

Preliminary Performance Review

State Fire Commission

**West Virginia Continues to Experience
a High Fire Death Rate**



**January 2004
PE 03-33-308**

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John Sylvia
Director

Paul Barnette
Senior Research Analyst

Performance Evaluation and Research Division

Building 1, Room W-314

State Capitol Complex

Charleston, West Virginia 25305

(304) 347-4890

WEST VIRGINIA LEGISLATURE
Performance Evaluation and Research Division

Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610
(304) 347-4890
(304) 347-4939 FAX



John Sylvia
Director

January 11, 2004

The Honorable Edwin J. Bowman
State Senate
129 West Circle Drive
Weirton, West Virginia 26062

The Honorable J.D. Beane
House of Delegates
Building 1, Room E-213
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0470

Dear Chairs:

Pursuant to the West Virginia Sunset Law, we are transmitting a Preliminary Performance Review of the *State Fire Commission*, which will be presented to the Joint Committee on Government Operations on Sunday, January 11, 2004. The issue covered herein is "West Virginia Continues to Experience a High Fire Death Rate."

We transmitted a draft copy of the report to the State Fire Commission on December 23, 2003. We held an exit conference with the Commission on December 30, 2003. We received the agency response on January 2, 2004.

Let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "John Sylvia".
John Sylvia

JS/wsc

Joint Committee on Government and Finance

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Executive Summary

Issue 1: West Virginia Continues to Experience a High Fire Death Rate.

Despite the fact that the majority of fire deaths in West Virginia are taking place outside of the direct jurisdiction of Fire Commission, it is still the statutory responsibility of the Fire Commission to reduce the high fire death rate in West Virginia.

In September 2000, the Legislative Auditor's Office issued a report on the West Virginia Fire Commission. The report indicated that the West Virginia Fire Commission Annual reports for FY 1994 to 1999 included that **"West Virginia continues to experience a grossly unacceptable (fire death) rate per capita."** However, as was indicated in the September 2000 report, the majority of all fire related deaths take place outside of the jurisdiction of the West Virginia Fire Commission. Despite the fact that the majority of fire deaths in West Virginia are taking place outside of the direct jurisdiction of Fire Commission, it is still the statutory responsibility of the Fire Commission to reduce the high fire death rate in West Virginia.

The September 2000 performance review recommended that the Fire Commission devote a greater amount of resources to public education. This recommendation was made because it has been nationally recognized that public education can reduce fire deaths. Although the Public Education Officer has received additional clerical assistance, she has also had additional responsibilities which detract from her duties of public education. Also, a number of her duties are not directly related to public education.

In the September 2000 report, the Legislative Auditor's Office recommended that the Fire Commission should develop a fire prevention and control plan as required by law. The Fire Commission agreed with this recommendation. Furthermore, the Fire Marshal's Office is on pace to perform the lowest number of audits in 10 years, evaluating less than 6% of all fire departments.

Recommendations:

1. *The Legislative Auditor recommends that the West Virginia Fire Commission devote greater resources to public education.*
2. *The Legislative Auditor recommends that the West Virginia Fire Commission should attempt to obtain private grants to assist in expanding its smoke detector giveaway programs and its public education in fire and burn prevention.*
3. *The Legislative Auditor recommends that the Legislature should consider amending the Code to require smoke detectors in all **new one and***

two family dwellings.

4. The Legislative Auditor recommends that the Public Education Officer coordinate educational activities with local fire departments.

5. The West Virginia Fire Commission should develop a fire prevention and control plan as required by West Virginia Code §29-3-9(f). This plan should be comprehensive in identifying the Commission's strategy to reduce the state's high fire death rate.

6. The Legislative Auditor recommends that the West Virginia Fire Commission should consider conducting a greater number of audits on fire departments.

7. The West Virginia Fire Commission should devote greater attention to statistical analysis as a tool to reduce the state's high fire death rate as required by West Virginia Code §29-3-11(b).

Review Objective, Scope and Methodology

This Preliminary Performance Review of the West Virginia Fire Commission is required and authorized by the West Virginia Sunset Law, Chapter 4, Article 10, Section 5 of the West Virginia *Code* as amended.

Objective

The objective of this review is to determine the extent to which the Fire Commission has addressed concerns noted in September 2000 Preliminary Performance Review and whether or not the Fire Commission is satisfying statutory requirements.

Scope

The scope of this review covers the period from September 2000 to present.

