

The state fire marshal's office consists of four bureaus:

Inspections Bureau
Investigations Bureau
Plan Review/Building Code Bureau
Fire Service Training Bureau

All but the training bureau is located in Des Moines; the training bureau is in Ames.

Inspections:

There are currently 16 inspectors located throughout the state. All but one inspector has an office in the state patrol offices. One works out of his residence as there is no room in the post in his area. Two of the inspectors deal strictly with above ground flammable/combustible liquids storage facilities. One deals with Assisted Living facilities. The balance of the work is with general inspections. There are 2 supervisors in charge of the inspections bureau. One deals exclusively with the federal health care facilities and the other deals with the balance of the inspections.

The inspections bureau is responsible for the following types of inspections:

Daycares/Preschools,
Schools,
Colleges/Universities,
Assisted Living facilities,
Adult Daycares,
Residential Care Facilities,
Group Homes,
Jails/Prisons,
Complaint Inspections of any public type facilities.

We are also responsible for Health Care facilities that receive funding from CMS, Medicare/Medicaid. These include:

Skilled Nursing Facilities,
Nursing Facilities,
Intermediate Care Facilities/Mentally Handicaped,
Hospitals,
Hospices,
Ambulatory Surgical Centers,
Physical Therapy Occupancies,
Revisits for federal inspections,
New Construction/Remodel Projects dealing with health care.

Approximately 41% of the inspectors work deals with Federal Health Care type facilities.

The State Fire Marshal's Office inspects state and federally licensed buildings in all 99 counties in Iowa. In fiscal year 2006, a total of 3,475 inspections were conducted throughout the state of Iowa. There were 2254 state inspections conducted, and 1221 federal inspections conducted. A breakdown is included in your handout. The State of Iowa has 451 school districts and 40 colleges and universities. The State Fire Marshal's Office conducted inspections in 143 school districts and 9 colleges/ universities with a total of 755 buildings inspected in FY 2006. There are currently 166 school districts and 19 colleges and universities overdue for inspection. The overdue list includes 13 schools that are 5 years overdue, 74 schools that are 4 years overdue, and 79 schools that are 3 years overdue. There are 2 colleges that are 8 years overdue, 2 colleges that are 7 years overdue, 3 colleges that are 6 years overdue, 7 colleges that are 5 years overdue, 4 colleges that are 4 years overdue, and 1 college that is 3 years overdue. 283 schools and 21 colleges and universities have current inspection reports on file.

The Centers for Medicaid and Medicare Services (CMS) contracts all health and fire safety inspections with the Iowa Department of Inspections and Appeals. The State Fire Marshal's Office conducts the life safety inspections for all health care inspections throughout the state. The Centers for Medicare and Medicaid Services reimburses the State Fire Marshal's Office at a 38.4 % rate for all federal inspection work conducted.

The Department of Inspections and Appeals (DIA) sends our office a monthly schedule of all health care and state health facilities that require inspected. The inspector has a 5 day window to enter the scheduled health care facility and conduct a fire safety inspection. We then have 10 days from the date of inspection to get the report to the facility. Once this is completed the facilities:

- Nursing Homes (Long Term Care Facilities) have 30 days to correct any deficiencies
- ICF-MR's (Intermediate Care Facilities / Mentally Retarded) have 60 days to correct any deficiencies.
- Hospitals have 90 days to correct any deficiencies.

If the facility can prove more time is needed, a temporary waiver can be requested and approved. A revisit may be conducted at the end of the allotted timeframes for the different health care facilities.

The State Fire Marshal Division and the Centers for Medicare and Medicaid Services (CMS) in Kansas City started conducting Life Safety Code training for the Iowa Health Care Association in March 2003. This training was designed for both nursing home administrators and maintenance personnel. Each year the State Fire Marshal Division conducts two sessions which are hosted in Iowa City and Carroll. The focus of this training is designed for the facility to have a thorough understanding of what is expected during their annual Life Safety Code survey required by the Centers for Medicare and Medicaid Services. Code updates, interpretations of the code, and news from (CMS) is discussed. At a national health care meeting Mr. Steve Ackerson, Executive Director of

the Iowa Health Care Association, discussed with other states the annual training that the State Fire Marshal Division provides the long term care health providers throughout Iowa. Mr. Ackerson informed our office that the training conducted in Iowa has become a model that is being used and pursued by other states. The philosophy of the State Fire Marshal Division is to provide the knowledge base so that long term care facilities are thinking fire and life safety 365 days a year.

