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STATE FIRE COUNCIL (SFC) FISCAL YEAR (FY) 2022-2023 FOURTH QUARTER MEETING MINUTES

Date and Time: April 12, 2023, 1:00 p.m.

Place: Meeting held in person at Honolulu Fire Department headquarters on 636 South Street, Honolulu, Hawaii, and by audioconferencing pursuant to HRS § 92-3.7. Remote meeting by interactive conference technology; notice; quorum. Effective: January 1, 2022

Present:

Kazuo Todd	SFC Chair and Fire Chief of the Hawaii County Fire Department (HCFD), Hawaii County
Sheldon Hao	SFC Vice Chair and Fire Chief of the Honolulu Fire Department (HFD) City and County of Honolulu
Bradford Ventura	SFC Member and Fire Chief of the Maui Department of Fire and Public Safety (MFD), Maui County
Michael Gibson	SFC Member and Fire Chief of the Kauai Fire Department (KFD), Kauai County
Adam Rosenberg	Deputy Attorney General (AG) Department of the Attorney General, State of Hawaii
Gary Lum	SFC Administrative Specialist (AS) III
Socrates Bratakos	SFC Administrative Specialist (AS) II
Earle Kealoha	Reduced Ignition Propensity Cigarette (RIPC) Program Specialist (PS)
Carol Suzuki	SFC Secretary

Guests:

Andrew Klein, P.E. Fire Protection Engineer/Chemical Engineer

Celeste Nip Legislative/Political Action Committee (PAC)
Coordinator
Hawaii Fire Fighters Association (HFFA)

I. Introduction

A. Chair Todd called the meeting to order at 1:02 p.m. Hawaii Standard Time (HST). This meeting was recorded.

B. Chair Todd welcomed everyone. Attendees introduced themselves. AS Gary Lum noted that the meeting site was experiencing electrical power surges, and in the event of a lost connection, the meeting would be reconnected as soon as possible.

C. Approval of the SFC FY 2022-2023 Third Quarter Meeting Minutes of January 20, 2023

A motion was made to approve the minutes and the minutes were unanimously approved.

D. Approval of the Agenda

A motion was made to approve the agenda and the agenda was unanimously approved.

II. Old Business

A. Discussion on State fire code amendments adoption

AS Lum provided a briefing on the status of the state fire code. The National Fire Protection Association (NFPA) had responded that the proposed refrigeration amendments were in line with the NFPA 1 2024 edition.

AS Lum said the approved state fire code went to the State Building Code Council (SBCC) for adoption, and is under review by the State Building Officials. He said there is no definite timeframe for when 2021 NFPA 1 adoption will be approved by SBCC.

AS Bratakos mentioned that the Authority Having Jurisdiction (AHJ) has the ability to approve use of nationally published standards. Chair Todd said the counties would have the ability to make desired county code amendments.

B. Smoke damper inspection certification program

1. UMD Study of Smoke Dampers

AS Lum said that Rick Paulino of the Sheet Metal Air Rail Transportation Workers, Local Union 293, provided a University of Maryland study providing a report on the importance of inspection of fire and smoke dampers and related smoke control systems. AS Lum said the main take-away from the report was that older systems in existing buildings need more attention than those in newer buildings.

Members discussed if this was an issue in the state. AS Lum said there is a lack of data from NFPA indicating that these are significant factors for fire deaths and injuries. Chair Todd said that that these systems are also partly covered by fire alarm system inspections.

AS Lum said that if this type of inspection was added as a fifth SFC Certificate of Fitness (COF), only the sheet metal union workers could get this certification. Per DAG Rosenberg, if there is a good reason why only sheet metal workers could be certified, that would pass constitutional muster. Members discussed issues regarding creation of another COF. Chair Todd asked SFC staff to further research if existing certifications cover this subject matter.

2. Inspection program details

AS Lum provided a copy of Rick Paulino's responses to SFC questions regarding the need for an inspection program.

III. New Business

A. Update on 2023 Legislative Bills

AS Lum related that three SFC prioritized have not advanced. These include:

1. HB144, allows county decision to determine proper requirements for residential fire sprinkler systems.
2. HB145 and SB192, imposes a state-wide limitation on the use of consumer fireworks.
3. HB143, RIPC funds to be used for state-wide fire prevention programs and public safety.

