

FY 2010 Annual Program Performance Measures

DEPARTMENT: MICHIGAN DEPARTMENT OF ENERGY LABOR AND ECONOMIC GROWTH

APPROPRIATION UNIT: Sec 106 Occupational Regulation

PROGRAM: State Fire Marshal

TIMELINE: October 1, 2010 – September 30, 2011

PROGRAM MISSION STATEMENT (Customer-Focus Direction)

The Bureau of Fire Services, created within the Department of Energy Labor and Economic Growth, was established to provide for the prevention of fires, the protection of persons and property from exposure to the dangers of fire, and to serve the training needs of the state's more than 33,000 fire fighters.

Michigan's Fire Prevention Code, PA 207 of 1941, as Amended, mandates the State Fire Marshal and Bureau of Fire Services serve as a focal point for matters relating to fire services in this state.

VISION STATEMENT

The vision of the Bureau of Fire Services is to be recognized as one of the premier providers for life safety and fire prevention by developing solutions to fire safety related issues in order to reduce the incidence of fire, fire-related deaths, injuries and property losses, and the subsequent effects of fire on the political, medical, legal, and economic systems in Michigan.

PROGRAM STATEMENT

The vision of the Bureau of Fire Services is to be recognized as one of the premier providers for life safety and fire prevention by developing solutions to fire safety related issues in order to reduce the incidence of fire, fire-related deaths, injuries and property losses, and the subsequent effects of fire on the political, medical, legal, and economic systems in Michigan.

The mission of the State Fire Marshal and the Bureau of Fire Services is to protect lives and property by fostering a fire safe environment through inspection, plan review, enforcement, regulation, fire fighter training, data collection, and public fire education.

FUND SOURCES:

IDG from DCH, Inspection Contract
DOT
Federal Funds
Fire Alarm Fees
Fire Service Fees
GF/GP

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LEGAL BASIS:

Administrative Rules promulgated by the State Fire Safety Board
Federal Register as directed by the Social Security Act
PA 116 of 1973, MCL 722.111 - 722.128 (Child Caring Organizations)
PA 144 of 1941 as Amended.
PA 159 of 1990, Sections 380.623a, 380.1263, 380.1267, 380.1274 (Non-instructional School Buildings)
PA 207 of 1941, (Fire Prevention Code)
PA 218 of 1979, MCL 400.701 - 400.737 (Adult Foster Care Facility Licensing Act)
PA 258 of 1974, MCL 330.1001 - 330.2106 (Mental Health Code)
PA 291 of 1966, MCL 29.361 – 29.377 (Fire Fighters Training Council Act)
PA 306 of 1937, MCL 388.851 - 388.855a (School Building Code)
PA 368 of 1978, MCL 333.1101 - 333.25211 (Public Health Code)
PA 56 of 2009, MCL 29.491-29.513 (Fire Safety Standard and Firefighter Protection Act)

CUSTOMER IDENTIFICATION:

Citizens and visitors of the State of Michigan	Western Michigan Association of Fire Chiefs
Owners and managers of regulated facilities	Northern Michigan Association of Fire Chiefs
Architects, engineers and building professionals	Michigan Fire Service Instructors Association
Fire Organizations:	Michigan Fire Inspectors Society
Michigan Citizen-Community Emergency Response Coordinating Council	Michigan Fire Safe Foundation
Eastern Upper Peninsula Fire Association	Michigan Homeland Protection Board
International Association of Arson Investigators	Michigan Homeland Protection Advisory Council
International Association of Arson Investigators – Michigan Chapter	Michigan Interagency Wildland Fire Protection Association
International Association of Fire Fighters	Michigan Joint Fire Service Council
International Association of Special Investigative Units	Michigan Professional Firefighters Union
International Fire Service Training Association	Michigan State Firemen's Association
Michigan Arson Prevention Committee	National Fire Protection Association
Michigan Association of Fire Chiefs	National Association of State Fire Marshals
Upper Peninsula Association of Fire Chiefs	International Association of Fire Marshals
Southeaster Michigan Association of Fire Chiefs	Michigan Mutual Aid Box Alarm System

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CRITICAL GOALS/MAJOR OBJECTIVES

Program Goals:


- Seek alternative funding sources including federal, state, and local funding opportunities.
- Review current fee structure; implement revisions pending statutory changes.

<u>Highlight status</u>  Green	<u>Strategy</u> 1.1 Comment: Legislation is pending, HB 4026 to change the Bureau's funding and fee structures. The bureau continues to research alternative funding opportunities through foundations, associations, and federal grants.
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- Review services provided by the Bureau to ensure responsiveness to our stakeholders at all levels.

<u>Highlight status</u>  Green	<u>Strategy</u> 1.1 Comment: The bureau continues to review services provided and adjusting responsiveness as recommended through review.
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- Provide consistent fire safety inspections through uniform code application and enforcement.

<u>Highlight status</u>  Green	<u>Strategy</u> 1.1 Comment: The bureau continues to provide code and technology updates and training for staff.
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- Conduct plan and shop drawing reviews in a timely manner providing consistent and uniform fire safety code application.

<p><u>Highlight status</u></p> <p>Gi Green</p>	<p><u>Strategy</u></p> <p>1.1</p> <p>Comment: Staffing levels have prevented a more timely response to plan reviews. The bureau is in the process of interviewing candidates for a plan review position. This position is one of three plan review positions that have been vacant for an extended period of time, thereby creating a longer response time. The hiring of this position will ensure more timely reviews once staff member has been trained and is proficient (approximately 6 months).</p>
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- Rewrite of administrative rules to comply with legislative changes at both state and national levels. Incorporate appropriate international standards.

<p><u>Highlight status</u></p> <p>Gi Green</p>	<p><u>Strategy</u></p> <p>1.1</p> <p>Comment: The Health Care Facilities Fire Safety and Fire Inspector Certification Rules were completed on July 28, 2009. The Fire Safe Cigarettes (Reduced Ignition Propensity) and State Fire Prevention Code Rules are awaiting final legislative approval during the lame duck session and then will be sent to the Secretary of State. The Adult Foster Care Rules are awaiting final approval from the State Office of Administrative Hearings and Rules (SOAHR) then the public hearing will be scheduled. The State Fire Safety Board has approved the Bureau to promulgate new rules for schools and two Ad Hoc Committees, one for schools and one for dormitories are currently meeting. The State Fire Safety Board has approved the Bureau to promulgate new rules for penal facilities and an Ad Hoc Committee is being formed.</p>
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- Review of fire instructor qualifications to incorporate standard education methodology and uniformity of trainers throughout the fire service.

<p><u>Highlight status</u></p> <p> Green</p>	<p><u>Strategy</u></p> <p>1.1</p> <p>Comment: Staff and MFFTC council members are currently reviewing qualifications, standards, and methods of training. The OFFT/MFFTC will be upgrading the requirements for instructors teaching OFFT/MFFTC courses.</p>
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- Review and update current firefighter training council curriculum. Consider alternative training methods to increase opportunities via teleconference, web-based, or interactive training.

