTENANCE CODE SUB-WORKGROUP MEETINGS – Total 5
- cdpVA EVENTS / OTHER – Total 21

2  
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7

- 3/14/17 Combined Workgroup 1& 2 (CANCELLED - Inclement Weather)
- 4/11/17 Combined Workgroup 1,2,3, & 4
- 4/25/17 Workgroup 2 (Fire Code) Meeting
- 5/15/17 Public hearing for SFPC, USBC, VADR and IBSR
- 5/26/17 Deadline for submittal of proposals and end of comment period
- 5/31/17 Workgroup 2 (Fire Code) Meeting
- 6/13/17 Combined Workgroup 1,2,3, & 4 Meeting
- 6/22/17 Workgroup 2 (Fire Code) (CANCELLED – Requested by Fire Services)
- 7/19/17 Workgroup 2 (Fire Code) Meeting
- 8/16/17 Workgroup 2 (Fire Code) Meeting
- 8/23/17 Combined Workgroup 1,2,3, & 4 Meeting
- 9/18/17 BHCD SFPC Dvlp Committee proposals of final regulations with edits
- 9/18/17 BHCD C & S Committee considers proposals of final regulations with edits
- 10/16/17 BHCD SFPC Dvlp Committee BHCD reviews final regulation with no recommendations
- 10/16/17 BHCD C & S Committee reviews final regulation recommendation to approve with edits
- 10/16/17 BHCD Joint Meeting with VFSB for review of the final regulations recommendation to approve with edits as recommended by the C & S Committee
- 10/16/17 Final BHCD Meeting to consider all regulations / Approved as recommended by the C & S Committee
- 10/24/17 Received Statutory Authority Letter from Office of the Attorney General

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- 4/9/18 Submitted final regulations to the Virginia Register
- 4/30/18 Final Regs for SFPC, USBC, VADR & IBSR published in Virginia Register (30-day comment period for USBC, VADR & IBSR / 60-day comment period for SFPC)
- 5/30/18 Public comment period ended with 1 valid petition received for sections of the USBC
- 6/6/18 Sections 103.2.2 & 105 of the USBC were submitted for suspension
- 6/25/18 USBC Suspension published in the Virginia Register (starting an additional 30-day comment period)
- 6/29/18 Public comment period ended for SFPC with multiple requests to suspend the SFPC
- 7/25/18 End of 30-day comment period on sections 103.2.2 & 105 of the USBC with one comment submitted
- 7/16/18 SFPC suspended in Virginia Town Hall
- 7/30/18 BHCD reconsiders suspended sections of the USBC and approves consensus language submitted during the public comment period
- 8/6/18 SFPC notice of suspension published in the Virginia Register (starting an additional 30-day comment period)



Ralph S. Northam  
Governor

R. Brian Ball  
Secretary of  
Commerce and Trade

## COMMONWEALTH of VIRGINIA

Erik C. Johnston  
Director

### DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

August 31, 2018

**To:** Board of Housing and Community Development Members

**From:** Erik C. Johnston, Director

**RE:** USBC Technical Corrections

Upon final adoption/readoption of the Uniform Statewide Building Code (USBC) certain technical errors have been identified. As the USBC has been adopted/readopted and is scheduled to become effective on September 4, 2018, it is no longer possible to correct these errors through the recently concluded 2015 Code Update Process. The technical corrections are minor in nature and do not include substantive policy changes. We request the Board approve the attached technical corrections.

Enclosure

*Partners for Better Communities*



[www.dhcd.virginia.gov](http://www.dhcd.virginia.gov)

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# TECHNICAL CORRECTIONS IN USBC

## VCC Changes:

### 13VAC5-63-245. Chapter 10

- **New Language:**

Change Exception 2 of Section 1007.1.1 of the IBC to read:

2. Where a building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2, the separation distance of the exit doors or exit access doorways shall not be less than one-fourth of the length of the maximum overall diagonal dimension of the area served.

**Comment [PR(1):** This section was moved from 1015.2.1 to 1007.1.1 in the 2015 IBC. The existing section was deleted in the base document, but was not added back into the new section.

