



Loudoun County, Virginia  
Department of Fire, Rescue, and Emergency Management



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March 14, 2016

The Honorable Maurice Jones  
Secretary of Commerce and Trade  
Commonwealth of Virginia  
P.O. Box 1475  
Richmond, VA 23219

Dear Secretary Jones:

I am writing to ask that you direct your attention to the current efforts by the Department of Housing and Community Development (DHCD) to make significant and potentially detrimental changes to the Statewide Fire Prevention Code (SFPC). The stated purpose of this exercise is to eliminate "unenforceable" provisions of the SFPC where it references or duplicates regulatory language contained in the Uniform Statewide Building Code (USBC).

While, in principle, this sounds like a benign and even laudatory endeavor, various Virginia fire service groups have several unanswered major concerns. I believe you recently received correspondence from the Virginia Fire Prevention Association (VFPA) expressing some of these concerns.

As a local fire chief I have two primary concerns. The first is that the pace with which this review is occurring is making it very difficult for the collective fire service to be consistent participants providing meaningful input in the review process. The work group schedule was initially based on the availability of the majority of those willing to participate. This changed, however, and DHCD staff has now established work group meeting dates without input from all participants. This has led to inconsistent attendance by fire officials, which is resulting in gaps in the review.

The second concern is that the Virginia fire service, specifically the Virginia Fire Services Board (VFSB) should have been asked to coordinate this process in order to ensure the proper representation of trained fire prevention code inspectors. This would have been in accordance with the following section of the Code of Virginia pertaining to the development of the SFPC:

***27-97. Adoption of Fire Prevention Code.***

***The Board of Housing and Community Development is hereby empowered to adopt and promulgate a Statewide Fire Prevention Code which shall be cooperatively developed with the Fire Services Board pursuant to procedures agreed to by the two Boards... [emphasis added]***

Teamwork \* Integrity \* Professionalism \* Service

**ATTACHMENT 1**

Instead of collaborating with the fire service at the outset, DHCD selected other groups to participate in this review, notably the Virginia Building Code Officials Association (VBCOA), the Apartment and Office Building Association (AOBA), the Retail Merchants Association (RMA), the Virginia Association of Realtors (VAR), the American Institute of Architects (AIA) and the Virginia Petroleum Convenience and Grocery Association (VPCGA). These groups do not include individuals who are trained and certified as fire prevention code inspectors, and they generally lack knowledge on the technical discussions which are so vital to this review.

While there are many other concerns with respect to the current process, to include a definitive statement of the problem(s) necessitating this work group process, I want to express support for a suggestion previously offered to the DHCD by the VFSB. The purpose of the SFPC is to ensure public safety, and that should be the focus of this review process. Therefore, the current work group effort should be stopped immediately and reconstituted under the leadership of the VFSB's Fire Prevention and Control Committee and include a formally established work group with a balanced make-up to include fire and building code officials. Having these individuals involved in the review would provide a much-needed public safety perspective which is currently lacking, and would more likely lead to accomplishing the stated goal of this undertaking, namely the removal of those unenforceable provisions of the SFPC.

The Chairman of the VFSB's Fire Prevention and Control Committee has indicated that his objectives in establishing this workgroup would be formalized in a written procedure to clarify the following:

- The specific make-up of the voting membership of the workgroup;
- A clearly defined purpose, goal and process for the workgroup;
- A voting process to determine if proposed changes are editorial or technical in nature;
- Use of Robert's Rules of Order for the conduct of meetings;
- A mechanism for the submission of minority opinions to the BHCD;
- Compliance with the requirements of the Freedom of Information Act (FOIA) for meetings;
- Recording of meetings to ensure accuracy and full disclosure of discussion topics for reference and use by the Board of Housing and Community Development (BHCD) in reaching final decisions on proposed changes.

I have addressed this matter with the Loudoun County Board of Supervisors, and their members have encouraged me to advocate for public safety, including the safety of firefighters and first responders. There is a very real concern that the BHCD will be given a voluminous package of technical information related to the SFPC, and will be asked to vote without the benefit of the endorsement of, or detailed review by, the fire service.

You possess the ability to suspend the current effort and retool it into a process that will eliminate gaps, but more important, ensure the integrity of this very important public safety document.

Thank you again for your willingness to listen to my concerns.

Sincerely,

A handwritten signature in black ink, appearing to be 'W. Keith Brower, Jr.', written over a horizontal line.

W. Keith Brower, Jr.  
Fire and Rescue System Chief

Cc: Loudoun County Board of Supervisors  
Tim Hemstreet, County Administrator  
Linda Hale, Chief Fire Marshal  
The Honorable Brian Moran, Secretary of Public Safety and Homeland Security  
DFREM Senior staff