<p><u>Highlight status</u></p> <p> Green</p>	<p><u>Strategy</u></p> <p>1.1</p> <p>Comment: This goal coincides with the qualifications, standards and methods of training currently being reviewed.</p>
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- Reinstate inspections of places of public assemblage to prevent the possibility of a similar tragedy such as the Station Nightclub in Rhode Island, resulting in 100 deaths and more than 200 injured.

<p><u>Highlight status</u></p> <p> Red</p>	<p><u>Strategy</u></p> <p>1.1</p> <p>Comment: These inspections are not currently being handled at either the state or local level. It is imperative that we comply with PA 207 of 1941, as Amended, and develop and enforce fire safety rules for annual maintenance inspections for public assemblage facilities.</p>
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- Inspections of educational facilities to ensure the safety of our youth

<u>Highlight status</u>  Red	<u>Strategy</u> 1.1 Comment: Due to lack of funding and positions the bureau is not currently meeting this goal.
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- Reinstate training of fire inspectors within the Bureau of Fire Services to provide consistent application of the rules.

<u>Highlight status</u>  Green	<u>Strategy</u> 1.1 Comment: All bureau plan review and inspection staff attended the Michigan Fire Inspector's Annual Conference September 2010. Training was completed and inspection staff received continuing education points necessary to maintain their state certification. The bureau conducted training October 26 2010 through October 27, 2010, at which point we provided LSC training for all field staff.
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- Continue to meet federal requirements and performance standards to maintain federal funding.

<p><u>Highlight status</u></p> <p> Green</p>	<p><u>Strategy</u></p> <p>1.1</p> <p>Comment: We continue to monitor and maintain requirements and standards as established at the federal level. The federal Centers for Medicare and Medicaid Services is currently following behind survey staff conducting Federal Monitoring Surveys within 60 days of the state agency survey to compare survey findings. A quarterly conference call is being held by CMS and SA to review findings and/or citations missed. Results of these surveys shall be used to develop surveyor training.</p>
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- Develop a statewide Child Firesetting and Juvenile Arson training in collaboration with the Michigan Arson Prevention Committee and the Michigan Fire Instructors Society to ensure a standardized protocol for the fire service.

<p><u>Highlight status</u></p> <p> Red</p>	<p><u>Strategy</u></p> <p>1.1</p> <p>Comment: We are not currently meeting this goal.</p>
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- Incorporate recommendations of Michigan's Child Death Review Task Force to reduce the number of child fire deaths through education and intervention.

<p><u>Highlight status</u></p> <p> Red</p>	<p><u>Strategy</u></p> <p>1.1</p> <p>Comment: The previously established public fire education program is outdated and needs to be reviewed and updated.</p>
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- Provide a web-based newsletter.

<u>Highlight status</u>  Green	<u>Strategy</u> 1.1 Comment: A web-based newsletter has been developed and is currently published on a monthly basis. This newsletter is currently being put together by a student position and over seen by the assistant to the State Fire Marshal. The newsletter currently has over 2,468 subscribers.
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Processes/Services

Our processes and services are developed and improved through constant communication with our stakeholders.

PROGRAM EFFECTIVENESS and Efficiency 2009 - 2010

Program Goals/Metrics:

Performance Measures:

Program Improvements made:

State Fire Marshal: The State Fire Marshal serves as the Governor's Policy Advisor in the development and administration of fire service policies, programs and procedures. The State Fire Marshal oversees and directs the activities of the Bureau of Fire Services including plan review for state regulated facilities such as health care facilities and schools, fire safety education, fire code enforcement, certification and fire tracking and reporting. The State Fire Marshal is responsible for statewide implementation and administration of training programs mandated by the Fire Fighters Training Council Act, Public Act 291 of 1966 as Amended.

The State Fire Marshal serves as a statutory member of the State Fire Safety Board, the Fire Fighters Training Council, the Michigan Homeland Protection Board and other state and national advisory boards, commissions and councils. The State Fire Marshal oversees fire and hazard related legislation at the state and national level and seeks funding for state and local programs.

The State Fire Marshal establishes and presents Bureau of Fire Services positions on relevant issues keeping stakeholders apprised. The State Fire Marshal reviews and analyzes rules, reports, and articles to keep abreast of current issues relative to fire, explosives, and hazardous materials. The State Fire Marshal serves as the spokesperson for fire related legislation and participates in the promulgation of rules related to

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fire safety. The State Fire Marshal has the authority to issue Fire Marshal Bulletins providing for clear direction on fire related issues. The State Fire Marshal directs activities of the Bureau of Fire Services in the application of laws, rules, regulations, guidelines, and departmental policies to provide for the prevention of fires and the protection of persons and property from exposure to the dangers of fire. As Bureau of Fire Services administrator, the State Fire Marshal is responsible for developing long range proposals or requirements based on program needs. As administrator, he develops and implements the Bureau of Fire Services budget.

The State Fire Marshal represents the Bureau of Fire Services at meetings with agency staff, legislators, local elected officials, citizens, and special interest groups. These responsibilities include presentations or discussions of programs with the fire service, fire protection community, and others affected by Michigan's Fire Prevention Code PA 207 of 1941, as Amended or the Fire Fighters Training Council Act, PA 291 as Amended.

Fire Safety Inspections: The Bureau of Fire Services seeks to assure maintenance of fire safe conditions in regulated facilities through inspections of all new construction, additions or remodeling, and annual maintenance inspections as required by licensing agreements. Fire Marshal Inspectors survey and inspect for proper installation and maintenance of fire protection features, such as: fire alarm and detection systems, fire suppression systems, construction type, fire separations, fire barriers and smoke compartments, means of egress, interior finish and emergency power.

Bureau of Fire Services regulated facilities currently include:

Adult Foster Care Homes

Homes for the Aged

Intermediate Care Facilities for the Mentally Retarded Medicaid Program

Hospice Residences

Hospitals

Psychiatric Hospitals

Freestanding Surgical Outpatient Facilities

Nursing Homes

County Medical Care Facilities

Penal Institutions

Schools: K-12, colleges and universities, both public and private

Licensed child care facilities

Buildings owned or leased by the state.

Field inspections provide an ongoing evaluation of the effectiveness of applicable fire safety laws and codes. When code-related issues are identified, recommendations may be made through the State Fire Safety Board to update relevant statutes and fire codes.

Assisted Living Facilities: Home for the Aged (HFA) and Adult Foster Care (AFC) Homes: The Bureau of Fire Services conducts fire safety inspections in AFC's (residence of 7 or more persons) prior to the issuance of an initial license and annually thereafter. This year 1087 AFC's received annual fire safety maintenance inspections and HFA's received 190 annual fire safety maintenance inspections.