### 13VAC5-63-310. Chapter 28

- 9. Add Section 506.5.6 to the IMC to read:

~~505.5.6~~ **506.5.6 Pollution control units.** The installation of pollution control units shall be in accordance with the manufacturer's installation instructions and all of the following:

**Comment [PR(2):** Wrong section number was entered.

## IEBC Changes:

### 13VAC5-63-431. Chapter 3

- **New Language (in addition to existing language):**

Delete Sections 301.1.1 through 301.1.4.2 of the IEBC, including tables.

**Comment [PR(3):** These sections need to be deleted as part of the rewrite. They were either moved or unnecessary

- **307.3.1 Roof recover...**

...~~Exception~~:

**Comment [PR(4):** . Needs to be a :

### 13VAC5-63-432.5. Chapter 4

- **Existing Language:**

N. Delete Sections 404.2.1, 404.3.1 and 404.5 of the IEBC.

- **New Language:**

N. Delete Sections 404.2.1, 404.2.2, 404.2.3, 404.3.1 and 404.5 of the IEBC.

**Comment [PR(5):** Additional sections need to be deleted as part of the rewrite. They were either moved or unnecessary

- **404.4.8 Type B dwelling or sleeping units.** Where four or more Group I-1, I-2, R-1, R-2, R-3, or R-4 dwelling or sleeping units are being altered and where the work area is greater than 50% of the aggregate area of the building, the requirements of Section 1107 of the VCC for Type B units and Chapter 9 of the VCC for visible ~~Alarms~~ alarms apply only to the quantity of the spaces being altered.

**Comment [PR(6):** Was capitalized.

13VAC5-63-433. Chapter 5

- **501.2 Conformance.** The work shall not make the building less conforming ~~that~~ than it was before the repair was undertaken. Repairs shall be done in a manner that maintains the following:
  1. Level of fire protection that is existing.
  2. Level of protection that is existing for the means of egress.
  3. Level of accessibility that is existing. ]
- **502.2.2.2 Extent of repair for ~~noncompliant~~ compliant buildings.** If the evaluation establishes that the building in its predamage condition complies with the provisions of Section 502.2.2.1, then repairs shall be permitted that restore the building to its predamage state.

**Comment [PR(7):** Grammatical correction – existing language says “that”.

**Comment [PR(8):** Should be “compliant buildings”. “Noncompliant buildings” is the next section.

13VAC5-63-433.3. Chapter 6

- **Existing Language:**  
E. Change Sections 603.1 through 603.10, including subsections, of the IEBC to read:

**New Language:**

E. Change Section 603.1 and add Sections 603.2 through 603.10, including subsections, to the IEBC to read:

- **Existing Language (to remain):**  
Change Section 604 to Level 3 Alterations.

**New Language (in addition to existing language):**

Change Section 604.1 and add Sections 604.2 through 604.7, including subsections, to the IEBC to read:

**Comment [PR(9):** Existing language says to “change” these sections, but 603.1 is the only existing section so the other sections are actually added.

**Comment [PR(10):** Existing language says to “change” these sections, but 604.1 is the only existing section so the other sections are actually added.

### 13VAC5-63-433.5. Chapter 7 Change of occupancy

- **New Language:**

Change Sections 707.1 through 707.3, including deleting subsections, and add Section 707.4 to the IEBC to read:

**Comment [PR(11):** Existing language says "including". The new language contains no subsections.

- **Existing Language:**

**710.1 Increased demand.** Where the occupancy of a *building* undergoes a change of an *existing building* or part of an *existing building* is changed occupancy such that the new occupancy is subject to increased or different plumbing fixture requirements or to increased water supply requirements in accordance with the International Plumbing Code, the new occupancy shall comply with the intent of the respective International Plumbing Code provisions.

**Exception:** In other than Group R or I occupancies or child care facilities classified as group E, where the occupant load is increased by 20 percent or less in the area where the *change of occupancy* occurs, additional plumbing fixtures required based on the increased occupant load in quantities specified in the International Plumbing Code.

**New Language:**

**710.1 Increased demand.** Where a building or portion thereof undergoes a change of occupancy such that the new occupancy is subject to increased or different plumbing fixture requirements or to increased water supply requirements in accordance with the International Plumbing Code, the new occupancy shall comply with the respective International Plumbing Code provisions.

