

2024 Virginia Legislative Priorities and Issues

Provided to the
Virginia General Assembly



VAGEMSA

Virginia Association of
Governmental EMS
Administrators



Virginia Fire Service Council



UPDATED

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Members of the Virginia General Assembly:

The process of gaining consensus on legislative priorities can be daunting, requiring significant collaboration and, often, compromise by all entities/stakeholders involved. Each year, the major Fire and EMS Stakeholder organizations from across the Commonwealth of Virginia meet to discuss their specific legislative needs and the key issues concerning the organizations as a whole. The consensus of the eleven major Virginia fire and EMS Stakeholder organizations is that legislative items in this booklet are our collective priorities for 2024. 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, Virginia Regional EMS Councils, Virginia Emergency Management Association and the Virginia Fire Service Council

As the presidents/chairpersons 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 affecting the fire and EMS community 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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Dedicated and Sustainable State Funding for High-Quality Fire and EMS Response Services Across the Commonwealth

Providing fire and emergency medical services (EMS) is a critical function for the safety and well-being of the citizens and visitors all across the Commonwealth. When citizens call 9-1-1, often in their most vulnerable state, they expect emergency response, including fire and EMS, to be properly prepared with needed resources to mitigate their emergency efficiently and effectively. However, localities do not receive state funds to provide fire and EMS services in the same manner as law enforcement. The only funds provided to fire and EMS are pass-through funds. This model is not sustainable to provide quality service across the Commonwealth.

At the request of the General Assembly in 2023, a stakeholder workgroup came together to survey Virginia localities on fire and EMS needs, receiving an 87% response rate. It was recommended that dedicated revenue from the state's general fund be established for fire and EMS service. Small pass-through funding sources, coupled with increasing call volume and decreasing volunteer providers, can create an untenable situation in many localities related to the provision of fire and EMS. Call volume in the last three years has increased by 40%, while state pass-through funding for fire and EMS has increased by only 6.67%. There are no state general fund dollars that go towards fire and EMS service. Only two small fees are pass-through to localities: a 1% surcharge on insurance premiums for fire service and \$4.25 from a \$6.25 fee added onto vehicle registrations for EMS. Note that the additional \$2.00 does not go directly to support EMS.

Staffing Shortages: Virginia's fire and EMS systems continue to struggle to provide adequate staffing. Inadequate staffing occurs in volunteer, career, and combination fire departments. When asked if they met the minimum staffing standards required by regulation by the Virginia Department of Health's Office of Emergency Medical Services, 18% of localities stated they did *not* meet the standard. When asked if their locality met National Fire Protection Association standards regarding fire protection, 70% said they could only *sometimes, rarely, or never* meet these minimum standards for safety.

Inflation and Equipment Costs: The standard emergency service lifecycle for fire apparatus is twenty years, with approximately 20% of Virginia's front-line apparatus being outside their emergency service life. Ambulances are recommended for a 10-year emergency service lifecycle, with localities reporting that 14% are outside that standard. Contributing to this problem, the cost of purchasing apparatus and equipment has increased substantially in recent years, outrunning most localities' ability to fund or fundraise for replacements. In 1992, the cost of an ambulance was just over \$100,000; today, an ambulance costs, on average, \$325,000. A stretcher was \$2,500, but can now cost as much as \$40,000. In 2020, the cost of a standard structural fire engine was \$591,000; today that number has skyrocketed to \$1,238,000 – a 109% increase in just three years.

Both career and volunteer fire and EMS providers remain committed to serving their fellow citizens in the Commonwealth. However, the vast majority of Virginia's fire and EMS service is currently understaffed, insufficiently equipped, and underfunded.

There are major challenges to delivering effective fire and EMS in Virginia and it will require a long-term commitment to address them. The Fire and EMS Stakeholders strongly support the creation of a dedicated and sustainable funding mechanism to provide general funds to localities in support of fire and EMS services. Three short-term solutions include:

- 1. Allocating general fund revenue to the Aid-to-Localities (ATL) funds for training, equipment, and protective clothing;**
- 2. Creating a state grant fund (similar to federal Staffing for Adequate Fire and Emergency Response [SAFER] and Assistance to Firefighter grants [AFG]) in the initial amount of \$25M per year of the biennium to address staffing and the high cost of heavy apparatus;**
- 3. Ensuring all \$6.25 from the vehicle registration fee is allocated to EMS service.**

These are not the long-term solutions needed to sustain fire and EMS. However, they can ease immediate pressures from inflation on procurement and challenges from insufficient staffing on recruitment and retention until long-term solutions can be developed and implemented.

