

VIRGINIA FIRE SERVICES BOARD

Codes and Standards Subcommittee
Tuesday, September 12, 2023
Virginia Department of Fire Programs
1005 Technology Park Drive, Glen Allen, Virginia
10:00 AM

Minutes

A regular meeting of the Codes and Standards Subcommittee was held at the Virginia Department of Fire Programs in Glen Allen, Virginia. The meeting was called to order by Chair Andrew Milliken and a quorum was present.

SUBCOMMITTEE MEMBERS PRESENT

Andrew Millikin, Chair – Stafford County
Perry Weller, Vice Chair and At-Large Member – City of Staunton
Ernie Little, VFSB Member – VFSB, VFPA
Billy Hux, State Fire Marshal – SFMO
Steve Phillips, VFMA Chief – SFMO
Lee Stoermer, VFPA Member – VFPA, Loudoun County
Joseph A. Mullens, At-Large Member – Rockingham County
Rusty Chase, Member – City of Fairfax
Gerry Maiatico, Member – Warren County
James Moss, Member – City of Galax
Logan Stanley, Member – Fredericksburg City
Steve Sites, VFSB Fire Prevention Chair - Fairfax

SUBCOMMITTEE MEMBERS ABSENT

Maurice Wilson, Member – City of Hampton
Joshua J. Davis, Member – VDFP
Matt Robinson, Member – Spotsylvania

AGENCY MEMBERS PRESENT

Spencer Willett, Government Affairs Manager
Tracey Frame, Administrative Specialist

GUESTS PRESENT

Glen Dean
Jeff Brown
Chris Barry

CHANGES IN THE AGENDA

- a. Vote on the Remote Participation of Steven Sites, Fire Prevention and Control Committee Chair

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The vote on the remote participation of Steven Sites was struck from the agenda because he attended in person.

- b. Vote on the Remote Participation of Gerry Maiatico, Virginia Fire Prevention Association

Motion: To approve the remote participation request by Gerry Maiatico, as approved by Chair Milliken.

Motion: Little **Second:** Mullens

Discussion on the Motion: No discussion on the motion.

Vote: Unanimous Approval

Action: Gerry Maiatico was approved to participate remotely according to VFSB policy.

- c. Billy Hux requested that Spencer Willett's report be moved forward. This was approved by the Chair.

PUBLIC COMMENTS

No public comment given.

CONSENT AGENDA

COMMENTS FROM THE SUBCOMMITTEE CHAIR

The Chair welcomed all and thanked them for driving to Richmond for the meeting.

UNFINISHED BUSINESS

No unfinished business

NEW BUSINESS

- A. Remote/Virtual Meetings

Spencer Willett, Government Affairs Manager and Virginia Fire Services Board (VFSB) Clerk gave an update on virtual versus remote Meetings. During the pandemic the state allowed virtual meetings, but that has since expired. Two types of meetings are allowed under new law and VFSB policy, remote and virtual. Remote participants can only participate remotely 25% of the time when the majority of the committee is in person. Approval must be from the Chair and approved at the meeting by the committee according to VFSB policy. If you attend a meeting remotely, then a committee member will need to attend the next 3 meetings in person. The committee can also do a virtual meeting 25% of the

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time. If the committee decides to do a virtual meeting, it will not count against an individual's remote option.

B. Fire Prevention and Control Committee Update

Steve Sites gave an update for the Fire Prevention and Control Committee of the (VFSB). The committee is continuing to work on the Statewide Fire Prevention and Control Plan and will produce a first draft at the First Responders Conference. A few changes have been made and others are ongoing.

C. Department of Housing and Community Development Code Development Update 2021 and 2024 Cycles

Jeff Brown gave a report for the Department of Housing and Community Development (DHCD) on the Code Development Update for the 2021 and 2024 Cycles. There were some issues, but finally after 2 years it was brought before the Board of Housing and Community Development (BHCD). There were some technical errors, but they were fixed during the process. All the regulations in the works are good, but there is some approval needed by the Office of Regulatory Management. It should be on file with the Virginia Register by December 1st, but it could possibly get pushed to later in the month. DHCD is still working on the code books. Code change training will also be announced soon and include 4-day training sessions. The 2017 Accessibility Standard is being worked on and training is planned with various sessions throughout the year. The Virginia Code Education Convention will launch the training. Classes will start Mid-October of 2024. The code books will be published sometime during the 1st quarter of 2024 but may not be published every time there is a change due to so many things changing, especially with energy. There will also be some self-paced learning modules later in 2024.

While Building and Emergency Systems Codes were improved, some future changes could include energy storage systems. The work group proposed a change that energy storage systems need to comply with IFC Codes. Editing has continued on the fire codes relating to construction. There were 150 changes that were submitted with all being approved by BHCD except one. There were some concerns over free standing and stationary alcohol sanitizing stations and one fire prevention code change was not approved pertaining to extinguishers.

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Joseph Mullens mentioned that there may be some confusion over the new book and how accessible it would be. Jeff Brown said the book could be downloaded digitally for those internally who need it but cannot be shared publicly.

Perry Weller asked why the mandatory code training not count towards CE hours. Jeff Brown replied that it was mostly due to that its mandatory and should not replace other training.

Andrew Milliken asked about the training timeline vs. enforcement of the new codes. Jeff Brown said there will be plenty of training opportunities including a possible live virtual class.

Andrew Milliken agreed with having a virtual class and asked about the index. Jeff Brown mentioned they might put it back in but there are not enough resources to fix the index due to all the upcoming changes.

