



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF FIRE SERVICES
RICHARD W. MILLER
STATE FIRE MARSHAL

STEVE ARWOOD
DIRECTOR

STATE FIRE SAFETY BOARD MEETING MINUTES
Thursday, September 5, 2013

Members Present

David Henry
David Herbel
Donald Hicks
Dr. Ralph Hodek
Mark Jensen
Andrew Lenaghan
Thomas Lippens
William Mayes
Richard Miller
Dr. Usamah Mossallam
Kassandra Renneberg
Les Rodwell, **Chair**
Ron Sabin
John Wozniak

Members Absent

John Enkemann
Greg Herman
Dean Mallos, Vice Chair

Guests

Beth Bacon, HCAM
Kevin Evans, LeadingAge Michigan

Michigan Department of Licensing and Regulatory Affairs Personnel

Kim Osborn, BFS/Executive Secretary to the Board
Joseph Grutza, BFS/Fire Fighter Training Council
Kevin Wieber, BFS/Storage Tank Division

CALL TO ORDER AND DETERMINATION OF QUORUM

Meeting was called to order at 1:02 p.m. Chair Rodwell asked all to stand for the Pledge of Allegiance. Chair Rodwell requested a moment of silence for public safety officers and the military. Chair Rodwell announced Kim Osborn will be the new recording Secretary for the State Fire Safety Board and welcomed her. Roll Call by Board Secretary Kim Osborn determined that a quorum was present. State Fire Marshal Miller gave emergency exiting procedures. Introductions were made by Board Members and guests. Chair Rodwell reminded guests to sign in.

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Agenda

Chair Rodwell requested any additions, deletions or changes to the agenda. No changes.

Disposition of Minutes

Chair Rodwell requested a review of Meeting Minutes of the June 27, 2013. Chair Rodwell indicated that SFM Richard Miller was not listed under Members Present.

A **MOTION** was made by Board Member Mayes to approve the minute with corrections. **MOTION SUPPORTED** by Board Member Henry. **MOTION CARRIED.**

BUREAU OF FIRE SERVICE REPORT

FIREWORKS

State Fire Marshal Miller discussed the Fireworks Program, including delegation, program improvements, violations and ticket books. SFM Miller indicated the bureau was able to work approximately 12 inspectors over the Fourth of July holiday, and that approximately 100 tickets were issued. The bureau has since received approximately 30 SFM Appeals. The program has brought revenue to the bureau with the 6% Fire Safety Fee which provides funding for fire fighter training. There is approximately \$2 million in the account for fire fighter training.

STATE-WIDE SINGLE FIRE CODE

The Ad hoc Committee will be having their fifth meeting. Great discussion has occurred among the committee regarding the single fire code. A decision will be made between the ICC or NFPA code. ICC presented to the group at the last meeting and NFPA will present at the next meeting.

GRANT

SFM Miller requested BFS staff member Joe Grutza, Director of the Fire Fighter Training Division to inform the group regarding the State Fire Training AFG Grant. Mr. Grutza informed the board that this is the first time fire training organizations in the 50 states have been allowed to apply for this grant. The Grant is a total of \$8 Million; each state may receive up to \$500,000. BFS will apply for technology improvements, a record keeping program that will work in coordination with IMS program and eventually tie inspections, fireworks, and training all into one system we can share.

SAFE GRANT

Ron Farr, former State Fire Marshal received a FEMA Grant of \$94,000 which is referred to as the SAFE Program (Smoke Alarms For Everyone).

The program will begin with five pilot kick off departments. Other departments are applying to take part in the program. Kick off will be next week at the Michigan Fire Inspectors Society Annual Conference at the Kellogg Center in conjunction with 9-11. The program will install smoke detectors with 10-year sealed lithium batteries. The detectors will not be handed out to the general public; they will be installed only by fire department personnel.

9-11

SFM Miller will participate in a 9-11 Ceremony at the capital and another 911 Ceremony in Brighton.

FIRE FIGHTER MEMORIAL

SFM Miller will attend the Michigan State Firemen's Memorial in Roscommon on 9/21/13. Everyone is welcome to attend; the ceremony begins at 9:00 a.m. There will be a golf outing on Friday, 9/20/13, at 1:00 p.m. at the Grayling Country Club sponsored by the Michigan State Firemen's Association past presidents. Money raised at the outing will be used for scholarships through the organization.

Mutual Aide Box Alarm System (MABAS)

There will be a full scale exercise in Novi, September 15, which is open to the public.

STORAGE TANK PROGRAM

Inspectors are moving out of regional offices to save the state rent money. These inspectors will work out of their homes as the LSC inspectors do.

Legislative Update

HB 4624

This bill would allow an employee of a public fire department to volunteer or seek and accept part-time or paid on-call employment with another fire department if that employment did no conflict with the performance of the original employment. The bill specifies that collective bargaining shall not include the prohibition of an employee volunteering for or obtaining employment with another fire department.

HB 4785

Amends the Public Health Code, Part 209, regarding Emergency Medical Services. This bill increases existing fees for licensure of EMS operations, vehicles and personnel and establishes new fees for EMS education providers and programs. Total revenue from fees will increase from \$410,000 to about \$1.4 M annually. The Fiscal impact statement indicates; current fee levels are inadequate to support the program.

The Board felt that this would be burdensome for departments, which may have to raise fees or find other avenues to cover these increases.

HB 4946

SFM Miller requested BFS employee Kevin Wieber, Manager of the Storage Tank Division to update the Board. Kevin indicated, the bill would introduce into PA 207, the requirement that 2 pound exchange racks, like the ones you see at Lowe's, Home Depot, various gas stations, etc. must be 50 or more feet away from a building that is open to the public.