Methodology

The methodology of this review includes interviews and correspondence with the West Virginia Fire Marshal and his staff, as well as review of West Virginia Fire Commission minutes. Every aspect of this review complied with Generally Accepted Auditing Standards (GAGAS).

Issue 1:

West Virginia Continues to Experience a High Fire Death Rate.

Issue Summary

Between fiscal year 1994 and fiscal year 1999 the annual report for the West Virginia Fire Commission contained the following statement: ***“West Virginia continues to experience a grossly unacceptable (fire death) rate per capita.”*** In September 2000, the Legislative Auditor’s Office issued a Preliminary Performance Review of the West Virginia Fire Commission that reached the same conclusion. **Since issuing the report in September 2000, the per capita fire death rate for West Virginia has increased.**

Despite the fact that the majority of fire deaths in West Virginia are taking place outside of the direct jurisdiction of Fire Commission, it is still the statutory responsibility of the Fire Commission to reduce the high fire death rate in West Virginia.

The Legislative Auditor identified that most fire related deaths occur in one and two family dwellings. These are properties that the Fire Commission does not have direct jurisdiction over because it does not have authority to inspect one and two family dwellings; yet it still has a responsibility to reduce fire related deaths. Therefore, the primary way that fire related deaths can be reduced is through public awareness programs of fire safety, and programs that encourage greater use of smoke detectors. It was recommended that the Fire Commission devote greater resources to public education and smoke detector awareness, and develop a fire prevention and control plan, as well as ensure that West Virginia Fire Departments are equipped to properly fight fires.

Since the 2000 report, the Legislative Auditor finds that the Fire Commission’s limited resources for public education have been made less available for public education because of added duties assigned to the Public Education Officer. These duties include the supervision of the Governor’s Safer School Hotline, coordination of fire incident reporting, and other duties related to homeland security and flood assistance. While all of these responsibilities are important and apparently they cannot be assigned to other personnel, increasing the awareness of fire safety in one and two family dwellings also serves a valuable purpose and can directly reduce fire deaths.

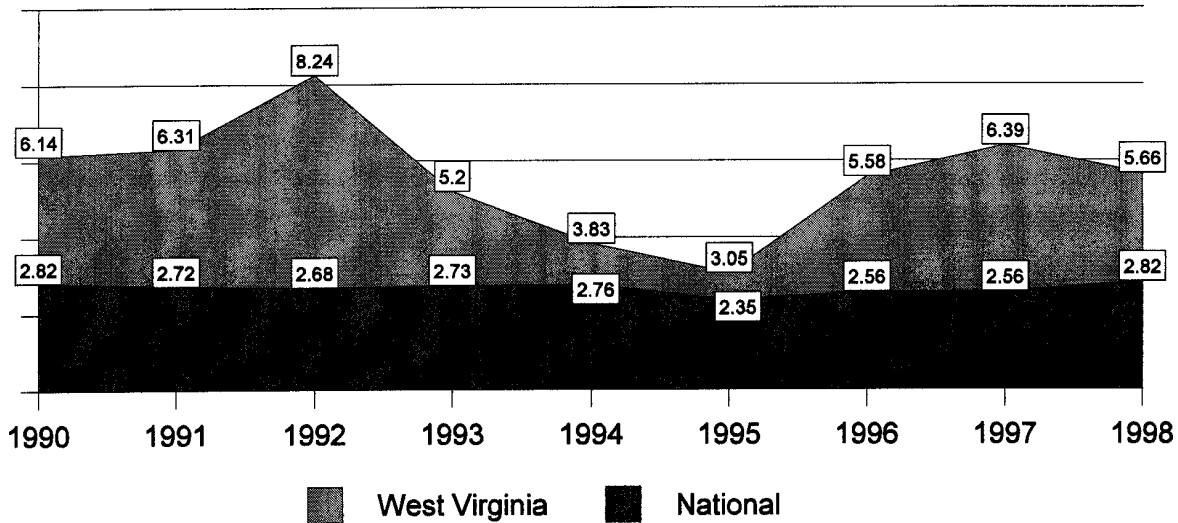
West Virginia’s Per Capita Fire Death Rate

In September 2000, the Legislative Auditor’s Office issued a report on the West Virginia Fire Commission. The report indicated that the West Virginia Fire Commission Annual reports for FY 1994 to 1999 included that ***“West Virginia continues to experience a grossly unacceptable (fire death) rate***

per capita.” During the 1990’s, West Virginia was second only to Alaska in the number of fire related deaths per 1000 fires. Figure 1 is from the September report and indicates the number of civilian deaths per 1000 fires for 1990 to 1998.