Funding for Firefighter Cancer Screening

Purpose: To provide funding for cancer detection to all Virginia Career Firefighters (approx. 10,000) in Virginia.

Definition of a Career Firefighter: A career firefighter is a full-time paid employee of a fire department or unit of this State or a political subdivision of Virginia.

Amount Requested: \$3,000,000. The formula used to determine this amount is 10,000 firefighters at \$300/per test.

Distribution of funds to Departments: The Virginia Department of Fire Programs would hold the funds. Each locality would be responsible for requesting funding based on the current number of full-time firefighters in their respective departments. (For example, if a locality has 100 career firefighters, the locality would receive \$300 per firefighter, for a total of \$30,000). The funding would be specifically for cancer screening and could not be used for other purposes. The Virginia Fire Services Board could create a policy that outlines the administration of these funds in the same manner that is done for other grants administered through the Department of Fire Programs.

Screening: Each locality would have the option of a preferred screening method. The minimum test would be an Ultrasound test specific for detecting cancers, and the cost of this test is \$300. Localities would have the option to upgrade to more advanced blood testing and would be responsible for the additional expense.

Virginia Professional Firefighters will provide assistance to each locality in securing a testing method based on choice of option.

Tax Relief on Professional Firefighter Pensions

Purpose: To sustain recruitment and retention of firefighters, which continues to be a significant challenge with hundreds of vacancies across Virginia. As a result, communities are left with inadequate staffing levels, creating a major public safety crisis.

Background: Until 1989, retirement income was not subject to state taxation. Virginia remains among the only states to tax firefighters' entire retirement income. Except for Maryland, which provides tax relief on the first \$20,000 of firefighters' retirement income, Virginia is the only state from Pennsylvania south to Florida that taxes the entire retirement income of firefighters. This creates recruitment and retention challenges.

It is requested that the Commonwealth establish an income tax subtraction for up to \$20,000 of firefighter benefits in the taxable year 2024, up to \$30,000 in the taxable year 2025, and up to \$40,000 in the taxable year 2026, and each year thereafter. This includes retirement income related to firefighting services and benefits paid to the surviving spouse of a firefighter whose death occurred in the line of duty.

Virginia Retirement System; Enhanced Retirement Benefits for 9-1-1 Dispatchers and hazardous duty positions within the Virginia Department of Fire Programs (VD FP), the Virginia Department of Emergency Management (VDEM, and Firefighters of the Department of Military Affairs (DMA).

Emergency 9-1-1 dispatchers are known as the "first" of the first responders. Without them, no first responder would ever be dispatched on an incident. Dispatchers experience many of the same psychological trauma and stressors as law enforcement, firefighters, and emergency medical personnel. Dispatchers are exposed to traumatic calls – and even texts, pictures, or videos – but they rarely get closure as they do not see the final resolution or closure to a 9-1-1 call. Under current law, localities may provide enhanced benefits to firefighters and emergency medical technicians but not 9-1-1 dispatchers. In a recent Emergency-9-1-1 Border Response Workgroup Report, increased benefits and compensations for dispatchers are identified as a critical recommendation for recruitment and retention of this vital public safety position.

Emergency 911 dispatchers, also known as telecommunicators, are the first of our first responders. They are the first link in the chain between someone experiencing or observing something terrible happening and getting the proper assistance to them most expediently and efficiently. They make decisions in split-seconds that have a lasting impact on the outcome of an emergency. Often, these telecommunicators are exposed to the same stressors that personnel on-scene experience: Chaos, screaming, incoherence, foreign languages, difficulty in acquiring situational awareness, and too often, hearing the last words someone may ever utter. It is demanding work, with extended hours, few breaks, and around-the-clock, get-it-right-the-first-time service expectations from the same citizens who expect law enforcement officers, firefighters, and emergency medical technicians to do the same.