Andrew Milliken asked if there were any upcoming committee meetings. Jeff Brown replied that there were not any planned for the near future but if a need comes up, they will keep everyone informed.

Steve Sites had a concern about who would pay for changes, especially with local jurisdictions already struggling. Jeff Brown mentioned that there are no changes regarding who would pay for the updates.

D. Department of Housing and Community Development Review of cdpVA
Report provided as a component of the section above.

E. Agri-tourism Committee Update

Chris Barry gave an update on the Agri-Tourism Committee and stated that after much discussion the industry felt that most of the codes did not apply to them due the language pertaining to buildings that weren't already exempt. Barry stated the rule is that any building open to the public should at least have a safety plan in place, a sign, and a fire extinguisher to meet code requirements, especially farm structures used by the public. There was previous discussion on who would regulate these rules. Barry confirmed that any fire marshal can shut down a venue that does not comply. Some work still needs to be done on exactly what else will

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be required and where certain fire safety items will be hung. The conversation is still ongoing.

Food trucks are also being discussed but much of this is only guidance this year – nothing mandatory has been enacted. It is going to take another cycle to get anything passed.

Jimmy Moss stated that you have legislators who sees the importance of these mandates, but also industry like wineries who have the appearance of complying but are not. Anything agricultural that the public is invited to should be regulated.

Jeff Brown mentioned that some venues are fighting just to put up a fire extinguisher and make an emergency plan.

Andrew Milliken asked if they had any upcoming meetings.

Chris Barry replied that the 1st week of October they would go over the changes, but another meeting would not be held until the spring of next year.

Jimmy Moss mentioned that if they don't comply with at least those three things then they are not exempt from the code.

Chris Barry mentioned that the legislation should get passed and that it should be under the Statewide Fire Prevention Code.

Steve Sites asked if there is any clear directions on this issue. What if someone contests it?

Chris Barry said it states there should be a sign, fire extinguisher, and a safety plan. It is in Title 36.

Steve Sites asked about where the link for the language was.

Jimmy Moss said that every attempt was made to keep this and other things out of Title 36.

Andrew Milliken thanked Chris Barry for coming and Chris Barry said anyone can feel free to reach out to him for discussion.

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F. State Fire Marshals Office Update

Billy Hux gave an update on the State Fire Marshal's Office (SFMO). He mentioned that three new positions started last month and they are looking to get three new fleet vehicles. Field staff is currently testing new IPADs with Imagetrend software. The FastLab that was purchased with a grant four years ago is going well but the grant will need extended for the walls on the trailer to be constructed. RGIS will have a public facing area and private area for local fire marshal's offices. They hope to better track fireworks and food trucks with this information. The Department of Criminal Justice Services Workgroup met about two months ago related to fire marshals. They are working towards getting some things passed in legislation related to fire marshals. Garrett Dyer is also working on this issue. The Department of Fire Programs (VDFP) is working towards trying to get more Virginia Fire Marshal Academy (VFMA) classes credited. SFMO has attempted to add fees for food truck inspections at the last BHCD meeting. This did not pass and is being examined at DHCD at this time.

Steve Phillips mentioned that a workgroup has been meeting to work on the 2015 State Fire Prevention Manual and applicable building codes. NFPA 1033 has been updated to the standard. They have uploaded some power points and worked to put key points back in the instructor manual. A class was recently held in Fauquier County with 28 attendees – the most successful fall class. There is another 1033 class coming up in Virginia Beach and others in October and November. VFMA is currently finalizing locations for 2024 and these should be posted by the end of the month. The First Responders Conference training includes Environmental Crimes. The class in Salem for next week has been postponed and a makeup class is scheduled in Staunton. Steve appreciated everyone's help in making the events happen.

Andrew Milliken asked about any fees with the classes.

Billy Hux mentioned that they will be putting forth a new amendment for the fees. Steve Phillips also replied that there will be a priority one and two fee schedule that will be dropped to just a flat rate. The fees will help cover uniforms, etc. This is an effort to help save some jurisdictions money.

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G. Virginia Fire Prevention Association Update

Gerry Maiatico gave an update for the VFPA. Registration for their conference will be on the website and held in Waynesboro October 10th and 11th. October 9th there will be a board meeting to plan and network tasks. The group is working to plan and get more organized post-covid. The group is looking for any new ideas to meet the needs of this group and others they participate in.

Perry Weller asked when all the updates will go out about the conference. Gerry Maiatico mentioned that it should be all posted later that day.

Andrew Milliken appreciated their cooperation with the committee.

H. Roundtable Discussion on Fire and Building Code Development

The Chair, Andrew Milliken, opened the floor for discussion. He mentioned that Lithium-Ion Batteries in portable devices is not included in the 2024 updates. Electric vehicles, their repair, and disposing in junk yards need guidance on how to handle these items. The NFPA or the ICC has its challenges keeping up with all the changes with these items.

Perry Weller brought up that there may be a need to start addressing vaping at fuel pumps.

No other comments were made during the roundtable by other committee members.

Andrew Milliken closed with the need to address these code changes and that it be placed for discussion during the 2024 schedule. The next meeting will not be until Spring 2024.

ADJOURNMENT

Motion: To adjourn the meeting

Motion: Sites **Second:** Little

Discussion on the Motion: No discussion on the motion.

Vote: Unanimous Approval

Action: Meeting adjourned

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Clerk of the Subcommittee

Tracey Frame, Designee