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Additionally, inspections are conducted for any new construction, additions, remodeling, alterations, conversions or change of licensee in these facilities.

ICF/MR Medicaid: Intermediate Care Facilities for the Mentally Retarded are institutions certified by the federal Centers for Medicare and Medicaid Services (CMS). Fire safety inspections are conducted in these institutions for compliance with the CMS Fire Safety Rules. Facilities, which pass field inspection, are “certified” in the federal Medicaid Program and are eligible for reimbursement funding. Only one facility remains in existence receiving annual certification during Fiscal Year 2009-10.

Penal Institutions: Fire Marshal Inspectors conduct fire safety inspections of all inmate-occupied facilities. Inspectors conducted 48 fire safety inspections during fiscal year 2009-2010 including new construction, additions, and remodeling of state and local correctional facilities in Michigan.

Health Care Facilities: The Bureau of Fire Services inspected 1,527 new constructions, additions and remodeling of existing facility projects as well as 786 annual inspections of all licensed health care facilities in accordance with state rules for licensing and compliance with federal certification (CMS) rules. Facilities, which pass inspection, are “certified” into the federal Medicare and/or Medicaid Program and are eligible for reimbursement funding.

Schools: Field inspections are conducted on all new construction, additions and remodeling of all K-12 schools, colleges and universities and educational facilities both public and private. School construction inspections in K-12 schools are conducted pursuant to PA 207 of 1941, as Amended. During 2009-2010, field services reviewed 1,949 projects.

Places of Public Assemblage: Sections 29.21c and 29.21d of the Fire Prevention Code require annual inspections of places of public assemblage. Places of public assemblage include churches, halls, theaters, restaurants, libraries, malls, stores, and museums. Current estimates show approximately 200,000 places of public assemblage in Michigan. Fire chiefs may handle this responsibility at the local level. Current staffing levels and the lack of funding, along with the high volume of places of public assemblage in Michigan, prevent annual inspection at the Bureau of Fire Services level.

State Owned or Leased Buildings: Section 29.3c(d) of the Fire Prevention Code indicates the Bureau shall promulgate rules as provided under section 2a pertaining to fire safety requirements for the construction, operation or maintenance of buildings owned or leased by the state.

Centers for Medicare and Medicaid Services Program: The Centers for Medicare and Medicaid Services (CMS) directs activities relating to the Medicare and Medicaid funding provided to licensed health care facilities throughout the state. Health care facilities include Nursing Homes, Hospital Long Term Care Units, County Medical Care Facilities, Hospitals, Critical Access Hospitals, Psychiatric

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Hospitals, Freestanding Surgical Outpatient Facilities and Hospice Residences. CMS develops national policies and procedures, which support and assure effective state program administration and beneficiary protection. CMS develops, interprets and applies specific laws, regulations and policies, and directly governs the operation and management of the Medicare/Medicaid Program providing assistance to the State Agency (SA). CMS measures the performance of the SA.

The Bureau of Fire Services conducts Life Safety Code surveys on behalf of the CMS as prescribed in the Code of Federal Regulation (CFR) for Medicare/Medicaid (M/M) funding and interagency with the Department of Community Health.

The Bureau of Fire Services surveyed approximately 444 Nursing Homes during fiscal year 2009-2010. Nursing facilities are required by CMS to correct all deficiencies cited at the SA LSC inspection within 60 days of the survey exit date or the enforcement process may begin. The enforcement process includes but is not limited to Denial of Payment for New Admissions (DPNA) and/or daily monetary fines up to and including termination of the provider agreement and discontinuation of all M/M funding.

2009 federal statistics show Michigan Life Safety Code Inspectors cited 5.8 life safety code violations per facility, 2008 federal statistics show Michigan Life Safety Code Inspectors cited 6.1 life safety code violations per facility, with 2007 figures showing 8.1 life safety code violations per facility.

It is also the responsibility of the State Agency to work with these facilities under special circumstances where justification in the form of a Waiver, Temporary Waiver or Equivalency Concept, could be applied and approved to continue funding if the waiver of such unmet provisions would not adversely affect the health and safety of the residents. It would be the responsibility of the SA to monitor the progress/milestones of the corrective action along with additional safety measures put in place during the waiver period and to report these findings to CMS.

The Bureau investigated approximately 15 Nursing Home fires during fiscal year 2009-2010. It is the responsibility of the State Agency to determine if immediate jeopardy exists in the facility, to scope the possible level of harm the deficiency presents and to assist in determining the need for possible appropriate safety measures up to and including evacuation of residents.

Fire Safety Plan Review and Program Services: Plan Review staff perform construction plan reviews of all new construction, additions or remodeling of the following regulated facilities and schedules construction project fire safety inspections of facilities licensed pursuant to Public Act 368 of 1978, as Amended (Public Health Code), Public Act 218 of 1979 (Adult Foster Care facilities), Public Act 116 of 1973 (Child Care Organizations); monitors contract compliance of the State Contractor for the Qualified Fire Inspector Program, and is the Authority Having Jurisdiction for rule interpretation and technical application for this program.

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The Plan Review and Program Services Division are responsible for the following regulated facilities:

- Adult Foster Care Homes
- Homes for the Aged
- Intermediate Care Facilities for the Mentally Retarded Medicaid Programs
- Hospice Residences
- Hospitals
- Psychiatric Hospitals
- Freestanding Surgical Outpatient Facilities
- Nursing Homes
- County Medical Care Facilities
- Penal Institutions
- Schools: K-12, colleges and universities, both public and private
- Licensed child care facilities

Assisted Living: Home for the Aged, Adult Foster Care facilities, small (7-13 residents), large (13-20 residents), and congregate (more than 20 residents), are licensed by the Department of Human Services. These facilities provide supervision and personal care, in addition to room and board. Many of these residents are incapable of self-preservation because of age or physical or mental infirmity. The Plan Review and Program Services Division conducts fire safety plan reviews prior to the issuance of a license by the Department of Human Services.

Child Caring Institutions vary from a 6-bed open facility to a 200-bed secure facility where children are locked in and prevented from egress or self-preservation due to security measures. These facilities are organized to receive minor children for supervision and personal care, usually on a 24-hour basis, in buildings maintained by the institution for that purpose and operated throughout the year. They include agency group homes and institutions for the mentally retarded or emotionally disturbed child and a maternity home for the care of unmarried mothers who are minors. Currently there are approximately 216 licensed institutions.

Child Day Care Centers care for preschool or school age children for periods less than 24 hours in a day where parents or guardians are not immediately available for the children. There are approximately 4,541 centers licensed for approximately 295,948 children. Because of age, concentration of children, and variations in size and locations of centers, the enforcement of minimum fire safety requirements is critical. The Child Care Section is also responsible for all fire safety training and inspections in Child Day Care Centers under the Qualified Fire Inspector Program. This program provides biennial fire safety inspections for licensure and independent fire safety consultation as necessary.