**Exception:** In other than Group R or I occupancies or child care facilities classified as group E, where the occupant load is increased by 20 percent or less in the area where the change of occupancy occurs, additional plumbing fixtures required based on the increased occupant load in quantities specified in the International Plumbing Code are not required.

**Comment [PR(12):** A change was approved during the proposed phase. A proposal in the final phase rearranged several sections including this one, but it did not intend to change the text. The final phase proposal inadvertently altered the text. This is the correct text as approved by the Board during the proposed phase.

- Existing Language:

**TABLE 706.2  
HEIGHTS AND AREAS HAZARD CATEGORIES**

RELATIVE HAZARD	OCCUPANCY CLASSIFICATIONS
1 (Highest Hazard)	H
2	I-2, I-3, I-4
3	A-1, A-2, A-3, A-4, I, R-1, R-2, R-4
4	E, F-1, S-1, M
5 (Lowest Hazard)	B, F-2, S-2, A-5, R-3, R-5, U

New Language:

**TABLE 706.2**

**HEIGHTS AND AREAS HAZARD CATEGORIES**

RELATIVE HAZARD	OCCUPANCY CLASSIFICATIONS
1 (Highest Hazard)	H
2	A-1, A-2, A-3, A-4, I, R-1, R-2, R-4
3	E, F-1, S-1, M
4 (Lowest Hazard)	B, F-2, S-2, A-5, R-3, R-5, U

**Comment [PR(13)]:** The original proposal inadvertently added an extra row to the table (I-2, I-3, I-4) that created a conflict.

**13VAC5-63-434. Chapter 8**

- New Language (in addition to existing language)**

Delete Sections 804.2, 804.3, 804.4, including subsections, of the IEBC.

**Comment [PR(14)]:** These sections need to be deleted as part of the rewrite. They were either moved or unnecessary.

**13VAC5-63-434.5. Chapter 9**

- Existing Language:**

**904.10.1 Height.** Existing guards shall comply with the requirements of Section ~~604~~ 501.2.

**Comment [PR(15)]:** Fixes an incorrect reference.

**13VAC5-63-435.5. Chapter 11**

- New Language (in addition to existing language)**

Delete Sections 1102 through 1106 of the IEBC in their entirety.

**Comment [PR(16)]:** These sections need to be deleted as part of the rewrite. They were either moved or unnecessary.

**13VAC5-63-440. Chapter 14**

- Existing Language:**

C. Change Section 1401.2 of the IEBC to read:

**New Language:**

C. Change Section 1401.2 and delete Sections 1401.2.1 through 1401.2.5 of the IEBC.

- Existing Language:**

F. Change Section 1401.3.1 of the IEBC to read:

**New Language:**

F. Change Section 1401.3.1 and delete Sections 1401.3.2 and 1401.3.3 of the IEBC.

## VMC

### 13VAC5-63-490. Section 106 Unsafe structures or structures unfit for human occupancy.

- ~~101.8~~ **101.7 Definitions.** Definitions. The definitions of terms used in this code are contained in Chapter 2 along with specific provisions addressing the use of definitions. Terms may be defined in other chapters or provisions of the code and such definitions are also valid
  - **107.8 Appeals to the State Review Board.** After final determination by the LBBCA in an appeal, any person who was a party to the appeal may further appeal to the State Review Board. In accordance with § 36-98.2 of the Code of Virginia for state-owned buildings and structures, appeals by an involved state agency from the decision of the code official for state-owned buildings or structures shall be made directly to the State Review Board. The application for appeal shall be made to the State Review Board within 21 calendar days of the receipt of the decision to be appealed. Failure to submit an application within that time limit shall constitute an acceptance of the code official's decision. For appeals from a LBBCA, a copy of the code official's decision and the ~~resolution~~ written decision of the LBBCA shall be submitted with the application for appeal to the State Review Board. Upon request by the Office of the State Review Board, the LBBCA shall submit a copy of all pertinent information from the record of the appeal. In the case of appeals involving stateowned buildings or structures, the involved state agency shall submit a copy of the code official's decision and other relevant information with the application for appeal to the State Review Board. Procedures of the State Review Board are in accordance with Article 2 (§ 36-108 et seq.) of Chapter 6 of Title 36 of the Code of Virginia. Decisions of the State Review Board shall be final if no further appeal is made.