Included in the above state inspections are Assisted Living Facilities. There were 191 inspections of these facilities in fiscal 2006. One inspector is exclusively assigned to this project. This inspector works with new facilities during construction to make sure all design features and codes are met. This has been very beneficial both to the facilities and our office in that everyone knows the facility is being constructed correctly. Once the facility is operational, the local inspectors conduct the normal inspections.

Two inspectors conduct inspections of flammable and combustible storage facilities that have tanks with a capacity over 1100 gallons. Currently these inspectors are not able to spend much time in the field conducting inspections of these storage facilities. Their duties include the annual registration of all storage tanks above 1100 gallons, which is required by code, and dealing with new installations. In the past years the annual registration process has been very cumbersome in that an old antiquated accounting system has been used. We are currently in the process of upgrading to a state of the art software program to streamline this process and make the registration easier for both our staff and our clients. This will also allow more time to conduct field inspections.

Investigations:

We currently have 10 investigators (Special Agents) located in 9 regions of the state. A map is included indicating the office locations. Duties include investigations of all types of fires and explosions, and investigations of explosive type incidents anywhere in the state that is not covered by career fire departments. Two investigators work out of the Des Moines office, one works out of his residence and the balance office in the state patrol offices. One of these investigators is assigned to inspect all explosive magazines that store commercial explosives in Iowa. Our office is responsible for the regulation of explosives in Iowa. There are currently 76 commercial explosive licenses issued in Iowa. Most are for rock quarries.

In calendar year 2005, there were a total of 631 investigations conducted. A map is included with your handouts indicating the locations and types of investigations for each county. There were 131 arson cases investigated in 2005, 307 cases listed as accidental or undetermined, 162 explosive type cases, and 31 misc. cases. These consist of special assignments, meth lab cases or special investigations not directly related to a fire/explosion. Approximately 50% of the arson cases worked are what we consider resolved. This means that we know who the suspect is, and on a number of these cases, criminal charges are filed. A portion of the explosive cases consist of disposing of old explosives, old ammo or Improvised Explosive Devices that are constructed by

individuals for a variety of reasons. This task is becoming increasing difficult due to the fact it is hard to locate a place to dispose of these types of devices.

Fire death investigations are another responsibility of the investigators. There were a total of 48 fire fatalities in calendar year 2005. A map indicating where these fatalities occurred and the number of fatalities per year since our office has kept records is included in your packet. The lowest number of fire fatalities per year in Iowa occurred in 2002, when 24 individuals lost their lives. I feel something needs to be done to help lower the number of fire fatalities that occur in Iowa each year. This can only be accomplished with an aggressive fire prevention program coupled with state of the art building and fire codes.

Currently a number of career and volunteer fire departments conduct fire prevention programs in their communities. This is easier accomplished in the career departments because of the full time staffing. The volunteers also do an outstanding job with the limited resources and time they have. One of the problems with fire prevention is that it can't be practiced or thought about one week of the year, it needs to be an every day occurrence. Currently our office is not able to assist with any fire prevention activities due to staffing. I feel that both the career and the volunteer fire departments would be able to conduct additional programs if there were a fire prevention program coordinator that could assist with thoughts and ideas to help all fire departments in the state.

All of the investigators are required to be bomb techs. Training for this work consist of a 6 week basic course taught by the FBI in Huntsville, AL. Every three years there is a 1 week refresher course that is required along with 2days a month training for each tech. This is all needed to keep and operate an accredited bomb squad. Currently 8 of our 10 investigators are certified bomb techs. Two are awaiting training, which is an 18 – 24 month wait once applications are submitted. Each bomb tech is also required to have specialty equipment.

During the past four years our office has been able to acquire over \$1,000,000 in Federal Homeland Security funds to purchase much needed explosive related equipment. Most of this money has been in the form of grants. Without this money we would not be able to maintain an accredited bomb squad. It should be noted that there are 7 other accredited bomb squads in Iowa that have also been able to acquire some of the same equipment with grant funding. Again without this funding, these squads would not be able to stay accredited. The reason for this updated and new equipment, deals with 9/11 and the terrorist incidents occurring across the world.

Additional bomb squads in Iowa consist of:

Pottawattamie County Sheriff's Office/ Council Bluffs Police Department have a team
Des Moines Police Department has a team
Waterloo Police Department has a team
Cedar rapids Police Department has a team
Linn County Sheriff's Office/Marion Police Department has a team

Johnson County Sheriff's Office/Iowa City Police Department/Coralville Police Department/University of Iowa Public Safety has a team
Scott County Sheriff's Office/Davenport Police Department has a team

Agreements have been worked out with these agencies that if a major terrorist incident would occur dealing with explosives in Iowa, that any of the teams will assist no matter the location. On day to day operations the State Fire Marshal's Office will handle explosive calls anywhere in the state outside these areas.