With the arrival of Next Generation 911 services, anyone needing help can use any connected device to send voice, data, or video to a 911 center. The likelihood of a telecommunicator experiencing the same traumatic sounds, images, and thoughts that first responders in the field encounter is very high. Telecommunicators will see the still photos or view streaming images that depict something terrible that has happened or is happening in real time.

These working conditions, like first responders, include working days, nights, weekends, and holidays, and through bad weather and disasters, make attracting and retaining good people to serve as professional telecommunicators extremely difficult. Every jurisdiction in Virginia designates their 911 telecommunicators as a part of “essential personnel,” who must report for duty regardless of circumstances. Exacerbating these challenges is a job classification that calls this profession “administrative or clerical.” The U.S. Department of Labor will re-evaluate this job classification in 2028 to determine what we believe is the obvious, that the professional telecommunicator working in a 911 center is a part of, and should be classified as, “protective services” across the state and in the communities they serve. They deserve to be provided with hazardous duty retirement benefits. At the state level, there are also hazardous duty positions within three state agencies that currently cannot receive enhanced retirement benefits. The public safety duties performed by these employees present elevated risks for severe or life-threatening injury. Many of these positions are directly responsible for maintaining order during emergencies and disasters, and their actions directly impact the safety of others. Some of these employees are solely responsible for the safety of colleagues and Virginia residents. Currently, these groups of

highly specialized state responders are classified differently in the Commonwealth's retirement system. These specialists currently do not have provisions for an enhanced hazardous duty retirement supplement or retirement plan similar to other public safety officers, such as police officers and firefighters. The three agencies impacted are:

- The Virginia Department of Fire Programs (VDFP) delivers fire service training throughout the Commonwealth to an estimated 45,000 firefighters, all coordinated and supervised by ten division chiefs, a deputy chief, and a chief of training. Many training programs put instructors and students in environments deemed to be Immediately Dangerous to Life and Health (IDLH). Such IDLH environments include live-fire training, high-pressure water systems, and technical rescue training (working in swift water, at high angles, in trenches, above or below grade suspended on a rope, or crawling in confined spaces). The State Fire Marshal's Office, a branch within VDFP, has a staff of 28 fire marshals statewide who are responsible for code enforcement, oversight, and permitting of commercial blasting operations and pyrotechnics on state property;
- The Virginia Department of Emergency Management (VDEM) coordinates a 24-hour, 365-day-a-year emergency response capability to support all of the jurisdictions and state agencies of the Commonwealth. This capability is supported by 13 hazardous materials response personnel and
- The Department of Military Affairs (DMA) has a dedicated fire department on Fort Barfoot in Blackstone, VA, staffed by 19 full-time career firefighters, three part-time firefighters, and one wildland firefighter. The Fort Barfoot Fire Department serves a 41,000-acre military installation and assists surrounding counties, answering a variety of calls both on and off the installation.

Virginia's Fire and EMS Stakeholder organizations unanimously support adding 9-1-1 dispatchers and hazardous duty positions within VDFP, VDEM, and DMA firefighters to the list of those eligible to receive enhanced retirement benefits for hazardous duty service.

Fire Prevention through the Building Code; Requirement for Residential Sprinklers in Townhouses

One of the best ways to reduce the devastation any family may experience from residential fires is to prevent them from happening in the first place. That starts with building safer homes. Compared to single-family detached homes, townhouses have increased fire risk, where, like in an apartment building, the behavior of one tenant will drastically impact the safety of neighboring families, pets, and property. There have been many incidents where a fire in one townhouse unit had catastrophic consequences on neighbors who had nothing to do with the cause of the fire. Townhouse construction increases the complexity of firefighting and rescue operations, as firefighters cannot quickly move from one occupancy to the next with a hose line, and they cannot quickly search for trapped occupants because they must leave one townhouse to move to the next before they can expand their efforts. This unit-to-unit movement takes time and more firefighters to accomplish. Residential fire sprinklers prevent tragedies by keeping fires contained to the unit of origin, either controlling the fire or extinguishing it altogether, and often before firefighters arrive, ultimately increasing the life safety of the occupants and firefighters.

