



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

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August 12, 2015

The Honorable Brian J. Moran
Secretary of Public Safety and Homeland Security
Office of the Secretary of Public Safety and Homeland Security
Patrick Henry Building
1111 E. Broad Street
Richmond, VA 23219

Dear Secretary Moran:

Thank you for taking the time to visit the Virginia Fire Chiefs Association (VFCA) Fire Chief's summit in May. This summit was the first of hopefully many such opportunities for the Fire Chiefs from across the Commonwealth to get together for a concentrated and focused agenda on several important issues. By all accounts, this gathering was a huge success, and Virginia Department of Fire Programs Executive Director Melvin Carter, his staff and the VFCA leadership are to be commended for organizing this effort.

As requested, I wanted to take a brief moment of your time to expand upon my statements during the input session following your opening address. In the simplest terms, the administrative structures and processes used in the Commonwealth of Virginia to develop and amend the fire and building codes, in particular those related to the construction of one and two-family residential dwellings, have significant shortcomings. The intended desire for the codes to address public safety is frequently outweighed by the desire to reduce costs, and often nationally endorsed safety standards are reduced or eliminated from the adopted codes of the Commonwealth. I am concerned, as are many leaders in the Virginia Fire Service that the long term effects of this situation will increase the devastation from fire, both in terms of human lives lost and economic loss.

The essence of my concern rests with the composition, authority and business practices of the Board of Housing and Community Development (BHCD), which, by statute, has the sole responsibility to promulgate the state-wide regulations related to construction, community development, building safety, fire protection and fire prevention. These regulations include the Uniform State-wide Building Code (USBC), the Virginia Residential Code (VRC) and the State-wide Fire Prevention Code (SFPC).

The BHCD consists of fourteen citizen members, including eleven members appointed by the Governor from each of Virginia's Congressional Districts, a representative from the Virginia Fire Services Board appointed by the Chairman of that Board, the Executive Director of the Virginia Housing Development Authority and the Director of Regulatory Compliance of the Virginia Building Officials Association. Whereas a broad base of regional representation

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exists, the BHCD is over represented by the citizens from the architectural, building and economic areas of commerce. Public safety has just a single vote on the BHCD and is typically over-ruled/out voted on critical fire prevention and fire protection issues.

The current practice of code development utilizes technical work sessions and public meetings which are supposed to ensure the proper and timely balance of stakeholder input and review. In practice, however, recommendations are forwarded by technical staff based upon a "consensus" process that is ill defined and often perceived as inconsistent, depending upon the issue or who the proponent represents.

The Virginia Fire Services Board (VFSB), also a Governor appointed body, is supposed to have an equal stake in the code development process through a "joint VFSB/DHCD meeting" process. However public safety, again, is only one vote on the BHCD.

A more balanced process would ideally have our building and fire safety codes promulgated by a combined Board of Housing and Fire Services Board with equal footing in the development process rather than the current single vote on such critical life safety code questions. There are specific examples that I, and others in the Virginia Fire Service, can provide, and I would encourage further dialogue to better inform you of the issues and risks that are present today. I would also offer that the creation of an independent study to evaluate the current code development process in terms of stakeholder composition would be a great undertaking. Key to this would be a mechanism to ensure a full consideration of the science related to fire dynamics and more representation of the fire service for final decisions.

I do believe that everyone involved with the code development process truly intends to ensure a regulatory framework that results in safe and cost effective development.

Unfortunately this is not possible in the current environment.

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

Sincerely,



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

Cc: Tim Hemstreet, County Administrator