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Children's Camp facilities are residential, day, troop, or travel camps conducted in a natural environment for school children over four years of age, away from their parents, legal guardian or relatives for five or more days in a two-week period. There are approximately 404 camp programs that provide care and supervision for the same group of children for usually not more than 12 weeks. The Child Care Section is responsible for plan reviews, fire safety training, and inspections in Children's Camps under the Qualified Fire Inspector Program.

Health Care Facilities: Occupants of these facilities are generally incapable of self-preservation or evacuation in the event of a fire or other emergency. The division conducts construction and fire safety system shop drawing plan reviews of all new construction, additions, and remodeling of health care facilities for compliance with the Health Care Facilities Fire Safety Rules.

Penal Institutions: There are 60 state, 84 county, and numerous local penal institutions. These facilities are locked down and the occupants prevented from fire egress and self-preservation due to security measures. The bureau conducts fire safety construction plan reviews for new construction, remodeling, or additions to these facilities.

Schools: Children, by reason of age and the high concentration within a relatively small area, must be provided an environment that promotes adequate levels of fire safety. The division provides construction plan review for all new construction, additions, and remodeling of all K-12 schools, colleges, and universities, both public and private.

Fire Alarm and Suppression Systems: Shop drawing reviews and inspections are conducted to assure proper installation, operation, and maintenance of fire alarm and fire suppression systems in regulated critical care facilities. Firms involved in this program shall be certified by the Bureau of Fire Services and are required to have qualified persons oversee work performed and document that all code requirements have been met. Currently, there are 254 Suppression Certified Firms, 281 Fire Alarm Certified Firms and 535 qualified persons in the program. Firms are recertified every three years, and every new fire alarm and fire suppression project in a regulated facility as identified in Public Act 207, as Amended shall be documented upon completion by the qualified person(s). For additional information, refer to Public Act 144 as Amended.

Fire Safety Rules enforced by the Bureau of Fire Services require critical care facilities to be constructed have a specific level of resistance to fire and have sufficient exiting in order to accomplish a defend in place concept. The rules mandate fire alarm and fire suppression systems with specific design characteristics and performance capabilities which coordinate with the fire resistance and exiting requirements of the facility to accomplish a minimum level of fire safety.

State Fire Safety Board: The State Fire Safety Board was established through PA 207 of 1941 as Amended. The mission of the State Fire Safety Board is for the protection of life and property from fire, smoke, hazardous materials and fire related panic in public facilities in cooperation with the State Fire Marshal, the Bureau of Fire Services and related organizations throughout the state.

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The State Fire Safety Board provides for the promulgation of fire safety rules covering the construction, operation, and maintenance of: schools, health care facilities, penal facilities, state owned or leased facilities, operation and maintenance for public assembly and other buildings, and oversight of delegated fire inspection authority.

The state fire safety board is created in the bureau and shall consist of 17 members who are residents of this state. Of the members:

- (a) Three shall be representatives of organized fire departments in the Lower Peninsula.
- (b) One shall be a representative of organized fire departments in the Upper Peninsula.
- (c) One shall be a representative of hospital administration.
- (d) One shall be a registered professional engineer.
- (e) One shall be a registered architect.
- (f) One shall be a representative of the nursing home industry.
- (g) One shall be an individual who meets any of the following criteria:
 - (i) The individual is a member of the governing board of a school district, public school academy, or intermediate school district.
 - (ii) The individual is employed by a school district, a public school academy, or an intermediate school district in an administrative capacity.
 - (iii) The individual is a member of, or is employed by, a statewide association representing school board members or school administrators.
- (h) One shall be a representative of the building trades.
- (i) One shall be a representative of persons who own a place of public assemblage.
- (j) One shall be a representative of the flammable liquids industry.
- (k) One shall be a representative of the liquefied petroleum gas industry or the flammable compressed gases industry.

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(l) One shall be a representative of the chemical manufacturing industry.

(m) One shall be a licensed electrical contractor or master electrician.

(n) One shall be a representative of persons who own adult foster care facilities.

(o) One shall be the state fire marshal or an employee of the bureau designated by the state fire marshal.

(2) Board members, other than the state fire marshal or the state fire marshal's designee, shall be appointed by the governor with the advice and consent of the senate. The members appointed by the governor shall have the qualifications the governor considers essential to enable them to competently decide matters of fire prevention and fire safety for the establishments or facilities specified in section 3c(1).

(3) Each member appointed by the governor before January 1, 2007 shall be appointed for a term of 3 years. Each member appointed by the governor after December 31, 2006 shall be appointed for a term of 4 years. Continued absence of a member appointed by the governor from regular or special meetings of the board makes the member subject to immediate removal by the governor.

The Board serves as the administrative hearing body on decisions made by the Bureau of Fire Services pursuant to Section 29.3c of Public Act 207 of 1941. Written requests for appeal include:

- A copy of the variance request sent to the Bureau of Fire Services.
- A copy of the Bureau of Fire Services letter of denial.
- A concise statement of the reason(s) the Bureau of Fire Services application or interpretation of the rule should be modified.

Upon receipt of a request for appeal, the State Fire Marshal examines the appeal to determine appropriate jurisdiction and whether the information provided meets the requirements of Public Act 207, as Amended, the Fire Prevention Code.

Michigan Fire Incident Reporting Program: Public Act 207, Section 29.4 and 29.5g require the chief of each organized fire department in Michigan to file a complete incident report with the Bureau of Fire Services.

At present, Michigan has 1,018 fire departments. During 2008, 80 percent of those departments utilized NFIRS to comply with Michigan's mandate for reporting. Michigan law requires the reporting of:

- All fires
- All hazardous materials incidents
- All civilian injuries and deaths associated with a fire

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- All fire service injuries and deaths, whether associated with a response or not

In 1999, Michigan became the first state in the nation to fully automate a reporting system utilizing the National Fire Incident Reporting System (NFIRS). Michigan maintained the highest percentage of reporting departments for any state in the country for the first five years of the program and in 2004 the Michigan NFIRS Program was awarded a Citation of Excellence by the United States Fire Administration as the nation's first success story. Michigan's success involved 96% of our fire departments utilizing the automated reporting system without modification. As a result, Michigan's data did not need modification and is consistent with national data.

The Bureau of Fire Services is striving to reach our 100% goal, and therefore, we encourage fire departments to report as required by Michigan law. During the coming months, the Bureau of Fire Services expects to return to the level of reporting seen during the first five years of the program.

Through the provision of an automated reporting system, the State Fire Marshal, the Bureau of Fire Services, and local fire departments are able to ensure accurate data and documentation of fire department activities. Through analysis of the data Michigan is able to determine the needs of the fire service, priorities for the state, and justification for funding.