The requirement for residential sprinklers in new townhomes was first published in the 2009 International Residential Code (IRC) and has been retained in the 2012, 2015, 2018, 2021, and 2024 editions of the model code, with thirteen other states adopting it in their model code (Oklahoma, Pennsylvania, Washington, Wisconsin, Hawaii, Maine, Maryland, Massachusetts, Minnesota, California, New Hampshire, and New York).

The Fire and EMS Stakeholders support allowing localities to realign the Virginia Residential Code with the model International Residential Code (IRC) by retaining the IRC requirement for fire sprinklers in newly constructed townhouses. This proposal provides a reasonable approach to fire safety as Virginia continues building new housing inventory.

Research shows that the rate of fire growth in modern residential homes and townhouses has increased, partly attributed to lightweight structural components and modern synthetic materials used in household goods and furnishings. This poses additional risks to firefighters and increased risks to occupants. Research from FM Global also verified the value of fire sprinklers in sustainable housing and protecting the environment from pollution associated with toxic smoke and contaminated runoff water from firefighting operations.

Opponents of residential sprinklers state concerns with possible cost implications. However, installation costs for fire sprinklers in townhouses are offset by cost savings – incentives in the IRC - that can be realized in other aspects of construction. These may include:

- Reduced costs associated with fire rating of townhouse separation walls.
- Increased portion of roof area permitted to have solar panels for increased solar capacity.
- Increased permissible floor area of the living room permits increased design flexibility.

Sprinkler systems are intended to combat and directly slow the spread of fire and smoke. They reduce the likelihood of injury or death by providing additional time for occupants to escape safely, preventing flashover, and controlling the fire until firefighting personnel arrive on the scene. They can also reduce building damage from fire and firefighting operations by slowing the fire spread.

Sprinkler systems do not require human intervention to activate and require very little maintenance. Reports from localities where residential sprinkler systems are mandatory suggest that no lives have been lost due to fires in buildings protected by automatic sprinkler systems. TV and movie depictions of activated sprinklers show water flowing from every sprinkler outlet in a room, but this is incorrect. Only the sprinkler heads above an actual fire are activated. The water damage is minimal compared to actual firefighter extinguishing operations or the loss of an uncontrolled fire in a space without sprinklers.

The language of § 36-99 of the Code of Virginia states that “The provisions of the Building Code and modifications thereof ***shall be*** such as to protect the health, safety, and welfare of the residents of the Commonwealth, provided that buildings and structures ***should be*** permitted to be constructed, rehabilitated and maintained at the least possible cost consistent with recognized standards of health, safety, energy conservation, and water conservation...”

Therefore, the Fire and EMS stakeholders strongly support localities having the authority to require, by public ordinance, residential sprinklers in newly constructed townhomes.

Other Informative Issues

Fireworks

The Fire and EMS Stakeholders oppose any action by the General Assembly that would expand the sale, possession, and use of consumer fireworks,

Fireworks have been restricted to certain consumer fireworks since the General Assembly (GA) enacted in 1950 under the Trade and Finance title of the Code of Virginia (COV). The term “Permissible Fireworks” was created and became effective the COV under Title 27 in SB 683 during the 2002 GA session. The restricted types of consumer fireworks have historically provided a safer use and handling experience for the citizens and visitors of the Commonwealth of Virginia. In the last 12 months, there have been multiple reported fireworks injuries from misuse and/or misfire/malfunction and one death from misuse of consumer fireworks that are not classified as permissible fireworks in Virginia. These incidents emphasize the dangers of fireworks that explode, rise, and/or travel.

The Consumer Product Safety Commission’s 2022 Fireworks Annual Report highlights 11 fireworks-related deaths during 2022 in the United States. There were an estimated 10,200 fireworks-related injuries treated in U.S. hospital emergency departments during 2022. There has been a statistically significant increase in fireworks-related injuries of an estimated 535 per year from 2007 through 2022.

Virginia Office of Emergency Medical Services (EMS) Agency Location

Currently, the Virginia Office of EMS is under the “umbrella” of the Virginia Department of Health/State Health Commissioner; however, no local EMS agencies are under the umbrella of their local health district director. EMS is at the intersection of healthcare and public safety professionals; however, most healthcare providers do not operate in a pre-hospital setting. The Fire and EMS Stakeholders in Virginia recommend the formation of a workgroup to study where EMS should be housed within the Commonwealth government and whether it should remain under the Secretary of Health and Human Resources, Virginia Department of Health, or be reallocated to the Secretary of Public Safety and Homeland Security, and whether it should remain an Office or be designated as a department.

