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DRAFT

STATE FIRE COUNCIL (SFC)
FISCAL YEAR (FY) 2023-2024 FIRST QUARTER MEETING MINUTES

Date and Time: August 31, 2023, 9:00 a.m.

Place: Meeting held in person and via 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
Martinez Jacobs	SFC Member and Airports Fire Chief Airports Division, Transportation Department (ARFF) State of Hawaii
Michael Walker	Fire Protection Forester Division of Forestry and Wildlife (DOFAW) Department of Land and Natural Resources (DLNR) State of Hawaii
Adam Rosenberg	Deputy Attorney General (AG) Department of the Attorney General, State of Hawaii

Gary Lum	SFC Administrative Specialist III
Socrates Bratakos	SFC Administrative Specialist II
Carol Suzuki	SFC Secretary

Guests:

Jason Samala	Deputy Fire Chief, HFD City and County of Honolulu
Gary Honold	Regional Director, Northwest Division National Fire Protection Association
Michael Moriyama	Deputy Attorney General (AG) Department of the Attorney General, State of Hawaii
Jack Relf	Deputy AG Department of the Attorney General, State of Hawaii
Kraig Stevenson	Senior Regional Manager International Code Council (ICC)
Rick Paulino	President/Business Representative, Sheet Metal Air Rail Transportation Workers, Local Union 293
Thomas Heaton	Reporter, Honolulu Civil Beat
Myoung Oh	Government Relations and Public Affairs Senior Adviser Watanabe Ing, LLP

I. Introduction

- A. Chair Todd called the meeting to order at 9:04 a.m. Hawaii Standard Time (HST). This meeting was recorded.
- B. Chair Todd welcomed everyone. Attendees introduced themselves, including two new members added per Governor's Act 142.
Public Comments:

Guest Stevenson commented that he is seeking support of the SFC and has reached out to the Hawaii State Building Code Council regarding the International Wildland-Urban Interface Code (IWUIC). Stevenson stated that the IWUIC would provide some opportunities to be explored by the counties and the state.

Guest Honold offered to work with an NFPA internal team to propose a wildland fire safety summit for the state. The summit would be held over two days. The first day would be training for an Assessing Structure Ignition Potential from Wildfire class that NFPA would provide. The second day would be to have stakeholders discuss wildland fire prevention provisions from Chapter 17 of the adopted fire code and related 1140 code series. NFPA would provide code research support on proposed legislation. He asked that one of the departments find a host site.

Chair Todd suggested adding this training topic to the agenda. AG Rosenberg advised that only for matters that do not affect a significant number of people timewise or if item is not of reasonably major importance, can the agenda be amended; this training topic was not added to the agenda. Chair Todd suggested that Honold work with each county regarding training.

A motion was made to add the topic of the Fire Prevention Week proclamation for discussion under new business.

Motion: Vice Chair Hao motioned and Member Gibson seconded the motion.
The motion unanimously passed.

- C. Approval of the SFC FY 2022-2023 Fourth Quarter Meeting Minutes of April 12, 2023.

Vice Chair Hao made a motion to approve the minutes as written and Member Gibson seconded the motion. The motion unanimously passed.

- D. Approval of the Agenda

Vice Chair Hao made a motion to approve the agenda as amended, and Member Gibson seconded the motion. The motion was unanimously approved.

II. Old Business

- A. Discussion on State fire code amendments adoption and governor's emergency proclamation relating to housing.

AS Lum stated he had discussed the matter of fire code adoption with AG's Adam Rosenberg and Stella Kam in view of Governor's proclamation dated July 17, 2023, not allowing changes to the building code. SFC had voted to adopt and accept amendments to the NFPA 1 2021 code, which are still pending adoption by the SBCC. Due to Governor's emergency proclamation related to housing which froze code adoption by the SBCC, NFPA 1 2021 edition is the default state fire code.

Members discussed whether the Governor's proclamation precludes counties from making changes to their fire code. The moratorium was supposed to last 60 days, but the intention is to extend for one year. Guest Stevenson referred to the proclamation document dated July 17, 2023, page 8, specifying that local counties have police powers when there is a public safety issue. It could be interpreted that codes can be implemented at the county level if it is a matter of public health and safety, and does not specifically deal with housing.

Counties will wait for the AG's opinion on whether or not counties can adopt their own codes pursuant to HRS 46. There are still two years from August 2022 for the counties to adopt a new fire code. This may be affected by the Governor's emergency proclamation. The question of whether HRS 107-28 is also halted will be referred to AG Kam for her opinion.

Regarding whether HRS 107-28 still holds true for county code adoption timelines, AG Rosenberg said it is a legal opinion for executive session, would require research, and can be addressed by Hawaii County's corporation counsel.

Guest Honold offered free online training courses and updates on NFPA 1 2021, and to go to each county to do in-person training for NFPA 72 and NFPA 13 referenced standards.

B. Smoke damper inspection certification program

The SFC was assigned to research training for smoke damper inspectors. No training program other than what was suggested by the sheet metal workers union was found. Representative Paulino stated the sheet metal workers are committed to providing a service to train and certify fire department inspectors on correct installation.

Chair Todd would like to poll the National Association of State Fire Marshals and find out how many have adopted a certificate of fitness program for licensure of duct/smoke damper inspections. AS Lum said that if the SFC moved to add this certification, the administrative rules would need to be amended, a process that will take about a year as the matter would need to go before public review, etc.