Act 144 Certification: Certification of Firms for Fire Alarm Systems and Fire Suppression Systems in State Regulated Facilities Qualifying Persons. The Michigan Fire Prevention Code, Public Act 207 of 1941, Section 29.3c (5) as Amended states:

"(5) The Bureau of Fire Services shall promulgate rules as provided under section 2a for the certification of a firm that does any of the following:

- (a) Installs, modifies, or documents the installation or modification of a fire suppression system.
- (b) Documents the installation or modification of a fire alarm system.
- (c) Performs testing, servicing, inspections or maintenance that has not been exempted by the rules promulgated by the Bureau of Fire Services on fire alarm systems or fire suppression systems.
- (d) Submits a drawing, plan, or specification of a fire alarm system or fire suppression system to the Bureau of Fire Services for approval under section 29, except an architect or professional engineer licensed under article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014."

MCL 29.26 states:

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“1) Except as provided in subsection (3), a firm located or operating in this state, unless certified under this section, shall not do any of the following:

- a. Install, modify, or document the installation or modification of a fire suppression system.
- b. Document the installation or modification of a fire alarm system.
- c. Perform a test, service, inspection, or item of maintenance that has not been exempted by the rules promulgated by the Bureau of Fire Services on a fire alarm system or fire suppression system.
- d. Submit a drawing, plan or specification of a fire alarm system or fire suppression system to the Bureau of Fire Services for approval under section 29

2) The Bureau of Fire Services shall certify a firm that submits a drawing, plan or specification of a fire alarm system or a fire suppression system or that installs, modifies, tests, services, inspects, maintains or documents the installation or modification of a fire alarm system or a fire suppression system if the firm does both of the following:

- a. Meets the requirements established by rules promulgated under section 3c.
- b. Pays a fee of \$155.00 to the Bureau of Fire Services

3) Subsections (1)(d) and (2) do not apply to an architect or professional engineer licensed under article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014.”

State Fire Safety Board promulgated rules state:

R 29.2803 Firm Certification

Rule 3. A firm shall not be certified under these rules unless the firm employes a qualifying person to actively supervise the technical aspects of the installation, modification, testing, servicing, inspection, maintenance, and documentation of required fire alarm systems and required fire suppression systems performed by the firm. Each design location of a firm performing the operations specified in this rule shall be certified and shall be considered a separate certified firm for the purpose of these rules.

R 29.2804 **Qualifying** person; qualifications generally.

Rule 4. The qualifying person specified in R 29.2803 shall possess technical qualifications in each category for which the firm is to be certified. A qualifying person may only perform the duties of a qualifying person for 1 certified firm. A qualifying person may work in more than 1 design location provided that he or she is not the sole qualifying person for that discipline at the other design location.

Certified Fire Inspector Program: This certification program utilizes the National Fire Protection Association (NFPA) Fire Inspector I certification process to certify fire inspectors in Michigan. The program is based on the job performance requirements of NFPA 1031, Standard for Professional Qualifications for Fire Inspector and Plan Examiner 2003 edition. Applicable sections of NFPA 1033, Standard for Professional Qualifications for Fire Investigator 2003 edition and NFPA 1035, Standard for Professional Qualifications for Public Fire

FY 2010 Annual Program Performance Measures

DEPARTMENT: MICHIGAN DEPARTMENT OF ENERGY LABOR AND ECONOMIC GROWTH

APPROPRIATION UNIT: Sec 106 Occupational Regulation

PROGRAM: State Fire Marshal

[and Life Safety Educator 2005 edition](#) were utilized in the development of Section 6, Continuing Education.

Certification Requirements

State Certified Fire Inspectors (SCFI) must earn a minimum of 10 continuing education points per year and a total of 60 points during the three-year recertification period. Inspectors entering the cycle at a point less than three years will be prorated in accordance with the existing certification cycle. Continuing education points may be obtained by participating in approved educational activities, which has as its primary objective the increase of professional competence of fire inspectors. The activity must be an organized activity directly related to the practice of fire and life safety or the duties of a fire inspector. Points are awarded on a contact hour basis.

The Bureau of Fire Services continues to work very closely with the Michigan fire service to update fire inspectors on pertinent issues relative to fire and life safety.

State Certification Requirements

All persons who desire to be certified as a State Certified Fire Inspector shall meet all of the following basic requirements:

1. Be 18 years of age or older
2. Have graduated from an accredited high school or have received a general education development test certificate from the Department of Education.
3. Be able to read and write English.
4. Be of good moral character. A conviction of a misdemeanor or felony, which involves theft, dishonesty or false statement, shall be considered an indication that a person is not likely to serve in a fair, honest and open manner.
5. Have not been convicted of any misdemeanor or felony reasonably related to, and adversely affecting the person's ability to perform as a fire inspector.
6. Maintain employment.
7. Hold an NFPA Fire Inspector 1 certification, or the equivalent, as determined by the Bureau of Fire Services in consultation with the State Fire Safety Board.

This program is designed to certify those individuals who wish to obtain State Certification as a fire inspector and/or obtain delegation of authority to conduct fire safety inspections on behalf of the State Fire Marshal in state regulated facilities pursuant to Public Act 207 of 1941, as Amended, the Michigan Fire Prevention Code. This program does not prohibit a city, village or township from employing persons who are not state certified as fire inspectors to conduct fire inspections under the locally adopted fire code.

FY 2010 Annual Program Performance Measures

DEPARTMENT: MICHIGAN DEPARTMENT OF ENERGY LABOR AND ECONOMIC GROWTH

APPROPRIATION UNIT: Sec 106 Occupational Regulation

PROGRAM: State Fire Marshal

Certified Fire Inspector (CFI) Training Program

The Certified Fire Inspector Training Program provides extensive fire code enforcement training for Michigan Fire Inspectors. Certified fire inspectors are required to be recertified every three years. The section is responsible for coordination, in conjunction with an external committee of nationally recognized fire inspectors, of a certified fire inspectors training program developed by the National Fire Protection Association. The section is also responsible for maintaining records and approving courses for Fire Inspector Recertification.

Recertification for State Certified Fire Inspectors: Previously, SCFI's have been required to be recertified every 3 years based on continuing education.

Office of Fire Fighter Training/Michigan Fire Fighters Training Council: The Michigan Fire Fighters Training Council (MFFTC) was established by Public Act 291 of 1966. The governor appoints six members with the seventh being the State Fire Marshal as an ex-officio member. Council members represent the Michigan Fire Service Instructors Association, the Michigan Association of Fire Chiefs, the Michigan Municipal League/Michigan Townships Association, the Michigan Professional Firefighters Union, the Michigan State Firemen's Association and the State Fire Marshal.