BFS had no knowledge of this bill and contact with the Michigan Propane Gas Association determined that they also had no knowledge of this bill. They indicated they would investigate to see where it is coming from.

Board Member Wozniak stated, "That's a solution looking for a problem." He indicated the only problem he has had is with them putting it right next to an exit door and he would ask for it to be moved and they would comply.

After continued discussion no one was aware of any problems of this nature.

The Board asked Secretary Osborn to draft a letter on their behalf indicating, this requirement is unnecessary and over burdensome to small business retailers, and could potentially cause more problems. That pushing the cylinders out into the middle of a parking lot could cause greater risk of being struck by a vehicle. When they are up against a building, a car is less likely to hit them; they are more likely to be hit by a car in the middle of a parking lot. The letter will recommend Section 3 be removed.

HB 4731

This bill would amend Section 9 of the Firefighters Training Council Act to allow the State Fire Marshal to Waive the examination requirements under the Act for a Veteran upon verification that he or she completed firefighter training that meets the standard for Firefighter I and Firefighter II set forth in "Standards for Fire Fighter Professional Qualification," National Fire Protection Association Standard No. 1001, while serving in the armed forces of the United States. This bill would only apply to a Veteran who was not dishonorably discharged.

Administrative Rules Update

Penal Institutions Fire Safety Rules (2011-001 LR) – Brian Williams
Kim Osborn will update in Brian Williams absence. The Ad hoc Committee is still discussing many items in the code. We will begin working on a draft rules set once the committee works through the code issues. More meetings will be necessary to resolve code issues.

School, College and University Fire Safety Rules (2011-002 LR) – Brian Williams
School, College, University rules are almost complete. When complete a copy will be forwarded to the board for review. Close to final draft.

Dormitory Fire Safety Schools, Colleges, Universities (2011-003 LR) – Brian Williams
Dorm rules are almost complete. When complete a copy will be forwarded to the board for review. Close to final draft.

Fire Fighter Training Council Rules (2011-044 LR) – Joe Grutza
1966, PA 291 rules have not been rewritten since 1988. The law has been amended twice since. Draft rules are complete and have been forwarded to the LARA office for review. Next they will go to ORR to analyze the changes. Then back to the FFTC to prepare the Economic Impact Statement. We're pleased to have that process almost complete.

Health Care Facilities Fire Safety (2012-120 LR) – Kim Osborn
We've had our last Ad hoc Meeting. The draft rule set has gone to Liz Arasim at LARA for review. They will then be submitted to ORR for review and a Regulatory Impact Statement will be completed. At that time, we can post the rules and schedule a Public Hearing. A copy of draft rules will be sent to the board for their review.

Aboveground/Underground Storage Tank Rules – Kevin Wieber
The Program runs under five different rules sets. ORR is requiring all five sets to be updated. We began this summer, with the Flammable & Combustible Liquids rules which encompass NFPA 30, 30A, 31 and 37. Another Ad hoc meeting is scheduled for this month; hopefully this will be the last meeting. Hope for rules to take effect the summer of 2014. Then we will begin Compressed Natural Gas rules which encompass NFPA 52. We plan to start in October or November, 2013.

Election of Board Officers

Chair Rodwell called for the election of Vice Chair.

Nominate was made for William Mayes. **MOTION** seconded by Wozniak.

Nomination was made for Dean Mallos. **MOTION** seconded by Renneberg

Chair Rodwell called for a vote by secret ballot.

Vote slips were collected and counted by Secretary Osborn.

Secretary Osborn announced William Mayes as the new State Fire Safety Board Vice-Chair.

Chair Rodwell congratulated Vice-Chair Mayes.

Unfinished Business

Nursing Home Sprinkler Update

Kim Osborn reported there are only 2 facilities in the state that are not fully sprinklered out of a total 447 licensed facilities in Michigan. Both facilities are in Macomb County and owned by the same company.

Kim was asked what would happen to those two facilities. We will continue our normal 12-month survey cycle, when the facility comes up for survey we will cite the deficiency, report it to the federal government and they will initiate the termination process which takes six months, so very likely they will be sprinklered by then. Both facilities are in the process, one is 50% complete and the other just submitted plans to us on 8/9/13.

New Business

New Fireworks Appeals

Of the approximately 100 tickets issued, 30 Appeals have been submitted to SFM Miller, of those, 7 have currently requested an Appeal to the SFSB. Kim Osborn indicated there are packets ready for each board member to take with them today which include 5 appeals that you will be asked to review and make a decision on for voting at the next Board Meeting.

Kim Osborn explained the Fireworks Appeal process. Rule 22 states that the only thing the board can consider when deciding the appeal is exactly what SFM Miller looked at when he made his decision. No new information can be introduced to the Appeal process. They are appealing SFM Miller's decision. The SFSB is not authorized to conduct a contested hearing. Reference NFPA 1124; NFPA has read rights on their website www.nfpa.org available for free. Conduct a technical review of these materials which include the SFM's final review decision and decide the matter based solely on the administrative record created by the SFM. Be prepared to issue a decision at the next meeting. We will conduct a roll call vote.

Another packet will be ready at the next meeting of appeals received between now and the next meeting.

There are no time constraints to answering the appeals. The facility must appeal to the SFM within 28 days.

NEXT MEETING DATE

The next meeting will be held Thursday, October 24, 2013, at 1:00 p.m., at 3101 Technology Blvd., Suite H, Lansing, MI.

ADJOURMENT

A **MOTION** was made by Board Member Mayes and supported by Board Member Rodwell to adjourn the meeting at 2:50 p.m. **MOTION CARRIED.**

Approved


Chair, State Fire Safety Board

10-24-2013
Date