An issue we are struggling with is the amount of time the investigators are able to spend on an investigation. Some cases require more time than others, especially if they are listed as arson. Also with our current budget and no overtime, we are in some cases not able to respond in a timely manner when a fire department requests an investigation. This is not the way we want to operate our investigative bureau but I cannot allow overtime when it is not there. We have had several instances lately when we have not been able to respond the same day requested. Another issue is staffing on weekends. The current contractual agreement does not require our investigators to be available on the weekends. Most weekends there are at least several staff members available in case there is a major incident. If stand-by funding were available, we would make 3 investigators available for all weekends in which investigations could be conducted if called for.

Plan Review/Building Code Bureau:

We currently have 4 construction engineers, 3 work in the Des Moines office and one works out of his residence in Mount Pleasant. There is one supervisor also located in Des Moines with the title of Building Code Commissioner. This bureau is responsible for the following types of plan reviews:

- Accessibility,
- Business,
- College,
- Day Care,
- Educational,
- Fire Alarm Plans,
- Health Care,
- Jail/Prison/Corrections,
- Regular Elevators,
- Motels/Hotels,
- Nursing Facilities,
- Buildings owned by the State,
- Residences/Apartments,
- Sprinkler Plans,
- Assisted Living,
- Misc. Plans

In fiscal year 2006, a total of 755 plans were reviewed, an increase of 70 from the previous year. The three construction engineers in the Des Moines office review all plans except for sprinkler and fire alarm. The staff member in Mt. Pleasant is a former inspector that specializes in fire alarm and sprinkler plans.

- Over the past two years, the Building Code Bureau has undergone significant changes that have resulted in many improvements, but also an increase in the length of time it takes to have construction plans reviewed for code compliance.
- Iowa Administrative Code 300.4(3) c. requires that building construction plans be reviewed within sixty (60) days of receipt from the designer. The Bureau's ability to meet this deadline is continuing to decline, with the average wait time, for plans to be reviewed, now at 53 days. The reasons for the increased wait time include:
 - A 10 % increase in plans submitted to the Bureau from FY '05 to FY '06.
 - Increased awareness of the State Building Code which has generated a significant increase in technical questions that must be responded to by plans review staff.
 - The adoption of an updated state building code has required plans review staff to devote substantial time to technical research and solicitation of stakeholder input.
 - Improved regulation of the Manufactured Housing and Modular Structure Industries has required one plans reviewer to devote at least half time to this program that in the past was almost dormant.
- Legislation passed earlier this year will expand the scope of the State Building Code to include structures built with State appropriated funds, if built in an area without an enforced local building code. The legislation also established that building code inspections must be conducted on all new construction projects whose plans are required to be reviewed by the Building Code Bureau. Initially, these inspections will likely be conducted by a third-party contractor with state building code inspectors replacing the contractors over a period of time. In order to accomplish this:
 - The Building Code Bureau is working with stakeholders such as Master Builders of Iowa, Associated Builders and Contractors and the Iowa Chapter of the American Institute of Architects to design an inspection program that will result in the least negative impact to construction project timetables and budgets.
 - A Request for Information was distributed to potential vendors and the Bureau has received six (6) letters of interest.
 - A Request for Proposal is under development and will be distributed to interested bidders as soon as it is approved.

- One contract issue still under discussion is the inspection fee payment scheme. Because the legislation passed so late in the session, no state funding was provided to fund the new building inspector contract. This means that the Bureau will not be able to collect the inspection fee and remit it to the building inspection contractor. Alternative methods, including having the building contractor pay the inspection fee directly to the inspection contractor, are under review.
- In November of 2004, the position of State Building Code Commissioner was filled for the first time in about 14 years. The Building Code Commissioner has identified several areas of needed improvement, including one that has been achieved through the adoption of an updated building code. The next improvement priority is improving the scope of review performed on construction blueprints. Given the requirement to not exceed a sixty (60) day wait for these reviews, this can only be accomplished by increasing the number of plan reviewers by two positions. To fund this increase, the Commissioner has proposed a modest increase in plan review fees that is currently in the Rulemaking process and is expected to become effective on January 1, 2007

As mentioned above, a new building code was adopted during the last calendar year. The new code is the 2003 edition of the International Building Code. The old code was the 1994 edition of the Uniform Building Code. The new code allows the usage of new types of construction features that in a lot of cases lowers the overall cost of the project. The fire marshal's office is currently in the rule making process to update the state's fire code. The current code is over 20 years old and very difficult to follow and use, especially with newer codes available. The new code to be adopted will be the 2006 edition of the International Fire Code. This code has already been adopted by a number of the larger cities in Iowa. This code will also allow the use of new construction features that in most cases lower the cost of a construction project.