The Office and Council are responsible for the following:

- Prepare and publish advisory standards for the selection of fire fighters
- Prepare and publish training standards
- Establish instructor qualifications and certification
- Establish courses of study
- Evaluate qualifications and certify instructors
- Develop and administer certification examinations for new fire fighters
- Develop/provide electronic forms of video display to assist in the training of fire fighters
- Establish regional training centers to assist with fire fighter training
- Cooperate with state, federal and local agencies for training of fire fighters
- Issue certificates of training and maintain individual training records

The OFFT serves the training needs of the state's 1,072 fire departments and 33,154 fire fighters. Fire Departments are divided into four categories Paid, Part Paid, Non Paid, and Combination. Fire Fighters are divided into three categories: Paid 9,319 Part Paid 18,986, non-paid 4,849.

FY 2010 Annual Program Performance Measures

DEPARTMENT: MICHIGAN DEPARTMENT OF ENERGY LABOR AND ECONOMIC GROWTH

APPROPRIATION UNIT: Sec 106 Occupational Regulation

PROGRAM: State Fire Marshal

Services provided include:

- **Mandatory Fire Fighter Testing:** Public Act 291 of 1966, as Amended, requires new fire fighters to pass a certification exam. An exam is administered at the conclusion of each Fire Fighter I & II program. Upon request the OFFT is required to administer the exam in each county at least once a year.
- **Curricula:** The OFFT maintains a menu of over 50 courses ranging from basic fire fighter training to administrative level courses for fire officers. If courses meeting Michigan's needs are available commercially or from the National Fire Academy, they are given first consideration. Staff develops additional courses and supplemental materials.
- **Driver Training:** The Michigan Vehicle Code exempts fire fighters that successfully complete the OFFT Driver Training Course from obtaining a commercial driver license (CDL). This is of significant benefit to all fire departments.
- **Course Materials:** The OFFT provides administrative materials for all courses. Student manuals furnished by the National Fire Academy are distributed through the OFFT, as the Academy does not have the resources to deal directly with individual fire departments.
- **Video Loan Library:** The OFFT maintains a library of over 126 current fire training videotapes. The library supplements the courses offered and are available upon request. The estimated replacement cost of the library is \$38,000. This service is used with great frequency because few departments can afford to purchase their own videotapes.
- **Certified Instructors:** The OFFT certifies and maintains a list of approximately 1,500 instructors who are authorized to instruct OFFT courses. They contract with the County Training Committees, Regional Training Centers and individual fire departments. There are certified instructors in every county in the state to accommodate the delivery of training.
- **Instructor Liability:** Public Act 456 of 1988 grants immunity to OFFT certified, approved and contracted instructors for tort damages caused by ordinary instructor negligence. This vital component of the fire training system is reliant upon the participation of the OFFT.
- **Allocation of County Training Funds:** At the beginning of the state's fiscal year, each County Training Committee is notified of their annual training allocation which is based on the number of fire fighters. These funds are used to pay instructor costs.

FY 2010 Annual Program Performance Measures

DEPARTMENT: MICHIGAN DEPARTMENT OF ENERGY LABOR AND ECONOMIC GROWTH

APPROPRIATION UNIT: Sec 106 Occupational Regulation

PROGRAM: State Fire Marshal

- **Record Keeping:** Certificates of training and certification are issued upon successful completion of the requirements established by the OFFT. Since October 1, 1996 an electronic record has been maintained of *all* training an individual receives through the OFFT. Prior to that time, only records of Fire Fighter I & II, Driver Training and Fire Officer I, II and III certifications were maintained electronically. In October of 2009, a fully online information management system was put into service providing the fire service access to their records 24/7 from home or work.
- **Web Site:** All OFFT programs and services can be accessed electronically through the web site at www.michigan.gov/bfs.

Program services are provided by:

- **Director of the Office of Fire Fighter Training:** The Director manages and supervises the Office of Fire Fighter Training operations. This position is also responsible for programs administrations, personnel management, fund disbursement, and represents the Bureau of Fire Services at various meetings and functions.
- **Curriculum Specialist:** This position is in charge of the Curriculum Services Unit at the OFFT central office in Lansing and has the following responsibilities:
 - Directs evaluation, implementation and maintenance of curricula
 - Directs evaluation, implementation and maintenance of testing and certification programs
 - Directs development/procurement and distribution of training materials
 - Directs field administration of OFFT programs and services
 - Directs management of OFFT computerized Information Management system
 - Conducts train-the-trainer programs for instructors
 - Serves as liaison to National Fire Academy
- **Region Supervisors:** The OFFT divides the state into two regions and has a Region Supervisor in charge of each. Region 1 consists of 54 counties and is based at Escanaba; Region 2 has 29 counties and is based in Grand Rapids. Each Region Supervisor has the following responsibilities:
 - Supervises the evaluation of instructors and training classes
 - Approves the establishment of training classes
 - Approves contracts for funded classes
 - Supervises administration of fire fighter certification examinations
 - Provides technical direction and assistance regarding training, testing and certification
 - Investigates violations of OFFT policy requirements

FY 2010 Annual Program Performance Measures

DEPARTMENT: MICHIGAN DEPARTMENT OF ENERGY LABOR AND ECONOMIC GROWTH

APPROPRIATION UNIT: Sec 106 Occupational Regulation

PROGRAM: State Fire Marshal

- Assists with train-the-trainer programs for instructors
- Assists with curriculum development
- Assists with development and revision of policies and procedures

- **Training Coordinators:** The OFFT has 16 Training Coordinators (*contract employees*), each assigned to a region, to assist the Region Supervisor with delivery of programs and services. To apply for a position an applicant must be an OFFT certified instructor with a minimum of ten years fire service experience preferred. Training Coordinators receive an hourly rate of pay from which they pay for their own transportation, meals and lodging. They receive all work assignments from the Region Supervisor. Each Training Coordinator has the following responsibilities:
 - Provides assistance regarding training, testing and certification
 - Evaluates instructors and classes
 - Proctors fire fighter and fire officer certification exams

- **County Training Committees:** The OFFT established a County Training Committee in each of the 83 counties to assist with the delivery of training. They are structured to represent the fire departments and fire service organizations within the county. The committees are of critical importance to the delivery of OFFT programs. Each County Training Committee provides the following services:
 - Surveys county training needs
 - Schedules and coordinates training
 - Authorizes expenditure of OFFT allocated county training funds
 - Disseminates training information

- **Regional Training Centers:** There are 13 colleges and 3 municipal owned training facilities that are OFFT approved Regional Training Centers. They deliver training to meet the needs of individuals, local fire departments and County Training Committees. They are:

Alpena Community College	Schoolcraft Community College	Grand Rapids Fire Academy
Macomb Community College	Kirkland Community College	Oakland Community College
Central Upper Peninsula RTC	Wayne Co. Community College	Kalamazoo Valley Community College
Muskegon Community College	Lake Superior State University	St. Clair Co. Community College
Delta Community College	Detroit Fire Academy	
Northwest Regional Training Center	Lansing Community College	

