

# 2018 Virginia Legislative Priorities and Issues

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Provided to the  
Virginia General Assembly



Members of the Virginia General Assembly:

The process of gaining consensus on legislative priorities can be a daunting task that requires significant collaboration and, often times, compromise by all entities/stakeholders involved. Each year, the major fire and EMS stakeholder organizations from across the Commonwealth of Virginia meet to discuss not only their specific legislative needs, but the key issues concerning the organizations as a whole. It is the consensus of the nine, major Virginia fire and EMS stakeholder organizations that legislative action must be taken in order to re-locate the Statewide Fire Prevention Code from within the Board of Housing and Community development to the Virginia Fire Services Board. Our organizations are as follows:

Virginia Fire Chiefs Association, Virginia Professional Firefighters, Virginia State Firefighters Association, Virginia Association of Governmental EMS Administrators, Virginia Association of Volunteer Rescue Squads, Virginia Fire Prevention Association, VA Chapter—International Association of Arson Investigators, Virginia Association of Hazardous Materials Response Specialists, and the Virginia Fire Service Council.

As the presidents/chairmen of the above statewide fire and EMS stakeholder organizations, we request that you consider and ultimately approve this major legislative initiative, which holds major impact and ramifications to fire and EMS in the Commonwealth of Virginia. Further, it is our desire to inform you of other critical issues that are affecting the fire and EMS community and that may require future legislation.

We thank you for your review and consideration of these important matters.

Sincerely,

Jay Cullinan  
President, Virginia Fire Chiefs Association

Robby Bragg  
President, Virginia Professional Firefighters

Jimmy Byer  
President, Virginia State Firefighters Association

Gary Critzer  
President, Virginia Association of Governmental EMS Administrators

Scott Davis  
President, Virginia Association of Volunteer Rescue Squads

Elaine Gall  
President, Virginia Fire Prevention Association

Joe Harvey  
President, VA Chapter—International Association of Arson Investigators

Todd Dyer  
President, Virginia Association of Hazardous Materials Response Specialists

Stephen P. Kopczynski  
Chairman, Virginia Fire Service Council

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## **Statewide Fire Prevention Code Re-location**

(Reference Code of Virginia § 9.1-202 and § 27-97)

*(Legislative action is being sought during the 2018 General Assembly. This is the highest priority with consensus among all participating stakeholder organizations.)*

Under current regulations, the Virginia Board of Housing and Community Development (BHCD) has responsibility to promulgate statewide regulations for the Virginia Building Code, the Virginia Property Maintenance Code, along with other related regulations, and the Virginia Statewide Fire Prevention Code. The BHCD consists of fourteen members, including eleven members appointed by the Governor. BHCD members are as follows: representatives from Virginia Congressional Districts, a representative from the Virginia Fire Services Board (VFSB), the Executive Director of the Virginia Housing Development Authority (VHDA), and the Director of Regulatory Compliance of the Virginia Building Officials Association (VBCOA). The code development process is managed by staff from the Department of Housing and Community Development. This agency falls under the Secretary of Commerce and Trade, who “oversees the economic, community, and workforce development of the Commonwealth.”

However, it is not the purpose of the Virginia Statewide Fire Prevention Code to prioritize economic, community, or workforce development, but instead its goal is to ensure and provide regulations which “safeguard life and property from the hazards of fire or explosion.” We feel there is an evident and critical absence of connection between the economic, development, and workforce focus of the BHCD and the mission to ensure public safety as is intended by the Virginia Statewide Fire Prevention Code.

Additionally, the enforcement of these regulations, at the state level, is the responsibility of the State Fire Marshal within the Department of Fire Programs. Localities which have adopted the Virginia Statewide Fire Prevention Code account for eighty-three percent (83%) of the population, and the enforcement is typically conducted through the fire marshal’s/fire prevention office as part of the local fire department. Based upon the specified purpose of the code, and the manner in which it is applied across the Commonwealth, we believe it is clear that these regulations are within the purview of the public safety community.

