



May 22, 2018

Mr. Kyle Flanders, Policy and Legislative Director  
Department of Housing and Community Development

Director Flanders,

On behalf of the Virginia Fire Prevention Association, its membership and the Commonwealth Fire Service Community, please accept this signed petition 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. Concern for process

- o Chapters 1-10 were mostly consensus based changes, but where there was not consensus the DHCD staff version was recorded, and that is problematic.
- o (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.
- o Chapters 11-69 should also be a consensus process but were not.
- o 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:

- In addition to all of **403.1 “General”** being removed so was **403.2 and 403.2.1** (In addition to the requirements of Section 401, occupancies, uses and outdoor locations shall comply with the emergency preparedness requirements set forth in Sections 403.2 through 403.12.3.3). Where a fire safety and evacuation plan is required by Sections 403.2 through 403.11.4, evacuation drills shall be in accordance with Section 405 and employee training shall be in accordance with Section 406. This was not discussed, and came as a great surprise. This is code that is currently used in many venues, to include outdoor venues. This elimination weakens the fire code.
- **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).
- **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.
- **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.

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.

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

Signed,

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You will find that 106 individuals have signed this petition.

Respectively submitted this 22<sup>nd</sup> date of May, 2018.



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