Chair Todd requested that the topic of smoke damper inspection certification be added to the next meeting agenda. He will do some research and report at the next meeting so that a decision can be made on whether or not to add the smoke damper inspection certification.

III. New Business

A. Update on 2023 Legislative Bills

The only SFC bill submitted, and successfully making it to the Governor for approval was SB193 for the State ARFF and DOFAW agencies to be added to the SFC membership.

SB 346 regarding the discretionary use of sirens and SB 855 relating to condominium reserve requirements also passed.

Unsuccessful bills included:

1. HB144 and SB191: The overturn of the prohibition of fire sprinkler installation for one and two-family dwellings
2. HB143 and SB190: Expand use of Reduced Ignition Propensity Cigarette (RIPC) funds to be used for SFC prevention programs and fire safety
3. HB145 and SB192: Restriction of consumer fireworks to cultural events
4. HB285 and SB409: Funds DOFAW's Community Fuels Reduction Project
5. HB847 and SB786: Charges for unlawful entry to areas requiring rescue
6. Various other bills restricting and controlling the use of fireworks

Chair Todd mentioned that for the 2024 Legislative session, he has heard that a proposal to re-establish the State Fire Marshal's office will be submitted.

B. Update on National Fire Academy (NFA) class schedule and delivery

AS Lum reported that all counties used up course class allocations. Honolulu had three slots and other counties received two slots each. One class on Maui was cancelled. Enrollment period for the second half of the fiscal year begins September 1 and counties will have one month to select classes.

C. 2024 Legislative Bills

1. SFC will continue to lobby for the following bills:

Expand use of RIPC special funds

Repeal Act 53 2017

Limit the use of consumer fireworks

2. Other bills as recommended by members

Current language does not cover female fire fighter cancers. SFC to consider introducing a bill to amend language to cover cancers that target female fire fighters. Chair asked that proposed bill be drafted and be put on the next meeting agenda for discussion.

Member Walker mentioned his support for fuel reduction programs bill. DOFAW had asked for funds for boost funding to increase services. Chair discussed future potential support for DOFAW budget by the SFC.

Members discussed ability for SFC to adopt a wildland-urban interface (WUI) code. AG Moriyama will look into whether or not SFC can adopt provisions that would apply to all counties or if counties would individually adopt code. Asked that Honold and Stevenson share reading material or recommendations on WUI codes so SFC members can be ready to discuss as an agenda item at the next meeting.

D. Fire Prevention Week Proclamation

Chair Todd discussed a potential summit with Governor, legislators and state and county fire chiefs. He proposed a conversion of the Fire Prevention Week Proclamation into a longer meeting to have the ability to talk about fire issues as a whole for the state. Members agreed a more immersive conversation in the first week in October would be a good idea. Chair Todd will see if it can be worked out this year or not. Otherwise, SFC will pursue for next year.

E. SFC Administrative Issues

1. SFC FY23 Revenues and Expenditures

A Memorandum of Agreement between HFD, SFC and DLIR is promulgated and executed. HFD pays employees' salaries and is reimbursed by DLIR on a quarterly basis.

The SFC received \$106,000 from DLIR. The fiscal year ended with \$80K in salary expenses. The surplus in funds is attributed to the vacancy of one Administrative Specialist; the position was filled in March 2023, six months later. Current expenses were for airfare and car rental due to meetings. Members discussed budgetary processes. SFC had taken a 10% restriction, similar to past years.

The RIPC received \$150,000. Salary and wages were paid from prior fiscal year balance. Other expenses were related to inspection and testing.

2. Certificate of Fitness Program

The proposal to amend the Certificate of Fitness (COF) program to include the smoke damper inspections was previously discussed under II. Old Business, B.

SFC continues to receive applications from all counties for personnel who perform inspection, testing, and maintenance of fire protection systems. Applications are reviewed by the two SFC Administrative Specialists who recommend approval to counties. Counties make the final approval. The COF is valid for three years after issuance and allows COF holders to perform services across the entire state.

Regarding a COF for kitchen hood and duct cleaning, SFC staff could not find any certification as in depth as ICC or NICET have. Chair discussed making no further pursuit of a COF for kitchen hood cleaning at this time.

3. Reduced Ignition Propensity Cigarette Program

RIPC's administrator submitted a FY 2023 report of expenses. Receives fees from cigarette companies. Balance of funds was \$642,000 which SFC wants to be able to expend on other SFC programs. AS Bratakos shared that in anticipation of the incumbent RIPC administrator retiring, inquiries were received from people who may be interested in the position and the process to conduct interviews has started.

4. SFC Amended Bylaws Draft

The draft bylaws was sent via email to all members for review. The bylaws were amended to add representatives from ARFF and DOFAW, and provide updated language. AG Moriyama asked questions to clarify if bylaws were made publicly available, otherwise rules prevent discussion at this meeting. AS Lum said Board packet was made available to the public six days prior to this meeting. The published agenda linked to the bylaws for public viewing. After discussion, it was decided to have AG's staff research and determine if posting of a link is sufficient. AG Moriyama advised that it is better to avoid improper posting prior to a meeting so any council action is not invalidated. Chair Todd tabled discussion of this item until the next meeting under the advisement of AG Moriyama.

IV. Next Quarterly Meeting is tentatively scheduled for Friday, October 6, 2023, 1:00 p.m., subject to confirmation of presentation at the Governor's office.

V. The meeting adjourned at 10:39 a.m.

Vice Chair Hao motioned to adjourn. Member Gibson seconded the motion, and the motion passed unanimously.