By agreeing to move code development for the Statewide Fire Prevention Code from the Board of Housing to the Fire Services Board, members of the Virginia General Assembly will ensure these critical codes are the responsibility of organizations with industry knowledge and experience in public safety. The Fire Services Board, a regulatory board as defined in the Code of Virginia, is comprised not only of fire service professionals, it is a diverse group of individuals representing industry associated with hazardous materials regulations, the Virginia Municipal League, Virginia Association of Counties, the insurance industry, the public at large, and representation from the Board of Housing and Community Development.

This proposed legislative change will ensure the provision of a well-balanced approach to Virginia fire safety and life regulations, while also maintaining a clear nexus between the

Statewide Fire Prevention Code, public safety concerns, and the enforcement authority being located within the purview of the Secretary of Public Safety and Homeland Security. The transfer of authority for the promulgation of the Statewide Fire Prevention Code from the Board of Housing to the Fire Services Board would have no impact on the Uniform Statewide Building Code. The regulations concerning the hierarchy of the Statewide Fire Prevention Code, as it relates to the Uniform Statewide Building Code, remain clear and prohibit the fire code from influencing the manner and means of how the building is constructed. Those regulations – which have a clear connection to development and economic concerns – will still be promulgated by the Board of Housing and cannot be changed by any provision of the Statewide Fire Prevention Code. The fire code simply ensures the maintenance of the life safety components of a structure, but more importantly, it addresses operational and process issues that are not within the scope of the Uniform Statewide Building Code, but are a significant public safety concern.

Given the conflicting purposes and focus of the two Secretariats involved (Secretary of Public Safety and Secretary of Commerce and Trade), the nature of the fire safety regulations involved, and the fact no other enforcement agency in the Commonwealth enforces regulations which are not developed within their Secretariat, we believe it is time to properly align the Statewide Fire Prevention Code with the Secretary of Public Safety and Homeland Security and move the responsibility for promulgation of those regulations to Virginia's Fire Services Board.

## **Fire Programs Fund Needs**

(Reference Code of Virginia § 38.2-401)

*(Noted as a critical issue)*

The Virginia Fire Programs Fund was established in 1985 as a means to support the critical needs of Virginia's fire services, such as fire training, firefighting equipment, and firefighter protective clothing. The proceeds of the fund are generated from an assessment on specific types of fire insurance in the Commonwealth. The fund is administered by the Department of Fire Programs under policies established by the Virginia Fire Services Board. The proceeds are distributed annually to the counties, cities and towns based on population. While the fund has experienced some growth due to the economy, the formula percentage (1%) has not increased since 1995.

During the past 22 years, the cost of delivering fire and EMS services has increased considerably. For example, the cost of training has increased on average 40% or more. The cost of the fire and EMS equipment has also seen a significant increase. A fire truck (pumper) in 1995 cost approximately \$300,000 and today that same vehicle costs in excess of \$700,000. Air packs, an essential component of firefighter safety which allow us to effectively and efficiently perform our core duties, have increased in cost from \$1,000 in 1995 to \$6,200 in 2015 for a single unit. Personal protective equipment has also increased in costs from approximately \$1,500 to \$2,900 per set during this same period.

The Virginia Fire Programs Fund has not kept up with the significant increases in operational costs for our departments to function at a safe standard. Annual Surveys prepared by the Virginia Department of Fire Programs show that the needs outweigh the available funding every year. The various fire and EMS organizations from across the Commonwealth (representing thousands of constituents) are reviewing ways and means of addressing the shortfall and will be requesting an increase in the funding formula as a means to address the aforementioned increases supporting the delivery of quality fire and EMS services across the Commonwealth.

These additional funds will support fire departments across the Commonwealth to be more effective and efficient, thus saving the citizens and businesses from loss of income and loss of property, thereby improving the chances of minimizing injuries and deaths in Virginia.

The collective stakeholder organizations listed in this booklet intend to seek legislation in the future to address this critical need. Your support of such future legislation related to this initiative would be very much appreciated.

