

2019 Virginia Legislative Priorities and Issues

Provided to the
Virginia General Assembly



Virginia Association of
Governmental EMS
Administrators



Virginia



Members of the Virginia General Assembly:

The process of gaining consensus on legislative priorities can be a daunting task that requires significant collaboration and, often times, compromise by all entities/stakeholders involved. Each year, the major fire and EMS stakeholder organizations from across the Commonwealth of Virginia meet to discuss not only their specific legislative needs, but the key issues concerning the organizations as a whole. It is the consensus of the nine, major Virginia fire and EMS stakeholder organizations that legislative items contained in this booklet are our collective priorities for 2019. Our organizations are as follows:

Virginia Fire Chiefs Association, Virginia Professional Firefighters, Virginia State Firefighters Association, Virginia Association of Governmental EMS Administrators, Virginia Association of Volunteer Rescue Squads, Virginia Fire Prevention Association, VA Chapter—International Association of Arson Investigators, Virginia Association of Hazardous Materials Response Specialists, and the Virginia Fire Service Council

As the presidents/chairmen of the above statewide fire and EMS stakeholder organizations, we request that you consider and ultimately approve these major legislative initiatives, which would entail a major impact on fire and EMS in the Commonwealth of Virginia. Further, it is our desire to inform you of other critical issues that are affecting the fire and EMS community and that may require future legislation.

We thank you for your review and consideration of these important matters.

Sincerely,
(Fire and EMS Stakeholders)

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President, Virginia Fire Chiefs Association

Robby Bragg
President, Virginia Professional Firefighters

Jimmy Byer
President, Virginia State Firefighters Association

Jeff Meyer
President, Virginia Association of Governmental EMS Administrators

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Request for JLARC Study Regarding Statewide Fire Prevention Code Development Process

The International Code Council is an association dedicated to developing model codes and standards used in the design, build, and compliance process to construct safe, sustainable, affordable, and resilient structures. Most U.S. communities and many global markets choose the International Codes, including Virginia. Every three years, a new code cycle begins at the International Code Council with all stakeholders participating to create a consensus code through compromise. Typically, Virginia adopts the model codes with minimal and very precise changes to the model language. Although stakeholders do not always agree on individual sections, the code as a whole has always been a consensus document.

This past code cycle, the Virginia Board of Housing and Community Development chose to rewrite the Statewide Fire Prevention Code in its entirety. This was a long and arduous process that created unnecessary confusion. Additionally, during this process, many of the compromises made by stakeholders at the international level were eroded when entire sections were redacted, thus invalidating the intent of the compromise. The end result was a Statewide Fire Prevention Code that not a single fire stakeholder group supported.

The Fire Service and EMS stakeholder community would respectfully ask the Joint Legislative Audit and Review Commission to study how we adopt model codes, especially ones that are already the result of compromises at the national level. A third party review would bring efficiencies to light and highlight opportunities for improvement in the regulatory process that would positively impact businesses and industries across the Commonwealth. JLARC last looked at the Administrative Process Act, which encompasses how regulations and codes are adopted, in the early 1990s.

Improving Cancer Coverage for Firefighters SB1030 (Cosgrove) and HB1804 (Hugo)

Following a recommendation from the Joint Subcommittee Studying the Increased Mortality Rate and the Increased Rate of Certain Types of Cancer among Firefighters (HD88-1994), the Virginia Workers' Compensation Act was amended in 1994 to provide presumptive coverage for firefighters whose death or disability results from five types of cancers, including leukemia, pancreatic, prostate, rectal and throat. Later, the 2000 General Assembly Session added ovarian and breast to the statute as more women joined the fire service. However, no further modifications have been made despite increased research on the linkage between firefighting and other types of cancers.

While entry into burning buildings and rescue efforts have long placed firefighters in danger, exposure to unseen carcinogenic substances has elevated cancer to a major occupational hazard for firefighters. Exposure occurs through inhalation and skin absorption, even with best personal protective gear. Despite comprehensive cancer prevention education and policy changes, Virginia's firefighters continue to receive that dreaded diagnosis of cancer at an alarming rate. In the past four months alone, Virginia's firefighters have come together to attend the funerals of four firefighters lost to Line of Duty Act occupational cancers, the youngest was just 33 years old.

Numerous studies document firefighters' higher incidence of cancer than the general population. A recent National Institute for Occupational Safety and Health study documented that firefighters have a 14% increased risk of dying from cancer. The time is now to adopt a true cancer presumption and remove the burden upon the employee. Our current process is broken, and our firefighters are forced to spend significant time and money fighting for benefits and protections the statute was indeed to provide. The capacity to determine the specific exposure responsible for causing a cancer diagnosis is scientifically difficult. Firefighters should not be required to identify what specific toxic exposures have occurred at each fire and to prove which carcinogen caused their cancer. Our firefighters and their families have earned these protections and we need to honor their service by ensuring they get them appropriately.