FY 2010 Annual Program Performance Measures

DEPARTMENT: MICHIGAN DEPARTMENT OF ENERGY LABOR AND ECONOMIC GROWTH

APPROPRIATION UNIT: Sec 106 Occupational Regulation

PROGRAM: State Fire Marshal

Fiscal Year 2011*								
Michigan Cumulative County Funding Total = \$204,750								
County	Recommended Final 2011 County Allocation	County	Recommended Final 2011 County Allocation		County	Recommended Final 2011 County Allocation	County	Recommended Final 2011 County Allocation
Alcona	2,250	Eaton	2,250		Leelanau	2,250	Ogemaw	2,250
Alger	2,250	Emmett	2,250		Lenawee	2,681	Ontonagon	2,250
Allegan	2,723	Genesee	3,201		Livingston	2,250	Osceola	2,250
Alpena	2,250	Gladwin	2,250		Luce	2,250	Oscoda	2,250
Antrim	2,250	Gogebic	2,250		Mackinac	2,250	Otsego	2,250
Arenac	2,250	Grand Traverse	2,250		Macomb	3,769	Ottawa	2,865
Baraga	2,250	Gratiot	2,250		Manistee	2,250	Presque Isle	2,250
Barry	2,250	Hillsdale	2,250		Marquette	2,998	Roscommon	2,250
Bay	2,250	Houghton	2,250		Mason	2,250	Saginaw	2,865
Benzie	2,250	Huron	2,250		Mecosta	2,250	Saint Clair	2,788
Berrien	2,719	Ingham	2,901		Menominee	2,250	Saint Joseph	2,250
Branch	2,250	Ionia	2,250		Midland	2,250	Sanilac	2,250
Calhoun	2,726	Iosco	2,250		Missaukee	2,250	Schoolcraft	2,250
Cass	2,250	Iron	2,250		Monroe	2,696	Shiawassee	2,250
Charlevoix	2,250	Isabella	2,250		Montcalm	2,250	Tuscola	2,250
Cheboygan	2,250	Jackson	2,764		Montmorency	2,250	VanBuren	2,250
Chippewa	2,869	Kalamazoo	2,842		Muskegon	2,713	Washtenaw	3,060
Clare	2,250	Kalkaska	2,250		Newaygo	2,250	Wayne	5,737
Clinton	2,250	Kent	3,528		Oakland	4,545	Wexford	2,250
Crawford	2,250	Keweenaw	2,250		Oceana	2,250		
Delta	2,250	Lake	2,250					
Dickinson	2,250	Lapeer	2,250					
					TOTAL	\$204,750		

FY 2010 Annual Program Performance Measures

DEPARTMENT: MICHIGAN DEPARTMENT OF ENERGY LABOR AND ECONOMIC GROWTH

APPROPRIATION UNIT: Sec 106 Occupational Regulation

PROGRAM: State Fire Marshal

Hazard Mitigation and Response: The Fire Prevention Code, section 29.5g mandates the immediate reporting of a fire, explosion, spill, leak, accident, or related occurrence that involves the transportation, storage, handling, sale, use, or processing of hazardous material to the Bureau of Fire Services. Prior to 2003, a toll free number was readily available for this purpose. That reporting function has since been discontinued and not reinstated. Most businesses or first responders possibly report this information to the Department of Environmental Quality or the Michigan State Police. Reinstatement of a process to ensure mandatory reporting is yet to be completed.

It is the responsibility of the Bureau of Fire Services to consult with the local first responders in determining appropriate emergency measures, ensure that federal, state, and local authorities and agencies notify the owner or owners of the firm or vehicle involved, cause an investigation to be made to determine the cause and related factors surrounding the incident and ensure a report of findings is filed and maintained at the Bureau of Fire Services.

Under current statute, the Department of Environmental Quality handles the oversight of hazardous materials compliance. The Michigan State Police, Motor Carrier Division oversees transporting of hazardous materials. Reports related to hazardous materials incidents are not maintained at the Bureau of Fire Services.

Fire Investigations: Executive Order 2003-18 delineated responsibility for fire investigations to stay within the Michigan Department of State Police. In late 2006, the Fire Prevention Code was Amended based on Executive Directive 2005-10. The State Fire Marshal and Bureau of Fire Services do not complete investigations of fires, fire related deaths, firefighter deaths or matters related to investigations. The investigative aspect of fires and related incidents has remained with the Michigan State Police.

Fire Marshal Inquiry: Public Act 207 of 1941 as Amended, Section 29.7 requires the State Fire Marshal to issue authorization to those trained and qualified to perform such duties. At present, no authorizations have been issued. Without such authorization, the potential for problems with investigations utilizing the Fire Marshal Inquiry could result in dismissal of documents, records, and testimony received in court, thereby jeopardizing investigations and convictions related to deliberately set fires in this state.

Insured Fire Loss Reporting: PA 207 of 1941, as Amended Section 29.4 requires fire insurance companies authorized to do business in this state to promptly report information concerning insured fire losses to the Bureau of Fire Services. Michigan has had in place a data system for such reporting. During 2007-08, only 40 reports were submitted via paper form.

Fireworks and Explosives Permits: The Bureau of Fire Services continues to process and forward all fireworks permits to the city, township, and village clerks for the appropriate location of a display. Explosive permits are handled by the Michigan State Police where records of all permits are maintained.

Michigan was the first state in the nation to enact restrictions for fireworks. Violation of this act is a misdemeanor under current law.

FY 2010 Annual Program Performance Measures

DEPARTMENT: MICHIGAN DEPARTMENT OF ENERGY LABOR AND ECONOMIC GROWTH

APPROPRIATION UNIT: Sec 106 Occupational Regulation

PROGRAM: State Fire Marshal

Public Fire Education: Public Fire Education is provided to ensure a safe environment and facilitate implementation of fire safety education in every community in the State of Michigan. MCL 29.19 mandates fire safety drills in all of Michigan's educational facilities including K-12, charter schools, colleges, universities and dormitories. The Michigan State Police Emergency Management Division is responsible for coordinating the lockdown drills.

In the late 90's the State Fire Marshal established a public education advisory group with the mission of identifying problems, needs, solutions, and strategies to enable local fire departments to provide an effective public fire education program in their community and to ensure collaborative efforts among the fire service, law enforcement, educators, and administrators.

This group developed curriculum for local fire departments to use in delivery of public fire education programs in their communities, provide training to local fire departments in the implementation and delivery of a public fire education programs, and to identify materials for use in delivery of public fire education programs.

Grant dollars provided funding for materials involving state, national, and community partnerships through a variety of resources. These organizations helped to identify successful programs that can be incorporated into curriculums, coordinated a statewide public education conference, promoted public education strategy through attendance at statewide fire association conferences at regional and county meetings, and provided educational updates in a variety of fire service publications.