In-Building Radio Communications Systems

The Fire and EMS Stakeholders support legislation that enhances in-building emergency responder communication coverage. In new or existing structures that are altered in a way that affects the emergency responder's ability to communicate utilizing the jurisdiction's communication system(s), there must be infrastructure and specific equipment to amplify and propagate signal strength in areas identified with poor signal coverage (dead spots). Poor signals often disrupt incident command efforts, inhibit first responder coordination, miss dispatch communication, compromise emergency responder accountability, and most importantly, adversely affect occupant and first responder safety. Conversely, poorly designed or improperly installed signal-boosting equipment can interfere with radio systems outside of these buildings. The Virginia Uniform Statewide Building Code contains provisions that require amplification systems and components for communications systems utilizing radio-frequency-emitting devices. The missing critical element of this regulation for emergency responder communication enhancement systems is mandating responsibility (financial) for the actual jurisdiction-specific equipment.

In-building emergency responder radio systems are a critical life safety technology that enables fire, EMS, and police to have an effective and reliable means in which to communicate. How a building is designed and constructed, the size and use of the building, or other nearby structures can affect in-building communication. Deploying a dedicated complete system fit for emergency responders is needed to overcome this problem.

Agritourism and Public Safety

Virginia's Fire and EMS Stakeholders recognize and value the important role that rural businesses play in our economy. To that end, we support legislation that promotes agritourism and associated public safety. In particular, we support legislation requiring minimum life safety standards in agritourism buildings or structures that assemble 50 or more persons. We also support educating owners of such structures on operational components, such as those found in the Statewide Fire Prevention Code. Minimum safety features that would assist in getting patrons out of buildings or structures quickly include:

- Local non-monitored fire alarm systems;
- Two exits remote from one another, each equipped with exit lights and panic hardware on hinged exit doors that swing out;
- Emergency lighting; and
- Portable fire extinguishers.

Enhancing Local Emergency Preparedness, Response, and Recovery Capacity with a Full-Time Emergency Manager in all Political Subdivisions of the Commonwealth

In accordance with Va. Code Ann. § 44-146.19 (2021), each political subdivision of the Commonwealth is required to maintain an agency of emergency management, appoint a coordinator of emergency management, and prepare and keep current a local or inter-jurisdictional emergency operations plan that must be revised, at minimum, once every four years. While all localities comply with the minimum requirements of this section, many localities lack the resources to dedicate a full-time staff member to these responsibilities, typically assigned as a part-time duty of fire rescue, law enforcement, or other local government personnel.

According to the Commonwealth of Virginia Emergency Operations Plan (COVEOP), emergency incidents are typically managed at the lowest possible level. The affected local government will exercise the direction of emergency operations closest to the incident. The COVEOP also notes that a planned and coordinated response by state and local officials can save lives, protect property, and more quickly restore essential services.

Professional Emergency Managers play a central role in coordinating preparedness, response, and recovery activities by:

- Building relationships with community organizations and across government agencies.
- Providing training and education to residents, businesses, and first responders.
- Exercising emergency operations plans and maintaining emergency facilities.

During an emergency event, Emergency Managers lead multi-agency coordination by:

- Notifying the community of protective actions and keeping stakeholders informed.
- Supporting first responders as they manage and stabilize the incident in the field.
- Maintaining situational awareness of resource availability, unmet needs, developing hazards, and changing conditions.

In collaboration with the Virginia Emergency Management Association (VEMA), we support the establishment of a dedicated Commonwealth funding source that will enable every locality to hire a full-time professional Emergency Manager, whose duties are devoted substantially to planning for, responding to, recovering from, and mitigating against the threat or impact of all-natural, technological, and human-caused hazards.

This initiative will increase the Commonwealth's resilience by ensuring that every locality can support and operationalize a local planning, training, and exercise cycle while ensuring that emergency plans account for the diverse needs of the whole community. The presence of full-time Emergency Managers in each locality will also increase the amount of mutual aid staff support that is available from neighboring localities when a community experiences a localized no-notice, high-impact event, such as a tornado or flash flood, building collapse, or act of violence.