Virginia's fire and EMS stakeholders unanimously support adding brain, colon and testicular cancers to the presumptive statute, as well as aligning the cancer presumption process with heart and lung benefits, by shifting the burden to the employer as it was intended to do. Further, our organizations would adamantly oppose any legislation that would result in reduced efforts and/or associated funding intended to prevent cancer in the fire service, or that would reduce the benefits for those who have developed cancer in service to the Commonwealth of Virginia.

Opposition to Expansion of Allowable Types of Fireworks and the Associated Ability to Manufacture, Store, Sell or Possess Fireworks

The Fire and EMS Stakeholders oppose any action by the General Assembly that would expand the sale, possession and use of consumer fireworks, without the provisions to assure compliance with related National Fire Protection Association Standards which contain minimal fire and life safety provisions for all consumer fireworks. Injuries and deaths from fireworks occur annually. According to the Consumer Products Safety Commission 2017 report, across this country there were an estimated 12,900 fireworks- related injuries—36% occurred in children under 15 years old. That same report indicated that there were 8 reported deaths from non-occupational fireworks use. After Iowa allowed the sale of fireworks in 2017, firework injury patients under 18 years of age increased 26%. Injuries after Iowa's legalization were more severe, with 57% requiring surgery compared to the 20% prior to legalization.

1 U.S. Consumer Product Safety Commission, 2017 Fireworks Annual Report

2 University of Iowa, Legal Consumer Fireworks in Iowa, October 2017 Report³ National Fire Protection Association, Fireworks Safety, June 2016 Fact Sheet

Other Informative Issues

Agritourism Buildings and Structures - The Fire and EMS Stakeholders recognize the importance of rural businesses to the economy of the Commonwealth, and the important role of public safety in ensuring the protection of patrons. The Fire and EMS Stakeholders support legislation that defines clear expectations for public safety, as it relates to assembly within agritourism buildings or structures, and supports educating owners of such structures on operational components, such as those found in the Virginia Statewide Fire Prevention Code (SFPC), that should be considered when occupied by patrons. The Fire and EMS Stakeholders support legislation that provides for safety features in Virginia Code that promote minimum life safety standards in portions of agritourism buildings or structures used for assembly of 50 or more persons, and for the allowance of the operational aspects (human elements, not the structural elements) of the SFPC to apply to these currently exempt structures. The goal of these minimum safety regulations would be to prevent fires from occurring, helping to assure these important businesses remain in business, and if and when a fire may occur, give patrons enough time to get out of the structure, minimizing the possibility for loss of life.

School Safety – The Fire and EMS Stakeholders support the recommendations of the House Select Committee on School Safety as it relates to assuring our schools are safer. Within these parameters, it should not be forgotten that the reason(s) the number of school-related fire deaths are currently minimal is due to the introduction, application, and compliance with fire and life safety codes. Schools are encouraged to continue working with their local fire official(s) or the State Fire Marshal in localities that do not have a local fire code official/fire marshal for any infrastructure improvement, as well as to assure that any locking devices or lock down plan(s) are completed in compliance with the Virginia Statewide Fire Prevention Code and/or the local fire code. Currently, it is in the fire code that a lock down plan is to be approved by the fire official; therefore, this plan should not be developed in a vacuum and it should be assured the school board, law enforcement, and local fire and EMS are involved in the plan, and that the plan is practiced with all first responders.

Other informative issues, continued

Firefighters and Emergency Medical Services Providers; Carrying a Concealed Weapon – SB1012 (Chase)

The collective Fire and EMS Stakeholders oppose this legislation and ask that legislators continue to oppose this bill for the second year. This bill was defeated in the House by a vote of 35 – 62 in the 2018 session.

Should this bill pass, EMS agencies and fire departments must consider the following:

- Liability issues concerning the provider, the agency and local government, insurance increases
- Issues should the weapon be drawn and the effect on the EMS providers coverage under the Line of Duty Act
- Chances if a mental health patient becomes combative while in the patient compartment

The summary states *that any fire or EMS member that was previously employed as a law enforcement officer, member of the National Guard, Armed Forces or Reserves may carry a concealed weapon without a permit, as long as they are employed and have been approved by his fire chief or EMS chief.* How many years does previously mean?

Someone who served in the Republic of Vietnam or other combat area or how long since meeting firearms requirements that a law enforcement officer must do annually?

We ask that this bill be defeated again this year if for any reason, common sense.