## **Cancer in the Fire/Rescue Service**

(Reference Code of Virginia § 65.2-402)

*(Noted as a critical issue)*

The significant and devastating impact that cancer is having on the fire service has been recognized not only in Virginia, but nationally as well. The Centers for Disease Control has determined that firefighters are at a much greater risk of developing cancer than the general public. Some studies show a firefighter's risk being as much as three times greater than the average citizen. Firefighters are at a much greater risk of developing occupational cancers, such as testicular, prostate, skin, brain, rectum, stomach and colon cancer(s), non-Hodgkin's lymphoma, multiple myeloma and malignant melanoma. Despite these studies and the impact on our firefighters, not all of these forms of cancer are included in Virginia's cancer presumption laws. Instead, the existing laws only cover leukemia, pancreatic, prostate, rectal, throat, ovarian or breast cancers.

The collective stakeholder organizations listed in this booklet intend to pursue legislation that seeks to expand the coverage of firefighters' occupational cancers, and/or legislation that will aid in increased funding to reduce the rate of cancer among firefighters. Additionally, these organizations would adamantly oppose any legislation that would result in reduced efforts and/or associated funding intended to prevent cancer in the fire service, or that would reduce the benefits for those who have developed cancer in service to the Commonwealth of Virginia.

### **Emergency Medical Services Funding**

(Reference Code of Virginia § 46.2-694)

*(Noted as a critical issue)*

The Virginia Emergency Medical Services (EMS) system is very large and complex, involving a wide variety of EMS agencies and personnel, including volunteer and career providers functioning in volunteer rescue squads, volunteer fire departments, municipal fire departments, commercial ambulance services, hospitals, and a number of other settings. As of October 2017, there are 622 licensed EMS agencies, over 4,200 permitted EMS vehicles, over 35,184 certified EMS personnel, more than 100 inpatient and outpatient hospitals located throughout Virginia, and 15 designated trauma centers in the statewide EMS system. Every person living in or traveling through the state is a potential recipient of emergency medical care.

The components of the Virginia EMS system require organization, integration and coordination to provide optimal patient care. Adequate funding is necessary to support an infrastructure of a strong state-lead agency in concert with regional and local partnerships. The primary focus of funding efforts should concentrate on the needs of local jurisdictions, geographic regions, and system-wide components necessary for an efficient, integrated approach to the provision of emergency and preventative medical care.

Over the years, the cost of the provision of EMS has increased. EMS is a key component of the Commonwealth's health care system, and just as we have seen health care costs skyrocket with physicians, hospitals, medical specialties and more, those same cost increases have been experienced by your localities and other entities in the provision of pre-hospital EMS. This includes increased cost of training personnel, the costs of highly technical lifesaving equipment, disaster response coordination, or the costs of recruiting the very best qualified EMS providers to care for the citizens of this Commonwealth.

As a matter of background, during the spring 2017 Rescue Squad Assistance Fund (RSAF) grant cycle, there were 134 grant applications submitted with a total request of \$10,800,277. There was only funding available for 86 agencies for a total of \$4,088,823.82. The major categories were as follows:

§ Basic Life Support (BLS)/Advanced Life Support (ALS) equipment-which amounted to \$1,524,970.97 requested, but only \$701,801.75 awarded

§ Vehicles-which amounted to \$7,272,504.04 in requests, but only \$2,319,820.87 million awarded

§ Requests for 12-lead heart monitor/defibrillators-which amounted to \$1,284,175.42 with only \$669,724.53 awarded

Additional smaller grants for communications equipment, training, etc., were also awarded. The cost of EMS educational programs has increased to address the training needs related to emerging challenges, such as the opioid addiction crisis, terrorism, Zika, management of electronic patient care records, etc. Unfortunately, an increasing portion of these costs must be borne by the locality, rescue squad or other EMS provider agency. Adequate funding is necessary to increase the availability of training for local jurisdictions and EMS agencies; purchase of equipment, medical supplies and ambulances; and direct grants to localities for EMS system planning and coordination.

As you can see, the need greatly outweighs the available funds for necessary lifesaving equipment, vehicles, supplies and provider training. This situation occurs with virtually every RSAF Grant Cycle, year after year.

The fire and EMS organizations anticipate future legislation requests that would facilitate an increase in funding pursuant to § 46.2-694 of the Code of Virginia for the specific purposes of supporting critical EMS needs in the Commonwealth.