Figure 1

Civilian Fire Deaths Per 1000 Fires



According to 1999 data available from the United States Fire Administration, West Virginia had the fifth highest fire death rate per million people. This is the most recent year for which national data are available. West Virginia’s fire death rate per million exceeded the national fire death rate per million of 11.5 in 1999. Table 1 shows the 10 states with the highest per million fire death rate as well as the national average for 1999.

Table 1 10 States With Highest Per Capita Fire Death Rate, 1999					
State	Rate	State	Rate	State	Rate
Alabama	29.5	West Virginia	19.9	Kentucky	18.2
Tennessee	28.8	North Carolina	19.1	Michigan	17.9
Mississippi	27.4	Louisiana	18.5	National Average	11.5
South Carolina	21.1	Maine	18.4		

National statistics are not available for 2000 through 2003; furthermore, the exact number of fire related deaths in West Virginia for fiscal years 2000 to 2003 not related to arson is not known. However, the total number of fire related deaths not related to arson during this time period is known. Over the four year period, West Virginia's death rate per 1 million people due to fire is 17.36, a slight decrease from 1999.

Most Fire Deaths Occur Outside of Fire Marshal's Direct Authority

According to West Virginia Code §29-3-9(b);

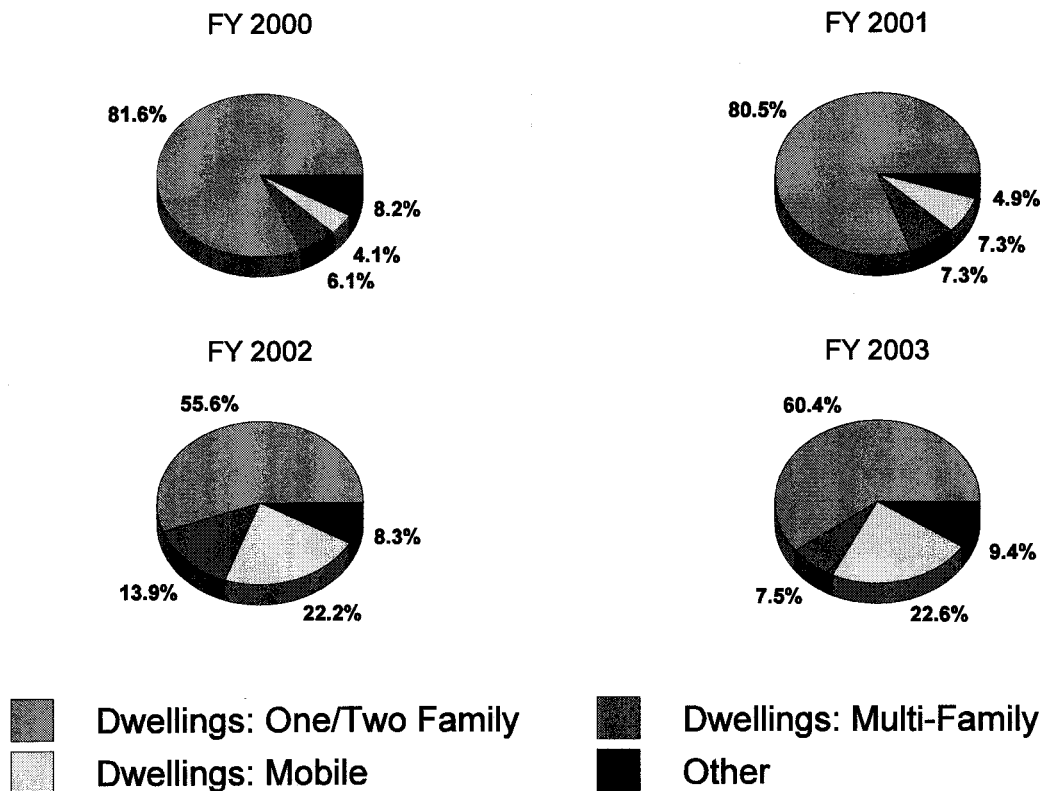
The state fire commission is responsible for fire programs within this state, including the state fire marshal's office, training, uniform standards and certification, finance and planning and fire prevention.

Most fire related deaths occur in one or two family dwellings, in which the Fire Commission has no direct authority.