Members discussed bills that are still alive and moving that may impact the fire service including:

1. SB193, adds state agencies to the SFC membership. This is non-controversial; looks to be on its way to passing.
2. SB786, requires government entities to charge reimbursement for rescues in areas when disregarding signage and making unlawful entry. Members discussed issues on this bill, including identification of incidents, county policies and mechanisms for collection. Members considered advocating for fines.
3. HB175, allows discretionary use of sirens by emergency vehicles. This was sent to the governor for signature
4. HR135, creates a fireworks task force, primarily composed of law enforcement agencies.

Members also discussed the following bills.

1. HB1493, relates to the First Responders Technology Campus.
2. SB37, implementation of a shipping container fireworks inspection program.

B. Update on NFA class schedule and delivery

AS Lum provided a summary of FY2023 scheduled two-day, off-campus delivery NFA classes.

AS Lum provided a list of FY2024 first semester classes and requested classes from Kauai and Hawaii counties. Maui and Honolulu declined until the next semester.

Members discussed costs and policies regarding on-campus NFA training.

C. SFC administrative issues

1. SFC 3rd Quarter Revenues and Expenditures

AS Lum and Kealoha reviewed the budget components of SFC which pays for AS Lum and AS Bratakos, and RIPC which pays for PS Kealoha and Secretary Suzuki.

SFC projects a surplus for the fiscal year, due to position vacancy and hours worked. Any unexpended balance can be carried over to the next fiscal year.

RIPC funds are from the RIPC account collected from cigarette manufacturers, and are deposited in a special fund account, and the balance accrues annually.

Members discussed issues related to staffing a trainee for RIPC work. In preparation for PS Kealoha's departure later this year, it would be helpful to train someone while he is still working. Per DAG Rosenberg, SFC cannot hire two part-time people to fill one full-time position. Staff are hired on contract for 89-day terms. The State reimburses the City and County of Honolulu for wages, per the two Memorandums of Agreement between the SFC, HFD, and DLIR.

Chair Todd asked DAG Rosenberg to further look into whether SFC can have two contract workers doing one job to train a new person, and check on whether HFD can make a separate contract to facilitate hiring, provided funding is available. Member Hao said this might be accomplished if one person was an approved, procured vendor.

2. Certificate of Fitness Program

AS Lum said the program focuses on the testing, inspection and maintenance of portable fire extinguishers, fire protection systems, and fire alarm systems, and credentialing of the individuals who apply for a license to do this work.

The certifications are based on National Institute for Certification in Engineering Technologies (NICET) and International Code Council (ICC) credentials. An individual seeking a license needs to provide an application form, driver's license, a valid credential and make payment for each category requested.

SFC works with the counties on the applications, and reviews for compliance. SFC maintains a list of licensed individuals. When they are approved in one county, they can work across the state.

When asked by counties what to do about individuals who do not follow the rules, SFC staff replied that they recommend following fire code inspection protocols and issuing a notice of violation to the building owner.

Members discussed issues regarding non-compliant individuals, including enforcement policies and notice to other counties. Chair Todd said he would like to have a COF for commercial kitchen hood cleaning. Chair Todd requested SFC staff to research certification options for hood cleaning.

3. Reduced Ignition Propensity Cigarette Program Special Fund

PS Kealoha provided a quarterly update. The RIPC fund balance is approximately \$600,000. Current funds available are about \$100,000, available for two years, and if not used, the balance is returned to the RIPC fund.

In 2017 and 2018, PS Kealoha reached out to other states' RIPC programs. Hawaii is only one of two states, along with Massachusetts, that charge for testing. The RIPC has been spending approximately \$120,000 to \$150,000 per year on testing. Two labs are used for testing, located in North Carolina and Virginia.

In January PS Kealoha went to Hilo and in March went to Kona to inspect. He related that over time, some stores no longer sell cigarettes. PS Kealoha provided a count of stores that sell cigarettes—159 for Hawaii County, 68 for Kauai County, and 178 for Maui County.

He stated that when the Hawaii RIPC law was created, it was decided to charge per cigarette brand/style. Other states charge per cigarette family. He said that currently there are 774 certified cigarette brand/styles. Every three years that provides approximately \$270,000 in charges/funding.

PS Kealoha said in general, the cigarettes sold in Hawaii are RIPC compliant. In the first few years of the program there were 5 to 6 vendors that had cigarettes with old manufacturer dates, mostly mom-and-pop stores. Since then, everything has been good.

Members discussed the cigarette dual banding system and the history of the RIPC legislation.

IV. Next Quarterly Meeting is tentatively scheduled for Friday, July 21, 2023, 1:00 p.m.

VIII. Adjournment

A motion was made and passed unanimously to adjourn the meeting at 2:34 p.m.



KAZUO TODD
Chair