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Exempt Action: Final Regulation Agency Background Document

Agency name	Board of Housing and Community Development
Virginia Administrative Code (VAC) Chapter citation(s)	13VAC5 – 51
VAC Chapter title(s)	Statewide Fire Prevention Code
Action title	Update the Statewide Fire Prevention Code
Final agency action date	December 14, 2020
Date this document prepared	December 2020

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The Statewide Fire Prevention Code (SFPC) is a regulation governing the maintenance of the fire protection aspects of existing structures and operational functions relating to fire safety wherever located, including the regulation of the use of explosives and blasting and fireworks displays. The SFPC uses a nationally recognized model code produced by the International Code Council as the basis for the technical provisions of the regulation. Every three years, a new edition of the model code becomes available. At that time, the BHCD initiates a regulatory action to incorporate the newest edition of the model code into the regulation as well as accepting proposals for changes to the regulation from affected stakeholder groups and the public. The Department of Housing and Community Development staff maintains mailing lists for workgroups involving different subject areas of regulation and conducts workgroup meetings attended by stakeholder group participants to develop consensus recommendations, when possible, concerning proposals which have been submitted. The Department uses an online program incorporating the provisions of the regulation and the model code to facilitate the submittal of

proposals. A public hearing is held during the workgroup meeting stage of the process and a comment period established. Once workgroup meetings are completed, the BHCD has a series of meetings to consider each proposal and those proposals approved are incorporated into the proposed regulation. After the publishing of the proposed regulation, the BHCD establishes a comment period for additional proposals to be submitted and to comment on the proposed regulation and an additional public hearing is held. The BHCD then meets to consider proposals and public comments to develop a final regulation to complete the regulatory process.

13VAC5-51-11

Adds provisions stating that existing construction elements or systems and maintenance of those elements or systems are regulated by the applicable building code

13VAC5-51-81

Adds commercial cooking, plant extraction systems, and, state-regulated care facilities to the operational permits chart

13VAC5-51-111

Adds a provision to notify the owner of a property where a notice of violation has been issued even when the owner is not the responsible party

13VAC5-51-121

Adds that the State Review Board has the power and duty to hear all appeals arising from the USBC
Adds that all hearings before the State Review Board shall be open meetings, the Board shall have the power to uphold, reverse or modify decisions of the LBBCA, and that the proceedings are governed by the Administrative Process Act 2.2-4000 et seq.)

13VAC5-51-130

Adds definitions for cooking tent, mobile food preparation vehicles, and outdoor fireplace, and changes the definition of building

13VAC5-51-131

Adds an exception to the space underneath seats that stipulates the space does not have to be kept free from combustible and flammable if the space is enclosed by fire-resistance-rated construction
Adds an exception to dumpster or container setbacks from buildings where the exterior area is protected by an approved automatic sprinkler system
Adds a provision that open-flame devices shall not be operated in or upon wildfire risk areas
Adds a requirement for unoccupied tenant spaces to have their fire rated separations maintained
Adds a requirement for wheel chocks on mobile food preparation vehicles
Adds a permit requirement for mobile food preparation vehicles and establishes the enforcing agent for the permit is the local government where the food truck is identified for personal property tax payment

13VAC5-51-132

Adds provisions for emergency evacuation drills in Group R occupancies except hospice
Adds a requirement that all safety data sheets for hazardous materials shall be made readily available

13VAC5-51-133.5

Adds a requirement that appliances shall be installed, operated, and maintained in accordance with the manufacturer's installation instructions and applicable regulations
Adds specifications for quantity limits of fuel oil storage tanks containing Class II or III combustible materials
Adds several requirements for chimneys, refrigeration systems, treatment systems, flaring systems, and commercial cooking operations

13VAC5-51-133.8

Adds an exception to the maintenance requirement of fire and smoke protection features that allows the required visual inspection to be extended beyond annually
Deletes requirements for signage, hold open devices and closers, door operation provisions, and fire blocking and draft stopping provisions.

13VAC5-51-134

Adds a requirement for building official approval for new interior finishes, textile ceiling coverings, and expanded wall coverings
Adds a requirement for furnishing manufacturer's product information and testing reports to the fire official
Adds an exception for recycling containers to not be stored in waste and linen collection rooms

13VAC5-51-135

Adds requirements for maintaining FDC's and limited area sprinkler systems
Adds a maintenance requirement that water supply control valves for automatic sprinkler systems remain in service in the normal position
Adds a requirement for Type 1 hoods for mobile food preparation vehicles
Adds a requirement for installation of a fire extinguishing system where required in mobile food preparation vehicles
Adds requirements for valve supervision, manual fire alarm boxes, occupant notification systems, audible alarms, emergency voice/alarm communication systems, power sources in equipment rooms, activation of pressurization systems, and gas detection systems

13VAC5-135.5

Adds a provision for temporary occupant load determination
Adds maintenance requirements for limitation of horizontal projections and post-mounted objects
Adds maintenance requirements in accordance with the applicable building code for elevation changes, elevators, escalators, moving walks, doors, occupant load paths, exits, and other means of egress features

13VAC5-138.8

Expands provisions for maintaining automatic sprinkler systems for dry cleaning plants