However, as was indicated in the September 2000 report, the majority of all fire related deaths take place outside of the jurisdiction of the West Virginia Fire Commission. **According to state law, the Fire Commission has no direct authority over one and two family dwellings because these dwellings are excluded by law from the provisions of inspection and review, as well as fire code enforcement.** From fiscal year 2000 to fiscal year 2003, 84% (150 of 179) of all fire related deaths have occurred in one or two family dwellings. Figure 2 shows the breakdown of fire related deaths by occupancy type for fiscal years 2000 - 2003.

Figure 2

Fire Related Deaths by Occupancy Type



Greater Emphasis on Public Education and Statistical Analysis is Needed

The Fire Commission's primary way to reduce deaths in residential properties is through increasing public awareness of fire safety and to encourage greater use of smoke detectors.

Despite the fact that the majority of fire deaths in West Virginia are taking place outside of the direct jurisdiction of Fire Commission, it is still the statutory responsibility of the Fire Commission to reduce the high fire death rate in West Virginia. However, since the Fire Commission cannot provide fire inspections of residential properties in which most fire related deaths occur, the Fire Commission's primary way to reduce these deaths is through greater public awareness of fire safety and to encourage greater use of smoke detectors.¹

The September 2000 performance review recommended that the Fire Commission devote a greater amount of resources to public education. This recommendation was made because it has been nationally recognized that public

¹Of the 150 fire related deaths occurring in 1 and 2 family dwellings between FY 2000 and FY 2003, 54 are homicide or suicide, and are likely not preventable through public education or fire safety.

education can reduce fire deaths. According to the United States Fire Administration:

*Many Americans believe “fires can only happen to other people - not to me and not in my home.” Yet over 80 percent of fire deaths occur in the home, most often claiming the lives of the young, the elderly, and the disadvantaged. Fire kills more Americans than all natural disasters combined. Every year more than 5,000 people die in fires, over 25,000 are injured, and direct property loss is estimated at over \$9 billion. **Fortunately, most fire losses can be prevented through effective public education and awareness initiatives. [emphasis added]***

Additionally, the ability of public education to reduce fire deaths is readily recognized by the Fire Commission. According to the Fire Commission’s annual reports,

*It must be noted that West Virginia continues to experience a grossly unacceptable rate per capita. Only proactive statewide fire safety programs will begin to reduce these alarming statistics. **While many of these deaths were either directly or indirectly caused by alcohol/drug abuses, the majority were preventable through increased fire safety awareness by the public, use of smoke detectors, statewide fire code enforcement and increased media attention to fire safety as an important year-round topic. [emphasis added]***

At the time of the September 2000 report, the Fire Commission had a single individual charged with the responsibility of public education. Furthermore, in addition to the public education duties, the public education officer shared all other duties of fire prevention, fire safety inspection, arson/ explosives investigations, and any training pertinent to those areas. Although it was recognized that West Virginia experiences a “grossly high fire death rate,” and that education can reduce the fire death rate, the Fire Marshal’s Office was essentially devoting less than one full time position to public education.

In response to the recommendations of the Legislative Auditor’s Office, the West Virginia Fire Commission issued the following:

We are in full agreement that a greater amount of resources should be devoted to public fire and burn prevention education, as well as to smoke detector use. Also, the idea of residential sprinkler systems deserves equal support as an important home fire protection feature.

Additional Staff and Additional Duties Added to Public Education Division

The Legislative Auditor's Office inquired whether or not the Fire Commission had devoted greater resources to fire education. According to the Fire Commission,

The answer is yes. Approximately two and a half years ago, the Public Education Division was increased by four (4). This was partially due to the opening of the Governor's Safe Schools Hotline. It allowed us to use those individuals that operate in there as clerical staff for [the Public Education Officer]. She is the director of that program also. This allows assistance in her paperwork and getting her programs ready for her as she is out traveling around the state. So other than adding another assistant fire marshal to be in public education, I have taken a large burden off of [the Education Officer] to allow her to be out in the field more than in the office preparing for individual schools and meetings that we attend.

In addition to the Governor's Safer School Hotline, the Public Education Officer is now coordinating fire incident reporting for West Virginia. Furthermore, the Public Education Officer is charged with additional duties that relate to homeland security and emergency management. According to the minutes of the Fire Commission, the Public Education Officer is also charged with providing the Fire Marshal's Office with Homeland Security updates bi-monthly, as well as flood assistance reports bi-monthly.