**Comment [PR(17):** Section before was deleted so this needs to be renumbered.

**Comment [PR(18):** Changed from resolution. This language was proposed and approved by the board.

### 13VAC5-63-510. Chapter 2 Definitions.

- D. Delete the following definitions from Section 202 of the ~~IEBC~~ IPMC:

**Comment [PR(19):** Corrected from IEBC.



Ralph S. Northam  
Governor

R. Brian Ball  
Secretary of  
Commerce and Trade

## COMMONWEALTH of VIRGINIA

Erik C. Johnston  
Director

### DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

August 28, 2018

**To:** Board of Housing and Community Development Members

**From:** Erik C. Johnston, Director

**RE:** Board Retreat

As noted at the July meeting, the first ever Board retreat is scheduled for October 25<sup>th</sup> and 26<sup>th</sup> in Richmond. Staff is still finalizing details of the agenda but we would like to offer the following information regarding location and logistics:

**Date/Time:** The Retreat will begin at 12:00 p.m. on Thursday, October 25, 2018 and will conclude at 12:00 p.m. on Friday, October 26, 2018. There will be a regular Board meeting following the retreat at 12:30 p.m. on Friday, October 26, 2018.

**Location:** The retreat will occur at DHCD offices. The offices are located at:  
Main Street Centre  
600 E. Main St, Suite 300  
Richmond, VA 23219

For those not staying overnight, parking validation can be provided and I will follow-up with directions to the garage.

**Lodging:** A block of rooms at the Hampton Inn directly across the street from DHCD offices has been reserved. Below is a link to reserve within the block. The block is confirmed at the state rate and DHCD will reimburse Board members with their regular travel vouchers should they choose to reserve at this hotel. The block is reserved until 9/25/2018.

Link - <http://hamptoninn.hilton.com/en/hp/groups/personalized/R/RICEMHX-DHD-20181025/index.jhtml> (if needed, **DHD** is the group code).

Partners for Better Communities



[www.dhcd.virginia.gov](http://www.dhcd.virginia.gov)

Main Street Centre • 600 East Main Street, Suite 300 • Richmond, Virginia 23219 • Phone (804) 371-7000 • Fax (804) 371-7090 • Virginia Relay 7-1-1

**COMMITTEE ASSIGNMENTS – 2018-2019**  
**BOARD OF HOUSING AND COMMUNITY DEVELOPMENT**

**Chairman of the Board\*:** JP Carr

**Vice Chairman of the Board\*:** Steve Semones

**HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE**

**Committee Chair:** Helen Hardiman

**Vice-Chair:** Andrew Friedman

1. Susan Dewey
2. Abigail Johnson
3. Earl Reynolds
4. Mimi Elrod
5. Richard Gregory
6. Keith Johnson
7. Sonny Abbasi

**CODES AND STANDARDS COMMITTEE**

**Committee Chair:** Steve Semones

1. Abigail Johnson
2. Sean Farrell
3. Keith Johnson
4. Patty Shields
5. Helen Hardiman
6. Earl Reynolds
7. Jeff Sadler
8. Mimi Elrod
9. Richard Gregory
10. Sonny Abbasi
11. Andrew Friedman

*\* The Chairman and Vice Chairman of the Board serve as ex officio members of all committees.*

**VHDA REPRESENTATIVE**

VACANT

**FIRE SERVICES BOARD REPRESENTATIVE**

Sean Farrell

**STATEWIDE FIRE PREVENTION CODE DEVELOPMENT COMMITTEE**

In accordance with the Memorandum of Agreement between the Board of Housing and Community Development and the Virginia Fire Services Board, a ***Statewide Fire Prevention Code Development Committee*** shall be appointed consisting of three members from each Board. The three Board of Housing and Community Development members appointed to this Committee are:

**COMMITTEE ASSIGNMENTS – 2018-2019**  
**BOARD OF HOUSING AND COMMUNITY DEVELOPMENT**

**BHCD members:**

1. **Steve Semones – Committee Chair**
2. JP Carr
3. Sean Farrell

**VFSB Members:**

- 1.
2. Walter Bailey
3. Jeff Bailey