13VAC5-51-140

Adds a pointer to the State Water Control Board Regulations for certain underground tanks and above ground tanks
Adds operational and maintenance procedures for tanks storing liquid motor fuels

13VAC5-51-142

Adds provisions for the maintenance of semiconductor fabrication facilities

13VAC5-51-144.2

Adds a requirement for independent inspections of temporary stage canopies

13VAC5-51-144.5

Adds fire safety requirements for Type-IV under construction

13VAC5-51-144.8

Adds a pointer to the State Water Control Board Regulations for marine motor-fuel dispensing facilities

13VAC5-51-144.91

Adds multiple maintenance provisions and expands requirements for higher education laboratories

13VAC5-51-144.92

Adds maintenance requirements for processing and extraction facilities, including permitting requirements, gas detection requirements, and system design requirements

13VAC5-51-145

Deletes the table referencing maximum allowable quantities of hazardous materials
Adds requirement for the maintenance of secondary containment for underground tanks
Adds an exception for above-ground tanks installed in vaults
Adds maintenance requirements for hazardous materials displayed in Group M occupancies
Adds maintenance requirements for spill control and containment for hazardous materials
Adds maintenance a requirement for monitoring hazardous materials
Adds ventilation maintenance requirements for hazardous materials

13VAC5-51-145.5

Adds a requirement for maintaining automatic sprinkler systems in aerosol warehouses
Adds maintenance requirements for combustible commodities, and fire doors and gates opening into segregated storage areas

13VAC5-51-146.5

Adds maintenance requirements for vaults, and gas detection systems

13VAC5-51-147

Adds maintenance requirements for quantities exceeding the maximum allowable quantity per control area, ventilation, liquid-tight construction, and secondary containment.

13VAC5-51-147.5

Adds maintenance requirements for the storage of cryogenic fluids

13VAC5-51-150

Adds maintenance requirements for separation of explosives manufacturing buildings and storage of magazines

13VAC5-51-151

Adds clarifying provisions to the applicability of the regulation
Adds maintenance provisions allowing the fire official to reduce or eliminate classified areas and determine the extent of Class 1 electrical equipment
Adds requirements for protection from vehicles, external corrosion, and galvanic action.
Adds a pointer to the State Water Control Board Regulations for applicable containers and tanks storing flammable and combustible liquids
Adds maintenance requirements for liquid and vapor detection, overfill prevention, determination of available tank capacity, leak detection, and temporarily out of service tanks
Adds a pointer to the State Water Control Board Regulations for temporary out of service underground tanks
Adds maintenance requirements for occupancy quantity limits, basement storage, and the maintenance of piles

13VAC5-51-151.5

Adds maintenance requirements for explosion control and limitations of the storage of flammable cryogenic fluids
Adds maintenance requirements for pressure control and gas detection systems

13VAC5-51-152.5

Adds maintenance requirements for the storage of flammable solids
Adds maintenance requirements for melting pots, heat-treating ovens, dust collection, ducts, and independent dust separators
Adds a maintenance requirement for electrical grounding requirements

13VAC5-51-153

Adds maintenance requirements for liquid tight flooring and separation where highly toxic and toxic materials are stored
Adds maintenance requirements for automatic fire detection systems for highly toxic compressed gases

13VAC5-51-154

Adds a maintenance requirement for storage in buildings used for gas manufacturing, storage, air mixing, and vaporization

13VAC5-51-154.2

Adds maintenance requirements for storage of organic peroxides in Group A, E, I, and U occupancies
Adds provisions for quantities exceeding the maximum allowable quantity per control area

13VAC5-51-154.4

Adds requirements for special limitations for indoor storage and use by occupancy
Adds a requirement that hazmat storage cabinets shall not contain other storage
Adds maintenance requirements for Class 3 liquid and solid oxidizers and oxidizing gases
Adds maintenance requirements for storage configuration for liquid and solid oxidizers

13VAC5-51-154.6

Adds several maintenance requirements for storage of pyrophoric materials

13VAC5-51-154.7

Adds a maintenance requirement for the storage of incoming material and the storage of additional material

13VAC5-51-154.8

Adds limitation requirements for the indoor storage and detached storage of reactive materials

13VAC5-51-154.9

Adds storage requirements for water-reactive solids and liquids

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

Section 27-97 of the Code of Virginia empowers the Board to promulgate the SFPC. In adopting the SFPC the Code states that the, "Board shall have due regard for generally accepted standards as recommended by nationally recognized organizations including, but not limited to, standards of the International Code Council, the National Fire Protection Association, and recognized organizations issuing standards for the protection of the public from the hazards of explosives and blasting agents. Such standards shall be based on the companion document to the model building code referenced by the Uniform Statewide Building Code." The SFPC and USBC use nationally recognized model building codes and standards produced by the International Code Council (ICC) and other standard-writing groups as the basis for the technical provisions of the regulation. Every three years, new editions of the model codes become available. At that time, the BHCD initiates a regulatory action to incorporate the newest editions of the model codes into the regulation as well as accepting proposals for changes to the regulation from affected stakeholder groups and the public.

Statement of Final Agency Action

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 adopted final regulations for the Statewide Fire Prevention Code December 14, 2020.