The Governor's Safer Schools Hotline is a 24-hour a day, 7 day a week toll free telephone hotline. It is available for students, parents, caregivers, school personnel, and community members to call and report incidents which may be harmful to students (drugs, weapons, etc.). The Fire Marshal's Office forwards the calls to specific designated individuals within the school systems. The desired outcome is to enhance procedures already in place by documenting and directing concerns. It also relieves counties of the financial burden for supporting such a service. The Program received 882 calls in FY 2003. The Fire Marshal indicated that the supervision of the Safer Schools Hotline takes about 10% of the Public Education Officer's time because two clerical staff were provided by the program.

However, the Fire Commission added other duties for the Public Education Officer during this time. In addition to the Governor's Safer School Hotline, she is now coordinating fire incident reporting for West Virginia. **According to the Fire Commission, coordinating fire incident reporting occupies approximately 20% of the Public Education officer's time.** Furthermore, the Public Education Officer is charged with additional duties that relate to homeland security and emergency management. According to the minutes of the Fire Commission, the Public Education officer is charged with providing the Fire Marshal's Office with Homeland Security updates bi-monthly, as well as flood assistance reports bi-monthly. The Public Education Officer attends and speaks at a number of meetings which, although educational in

nature, have nothing to do with educating the public. For example, in August 2001, the Public Education Officer co-taught a class on Emergency Planning/ Bomb Threat Management and Bomb Tech Assistant class for the Marshal County Rescue/ Moundsville Fire Department.²

These duties are in addition to any duties that the Public Education Officer may have in assisting other divisions of the Fire Marshal's Office. They also do not include any special activities performed directly for the Fire Commission. In the August 3, 2001 Fire Commission minutes, a member of the Fire Commission designated the Public Education Officer as the chair of a new committee on recruitment and retention of fire fighters. According to the minutes,

[The Public Education Officer] will take care of secretarial work, scheduling, and input. The Fire Marshal stated at this time that he has [The Public Education Officer] covered up with the Safe Schools Hotline and flood work and he stated he hoped the Fire Commission would be lenient because if she has to go in and run another program she will be at her limits.

More Direct Education to the Public Is Needed

The Public Education Officer does perform some direct education to the public. For example, according to the December update given to the Fire Commission, the Public Education Officer was a guest speaker for the WV Federation of Women's Clubs, discussing home safety. The Fire Commission has an ongoing commitment to the *Risk Watch* program which is a fire and burn prevention curriculum for schools, and the Fire Commission has performed 13 media interviews in the last two years. These are the types of programs that can reach individuals outside of the Fire Marshal's direct oversight and can lead to a reduction in the state's high fire death rate.

Use of Local Fire Stations to Address Public Education

According to the Fire Commission,

You had asked if [the Public Education Officer] had made any provisions to provide public education and fire

²During training seminars administered by the public education officer, home and fire safety are discussed.

*awareness to outlying counties in West Virginia. We have entered into an agreement with the West Virginia University Fire Service Extension Division of West Virginia University and [the Public Education Officer] is participating in annual schools held in Morgantown. Also, she is participating in fire schools around the state to teach fire prevention to firefighters from all over the state. These schools are held in different geographical locations in West Virginia. We are finding that approximately 60% to 70% of all fire departments in the State of West Virginia have a fire prevention officer. These individuals, after taking [the Public Education Officer's] class, are returning to their respective communities and visiting schools, churches, businesses, nursing homes and senior centers and anywhere they can to provide their information to individuals throughout the state. **I feel this is the easiest way to provide fire prevention education due to the number of fire marshals that I have participating in public education.** (emphasis added)*

It is the opinion of the Legislative Auditor's Office that delegation can be an effective way to educate the public. However, inherent in delegation is the concept of oversight. If the Fire Commission is going to delegate the responsible of public education to individuals in fire stations and other influential positions, it must have some reasonable assurance that these individuals are indeed educating the public.

It is the opinion of the Legislative Auditor's Office that delegation can be an effective way to educate the public. However, inherent in delegation is the concept of oversight. If the Fire Commission is going to delegate the responsible of public education to individuals in fire stations and other influential positions, it must have some reasonable assurance that these individuals are indeed educating the public. The Legislative Auditor's Office inquired with the Fire Commission as to the teaching activities of the local fire departments to which the Fire Commission responded, **"We have no way of knowing the teaching activities of the fire departments."** One way to address this is for the Fire Commission to use the local fire departments as an outreach program. The Public Education Officer could coordinate education programs with local fire departments. In this way, the Fire Commission would know where education is being provided and where it is not.

Additionally, the program as it is currently set up is strictly voluntary. According to the Fire Marshal,

Fire service classes for state fire school are advertised by the WVU Fire Service Extension via mailers to all fire departments, plus postings on the www.wvfireschools.com website. The Public Education class is available to all county and regional fire schools upon request. All fire departments are mailed applications and flyers/ brochures by the counties that host the schools.

