

Meeting Summary
Agritourism Event Structure Technical Advisory Committee
July 25, 2023
10:00 am
Virtual Meeting

Committee Members Present

- Chris Barry, VA Fire Services Board
- Heidi Hertz, VA Agribusiness Council
- Jimmy Moss, VA Building Code Officials Association
- Janell Zurschmeide, Craft Beverage Manufacturer

Other Attendees

- Justin Bell, Office of the Attorney General
- Jeff Brown, Dept. of Housing and Community Development
- Cindy Davis, Dept. of Housing and Community Development
- Sean Farrell, Board of Housing and Community Development
- Kyle Flanders, Dept. of Housing and Community Development
- George Hodson, VA Wineries Association (Representative)
- Katelyn Jordan, VA Farm Bureau (Representative)
- Chase Sawyer, Dept. of Housing and Community Development
- Marybeth Williams, VA Wineries Association (Representative)

Key Takeaways

- Stakeholders generally agreed upon proposed best practices for compliance with the new safety requirements imposed by SB1305 (§36-99.B, 1-3) that became effective July 1, 2023
- The Committee's proposed best practices are non-binding in nature, and the enforcement mechanism for the new safety requirements is still unclear

Note: Please note the summary and notes included do not include a specific endorsement or opinion of the committee or any one committee member.

Summary

Department of Housing and Community Development (DHCD) staff provided a summary of the Committee's previous meeting on June 14, 2023, and acknowledged this meeting would continue the discussion regarding compliance with the new safety requirements imposed by [SB1305 \(§36-99.B, 1-3\)](#) that became effective July 1, 2023. DHCD staff outlined the process by which the Committee is able to report its findings and recommendations to the Board of Housing and Community Development (the Board), as required by SB1305, in the form of agreed upon non-binding best practices.

The Committee's discussion mainly focused on the first and second new safety requirements regarding portable fire extinguishers and a simple written emergency plan. The Committee agreed the third new safety requirement regarding the posting of a sign stating the facility's exemption from the Uniform Statewide Building Code (USBC) is currently detailed and specific

enough for a facility to comply. Following the Committee's request at its June 14 meeting, relevant sections of the Statewide Fire Prevention Code (SFPC) were distributed for consideration as a compliance standard for the portable fire extinguisher and simple written emergency plan requirements.

Committee members stated that although facilities may be exempt from the USBC, there are other entities that may regulate a facility's operations, such as the Virginia Department of Health (VDH), Virginia Department of Agriculture and Consumer Services (VDACS), US Occupational Safety and Health Administration (OSHA), or other locality requirements. Some committee members shared examples of localities requiring a special or temporary permit for certain activities occurring in these facilities. It was discussed that some of the requirements imposed by these other entities may already contain provisions associated with portable fire extinguishers and a simple written emergency plan. Committee members expressed difficulty with sometimes having to comply with conflicting requirements imposed by different entities.

The Committee reviewed a guidance document published by the Virginia Cooperative Extension (VCE) titled [Virginia Farm Emergency Plan](#). The document provides a general outline of suggested safety measures agricultural operations can take to prepare for emergency situations. The Committee agreed that this document, in addition to subsections [404.2.1](#) (fire evacuation plans) and [404.2.2](#) (fire safety plans) of the SFPC, creates a reasonable baseline for items to include in a simple written emergency plan to address a facility's regular operations.

The Committee reviewed Section 906 (Portable Fire Extinguishers) of the SFPC. The Committee agreed that [Table 906.3\(1\)](#) (Fire Extinguishers for Class A Fire Hazards), in addition to subsections [906.5](#) (conspicuous location), [906.6](#) (unobstructed and unobscured), [906.7](#) (hangers and brackets), [906.8](#) (cabinets), [906.9](#) (extinguisher installation), and [906.10](#) (wheeled units), provide reasonable standards related to portable fire extinguishers.

Prior to the Committee's next meeting, DHCD staff will prepare for the Committee's review a report to the Board outlining non-binding best practices for compliance with §36-99.B, 1-3. These non-binding best practices would be encouraged in the absence of other federal, state, or local requirements imposed on a facility subject to §36-99.B and pertaining to portable fire extinguishers and simple written emergency plans.

Future Considerations

- Application of the farm buildings and structures exemption
- Mechanisms for inspection and enforcement
- Safety standards for facilities of all sizes and types
- Additional minimum safety requirements