In October 2010 State Fire Marshal in coordination with State Farm Insurance obtained a \$10,000 grant to conduct a two day Risk-Watch® Train-the-Trainer session at Michigan State University. The training included all training materials and grade specific curriculum. Risk-Watch® is a nationally acclaimed comprehensive safety education and awareness program and curriculum for Pre-K through 8 schoolchildren from the National Fire Protection Association (NFPA). Local fire departments partner with their school districts to present the program which is aligned with the Michigan Model. This was the first time the program has been offered on a state-wide basis. 18 fire departments were trained and as a result well over 89,000 Michigan schoolchildren will benefit from the program.

Future collaborations with NFPA and State Farm is planned to expand the program to include more fire departments and school districts.

Fire departments throughout the state were provided the opportunity and materials to present a standard curriculum within a classroom setting. Coalitions were successful with fire departments, educators, parents, and students thus reinforcing a fire safe environment in our classrooms.

During the transfer of responsibilities from the Bureau of Construction Codes, the summer of 2003, all fire safety education materials were misplaced or destroyed. The bulk of this material had been provided through federal grant dollars, foundation contributions and private donations. It is the goal of the State Fire Marshal to revisit the fire education program by evaluating current needs thus ensuring our citizens of a fire safe community.

FY 2010 Annual Program Performance Measures

DEPARTMENT: MICHIGAN DEPARTMENT OF ENERGY LABOR AND ECONOMIC GROWTH

APPROPRIATION UNIT: Sec 106 Occupational Regulation

PROGRAM: State Fire Marshal

Child Firesetting and Juvenile Arson Program: The United State Fire Administration reports between 25 to 40 percent of all fires are set by children while the U.S. Department of Justice Uniform Crime Report indicates 40 percent of arrests for arson are youth under the age of 18. During 2006, and estimated 14,500 child-playing structure fires were set and these national statistics indicate over 130 people were killed, 810 were injured and approximately \$328 million in property was destroyed by fires attributed to children playing with fire.

From 1999-2002, Michigan was asked by the National Association of State Fire Marshals to participate in a national study of child firesetting and juvenile arson. As a result of this participation, Michigan's program was established as a part of the Fire Investigation Unit of the Michigan State Police, carefully looking at the needs and services provided by the fire service throughout the state. In addition to resources, training was developed specifically geared to working with children and youth. A collaborative program included the involvement of educators, social service providers, mental health providers, burn experts, the legal community, the fire service and law enforcement to develop and offer training specific to Michigan, incorporating Michigan's protocol for child interviewing, and the array of services departments in state government provide.

The current program includes a statewide resource directory on the Bureau of Fire Service Website. The previously developed training was funded through the Michigan Commission on Law Enforcement Standards 302 Grant. No state funds have been allocated to continue training in a collaborative capacity. A variety of Michigan fire organizations offer different levels of training in accordance with NFPA 1035 but do not have the ability to offer a standardized, collaborative team approach to child firesetting or juvenile arson.

FSC (Fire Safe Cigarette) Program: In 2009, Public Act 56 of 2009, (MCL 29.491-29.513), the Fire Safety Standard and Firefighter Protection Act was passed that mandated that only self-extinguishing cigarettes will be authorized for sale and distribution within the State of Michigan effective January 1, 2010. Under this law, cigarette manufacturers are required to certify that their product meets established stringent manufacturing and safety testing standards. They are also required to register their brand families and associated brand styles with the State of Michigan in order to sell their product and they are required to pay a \$1,250 registration fee per brand family. This registration is good for three years. Michigan was the 49th out of the 50 states to adopt such a statute.

In order to reduce the regulatory burden on these businesses, extensive research was conducted of the other 48 states to determine the issues surrounding registration and enforcement. As a result a business friendly on-line system using the existing MyLicense program was established. This program enabled a cigarette manufacturer to use a paperless system to obtain State Fire Marshal approval for the product marking, production registration, in most cases on-line payment and email registration approval. In the event a manual payment was sent, registration approval took two to three business days after the receipt of the payment versus a one day approval using an on-line payment.

Administrative Rules that promulgated the statute and formalized the registration procedures are awaiting final legislative approval before going the Secretary of State.

FY 2010 Annual Program Performance Measures

DEPARTMENT: MICHIGAN DEPARTMENT OF ENERGY LABOR AND ECONOMIC GROWTH

APPROPRIATION UNIT: Sec 106 Occupational Regulation

PROGRAM: State Fire Marshal

Emergency Management and Homeland Security Activities: In 2010, the State Fire Marshal has played an active role in emergency management and homeland security in partnering with the Michigan State Police Emergency Management Security Division, Mutual Aid Box Alarm System Michigan (MABAS-MI) , Mutual Aid Box Alarm System-Illinois (MABAS-IL) and the Mid-America Mutual Aid Consortium (MAMA-C). Through these partnerships, drills and exercises, fire service activation, mobilization, deployment and response procedures and protocols both intrastate and interstate have seen significant improvement. Two notable examples of successes was the mobilization and deployment of an Incident Management team, Communications vehicle , and other critical equipment to assist the City of Dundee during the June 6, 2010 tornado that left significant damage in Monroe County and two serious injuries and was part of a system that killed seven people in Ohio. The second example was the deployment of a specialized HAZMAT team from Oakland County that provided assistance to the Environmental Protection Agency during Enbridge spill cleanup operations and provided fire service expertise and coverage in the State Emergency Operations Center during the early days of the crisis. The State Fire Marshal is represented as a member of the MABAS-MI Executive Committee and Communications Sub-Committee and the Michigan delegation to MAMA-C. To improve fire service activation, response and communications capabilities, the State Fire Marshal is managing the 2009 Emergency Management grant for MABAS-MI exercises and drills. This grant was for approximately \$56,000 and is par of the planning effort for the 2011 New Madrid Earthquake exercise.

PROGRAM IMPROVEMENT PLANS FOR FY10

- Upgrade our technological capabilities involving the BFS fire safety inspection program and data retention which will ultimately improve our customer service.
- Additional Specialized Training
- Additional use of technology to minimize mailing costs and paper use.
- The Office of Fire Fighter Training/Michigan Fire Fighters Training Council will be rewriting the rules for 1966 Act 291 as amended.
- The OFFT/MFFTC will be upgrading the requirements for instructors teaching OFFT/MFFTC courses.

CHALLENGES FOR FY10 and BEYOND:

- Working with Department Budget Office to successfully maintain the level of service our customers require.
- Passage of HB 4026 to establish a stable revenue source to fund the Bureau of Fire Services responsibilities. This will include funding for BFS statutory requirements and fire fighter training.
- Developing a succession plan to insure there is minimal impact in services as staff retires or leaves. During the past several years, positions have been lost to retirement, program transfers, or budget reductions. It is essential for the protection of our citizens to fill all fire inspection and plan review positions within the Bureau.
- Maintaining our services in light of budget reductions to comply with statutory requirements.
- Maintaining a level of professional training to ensure compliance with federal standards and protection of lives. Without proper training federal funding is at risk.
- Pursue upgrading our technological capabilities involving the BFS fire safety inspection program and data retention which will ultimately improve our customer service.