In review, I don't want to discuss any topics that have already been discussed. I feel we need to consider several thoughts regarding Iowa's fire service. (These are some of my personal thoughts).

- Staffing of Iowa's Fire Service. Some areas of the state have little to no problems with recruitment and retention and other areas of the state are not sure how to address these issues.
- Where will Iowa's Fire Service be in 5 year, 10 years, and 15 years
- Fire Prevention Activities. What means can we take to help reduce the number of fire fatalities our state has. Most of the fatalities occur in single family dwellings that either have no smoke detector or a non working smoke detector. The elderly and young seem to be at the greatest risk. Another example would

be to enact legislation to have fire-safe cigarettes in the state. Several states have enacted laws for this program. Additional info on this project can be viewed at: www.firesafecigarettes.org

- Other means to assist with fire extinguishment (sprinkler systems) for instance enacting laws to have every new dwelling in the state have a fire sprinkler system. This would reduce the amount of property damage should a fire occur, has the potential to lower insurance rates and the largest benefit would be to help reduce fire fatalities. It could also have the potential to make firefighters jobs safer and easier if they respond to a dwelling with a sprinkler system.
- In some areas, Countywide Fire Departments. This will not work in every area but let several counties try a program such as this and set some examples on how it might work. This can and will be a touch subject as the perception will be that this will put departments out of business. Correct terminology needs to be used such as “Service Sharing, not Consolidation”.
- Standardization of fire department operations. This is also would have the potential to be a touch subject as no one wants to be told what to do. Certain areas could be addressed such as how a chief and officers are appointed so you have the best staff for the job, not the most popular. Make sure every department has Standard Operating Procedures and Guidelines in place. These will vary from department to department.
- Iowa’s geographic areas are not the same – what is needed or works in one area may not necessarily work in another area. This is due to funding and population of the state.

I will let Bureau Chief Randy Novak give the presentation for the Fire Service Training Bureau but I would like to share some observations with you. More firefighters are receiving training today in Iowa than ever before. Several reasons for this;

- There is a very dedicated staff working in the fire service training bureau that see that training is brought to Iowa’s Fire Service
- There are 265 certified field staff that actually teach the courses to Iowa’s emergency responders
- All of the community colleges play a very important roll in help to see that Iowa’s emergency responders receive the proper training
- The funding from the “Volunteer Firefighters Training Fund” has been a tremendous success in providing both basic and intermediate training to Iowa’s emergency responders and we thank you the legislators for providing this funding

- Iowa's emergency responders have stepped up to the plate and realizing that training is a very important function of the overall operation of an emergency service

In conclusion I commend your committee for taking the time to research some of the issues facing Iowa's emergency services today. I feel you have made great steps by providing funding for regional training centers; however there are still challenges ahead. These include a mechanism to fund the regional training centers, provide a centrally located site for the FSTB, and mobile training props. It will be extremely important for the FSTB to support the regional training centers with the proper Curriculum Development and other support as needed to make sure the regional training centers are successful.

Overtime and stand-by time

I would like to see an overtime budget for the Investigative Bureau of \$225,000.

Currently there is no overtime monies budgeted for the fire marshal's office. Calls for service in Iowa cannot wait to be worked Monday through Friday. They need to be handled when the requesting agency asks for assistance. The fire marshal's office recently has not been able to provide this service. In the past salary savings were used to pay overtime. At the present time the fire marshal's office is fully staffed. Because of this all investigators have been restricted to work only a forty hour week and if a call for assistance is received, either another agent from another area would need to respond or the call needs to wait until the agent is back to work. This is not acceptable as approximately 90% of Iowa's Fire Departments are volunteer. The fire department's staff cannot take time off from their work at another time to help with an investigation if the fire marshal's staff cannot respond when called for.

Another reason monies are being requested is that the contractual agreements allow the investigators to either be paid for any overtime hours worked or they can ask for comp time. In the past, most investigators have asked to be paid if they accumulated overtime hours.

With this overtime request, each investigator would be allowed to work 10 additional hours a week. This makes sense as these individuals are already trained and equipped.

Request a budget to cover "On Call" pay of \$25,000.

Currently the fire marshal's investigators are contractually not required to be available on weekends if needed. There have been instances in the past year where no investigators are available to respond to a call either fire or explosive related. If funding were provided for "On Call Time", there would be three investigators available for calls each weekend. These investigators would be located in three regions of the state. Currently there are several of the investigators that are consistently available and others that are almost never available. Other divisions within DPS currently have this plan in place. (This plan would need to be approved by both the State and SPOC).