



Exempt Action Final Regulation Agency Background Document

Agency name	Board of Housing and Community Development
Virginia Administrative Code (VAC) citation	13 VAC5-51-21
Regulation title	Virginia Statewide Fire Prevention Code
Action title	Revisions to Statewide Fire Prevention Code for 2012 Edition
Final agency action date	December 16, 2013
Document preparation date	January 9, 2014

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The Virginia Statewide Fire Prevention Code (SFPC) is a regulation governing the maintenance of fire-safety features in existing buildings and structures and fire-safety related operations on property. The SFPC incorporates by reference the International Fire Code (IFC), a nationally recognized model code produced by the International Code Council as a companion code to that used under the Virginia Uniform Statewide Building Code (13 VAC 5-63) (the "USBC"). Every three years, a new edition of the model code becomes available. At that time, the Board of Housing and Community Development initiates a regulatory action to incorporate the newer edition of the model code into the regulation through the publishing of a proposed regulation. Those affected by the regulation then review the proposed regulation to assure that the newest model code and its referenced standards reflect the minimum standards necessary for the fire safety of existing buildings and property. After the publishing of the proposed regulation, the board establishes a comment period for the acceptance of code change proposals to modify the model code or standards or any provisions of the entire regulation. Code change proposals are assimilated into a compilation document containing a staff evaluation of each proposal and the compilation document is reviewed by client groups during a second comment period and additional

comment on each proposal is accepted. A public hearing is also held. The board then considers all comments on all proposals and develops a final regulation to complete the regulatory process.

Specific changes in the final regulation are outlined below:

All section of the International Fire Code (IFC) which referenced the operational permit section of Chapter 1 have been changed to reference the correct section in Chapter 1 of the SFPC, which replaces Chapter 1 of the IFC.

In addition, all sections referencing Chapter 11 (Construction Requirements for Existing Buildings) will be deleted or changed to reference the correct section of the SFPC since this chapter has been deleted and existing buildings must comply with the USBC, Part III, Maintenance code in Virginia.

13VAC-5-51-31D: This section of the regulation amends the referenced codes and standards by replacing specific elements with the provisions of Chapter 1 of the SFPC. The final regulation changes permits to non-operational permits not required by Chapter 1 for clarification purposes. The final regulation also adds an exception for maintenance, testing and inspection requirements.

13VAC-5-51-81B: This section of the regulation gives the fire official the authority to require permits for activities involving the use of substances, materials or devices regulated by the SFPC. The final regulation changes permits to operational permits for clarification.

13VAC-5-51-81C: This section of the regulation established a table for use by local enforcing agencies in determining when operational permits will be required. Amendments to the table in the final regulation include the deletion of the category for requiring an operational permit for the installation of stationary lead acid battery systems. This permit requirement was removed from the International Fire Code in 2004. Also, the category for operational permits for compressed gases has been expanded to include pyrophoric gases (gases that autoignite at or below 130 degrees F.). In addition, open malls were added to the covered mall buildings category. The final regulation adds fireworks and pyrotechnics to the explosives category and adds an exception for storing specific materials in Group R-3 or R-5 occupancies. The final regulation creates a distinction between thermal and insecticidal fogging by making simple grammatical changes. It goes on to create two notes in the hazardous materials category changing the quantities in certain instances. The LP-Gas category expands its exception to include multiple containers. The final regulation removes the paint removal with a torch provision in the open flame and candle category and creates a new open flame and torch category for this purpose. Finally, the Assembly/education category is renamed Places of assembly.

13VAC-5-51-81L: Changes language to State Fire Marshal's Office permit fees statement and revises fees. Changes event to nonrenewable permit, and sets expiration. Adds an exception for the storage of explosives or blasting agents by the Virginia Department of State Police.

13VAC-5-51-81M: Revises language and adds fees to offset the cost of administering and enforcing the SFPC in jurisdictions where the State Fire Marshal's office serves as the enforcing authority. Expands child day centers, assisted living facilities and adult day care centers to all facilities licensed by the Virginia Department of Social Services for fees based on capacity. Adds fee schedules for registered complaints and bonfires on state-owned properties

13VAC-5-51-81P: Adds a section for certification and permit fee refunds. This section of the final regulation states that certification and permit fees are not refundable with some exceptions.

13VAC-5-51-85J: Adds a note clarifying that the building official issues permits to install or modify equipment or systems and any other construction.

13VAC-5-51-130A: The final regulation adds to the list of people in the definition for responsible management. It also adds a new definition for sky lantern.

13VAC-5-51-130B: Adds the term Residential Group before the R-5 definition.

13VAC5-51-131C: Adds sky lantern to the list of terms relevant to Chapter 3 whose definitions can be found in Chapter 2.

13VAC5-51-131E: Adds an exception for restrictions of open burning where live fire training available or accessible to the general public that complies with the location provisions of this section.

13VAC5-51-131G: Adds a section for sky lanterns restricting them from being released untethered.

13VAC5-51-131K: Adds a section for maintaining unoccupied tenant spaces in mall buildings.

13VAC5-51-132: The final regulation completely revised Chapter 4 to match a national code change that will be duplicated in the 2015 International Fire Code.

13VAC5-51-133.5F: Changes section for records for inspections by removing the on the premises provision. Adds a section requiring tags for kitchen hood or duct system cleaning, including the information to be provided. Also provides an exception for records maintained on site.

13VAC5-51-140D: Changes section to require alcohol-blended fuel-dispensers to be listed in accordance with UL 87A.

13VAC5-51-140E: Adds a section requiring fuel dispensers to only be used with fuels for which they have been listed.

13VAC5-51-145E: Changes table (Maximum Allowable Quantity Per Control Area of Hazardous Materials Posing a Physical Hazard) by removing a footnote allowing a quantity increase for consumer fireworks where a sprinkler system is installed. It also adds a new category for permissible fireworks.

13VAC5-51-150F: Adds a fee for replacement certificates. It also adds a section giving the State Fire Marshal the authority to assemble a panel to provide recommendations involving denials or complaints against certificate holders.

13VAC5-51-150I: Changes the language in this section to specify that the permit holder is required to report accidents involving the use of explosives and fireworks to the State Fire Marshal.

13VAC5-51-150R: The final regulation adds a blast record form that may be used. Previously, there was only a list of required information for blast records.

13VAC5-51-150U: Changes section to clarify the language regarding the clearances surrounding firework displays.

13VAC5-51-151A: Adds a section incorporating provisions of the Virginia State Water Control Board regulations for underground and aboveground storage tanks.

13VAC5-51-151C: Adds and exception for underground storage tanks subject to the Virginia State Water Control Board regulations.

13VAC5-51-155: Adds a new referenced standard (UL87A-12).

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The Board of Housing and Community Development approved final regulations for the State Fire Prevention Codes on December 16, 2013.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

The final regulations do not have an impact on the institution of the family and family stability.