The Public Education Officer has offered the class four times in the last three years, however, on two occasions the class was cancelled due to insufficient enrollment. Table 2 shows the dates of the training, the number of individuals attending, and the counties represented.

Table 2 Public Education Training Offered to Fire Departments		
Date of Class	Number Attending	Counties Represented
July 21 - 22, 2001	Class Cancelled	N/A
July 20 - 21, 2002	18	Lincoln, Marion, Mineral, Brooke, Mason, Ohio, Taylor, Monongalia, Kanawha
July 26 - 27, 2003	12	Jefferson, Monongalia, Lincoln, Jackson, Morgan, Hancock, Berkeley
September 20 - 21, 2003	Class Cancelled	N/A

Greater Use of Smoke Detector Giveaways are Needed

In the September 2000 report, it was indicated that in 35% to 40% of reported fires for one and two family dwellings indicated that no smoke detector was present.

In the September 2000 report, it was indicated that in 35% to 40% of reported fires for one and two family dwellings indicated that no smoke detector was present. Furthermore, for an additional 30% of reported fires, it could not be determined whether or not smoke detectors were actually present. Prior to the September report, the Fire Commission had participated in a few limited smoke detector giveaway programs. The Legislative Auditor's Office recommended that the State Fire Marshal should attempt to gain private grants to assist in expanding its smoke detector giveaway programs and its public education in fire and burn prevention. Again, according to their response, the Fire Commission saw value to this recommendation. The Legislative Auditor's Office questioned the Fire Commission as to whether or not they had participated in any additional smoke detector giveaways. The Commission responded as follows:

The answer is no. We have not participated in any more giveaways other than what we have normally done....A number of fire departments throughout the State will receive those grants for smoke detectors to be given away in their communities....I feel that with the number of fire departments participating around the State in all

As was previously stated, the Legislative Auditor's Office agrees that delegation of this task to local fire departments can be a very efficient way of accomplishing this task. However, as with public education, the Fire Marshal's Office has no direct knowledge as to whether or not local fire departments are actually involved in smoke detector giveaways.

Legislature Should Consider Requiring Smoke Detectors in New Construction

As was previously discussed, smoke detectors have the ability to reduce loss of life from fires. Therefore, the Legislature should consider amending the *Code* to require the installation smoke detectors in all new one and two family dwellings. Smoke detectors have been required in all new manufactured homes since 1976. Furthermore, other entities such as municipalities, housing developments, and even other states require smoke detectors in one and two family dwellings. In addition to reducing loss of life due to fires, smoke detectors in one and two family dwellings would also reduce property loss due to fire. The reduction in property loss and loss of life could have a positive impact and homeowners insurance rates in West Virginia.

Furthermore, other entities such as municipalities, housing developments, and even other states require smoke detectors in one and two family dwellings. In addition to reducing loss of life due to fires, smoke detectors in one and two family dwellings would also reduce property loss due to fire.

Statistical Analysis to Direct Limited Resources

Limited availability of resources may be one reason why the Fire Marshal's Office devotes insufficient time to public education. Therefore, the time that the Public Education Officer has to devote to actual public education is at a premium. According to West Virginia *Code* §29-3-11(b),

b) The state fire marshal, within policy established by the state fire commission, shall have all responsibility for the implementation of fire safety programs in this state designated to minimize fire hazards and disaster and loss of life and property from these causes. These responsibilities include, but are not limited to, the establishment and enforcement of fire safety practices throughout the state, preventive inspection and correction activities, coordination of fire safety programs with volunteer and paid fire departments and critical analysis and evaluation of West Virginia's fire loss statistics for determination of problems and solutions. (emphasis added)

Given the value of the Public Education officer's time, it would be beneficial if statistical analysis was available to guide the Public Education Officer in identifying areas of the state that are more susceptible to fires and to fire deaths (hot spots). In the September 2000 report, the Legislative Auditor's Office recommended that the West Virginia Fire Commission should conduct more detailed analysis of state fire statistics to develop county fire loss profiles and a state fire loss profile. The Fire Commission did provide some statistics to the Legislative Auditor's Office. However, the information provided to the Legislative Auditor's Office was not comprehensive enough so as to assist the Fire Marshal's Office in making determinations about where to target public education efforts.

Comprehensive Approach to Fire Fighting is Needed

When the Legislature enacted the Fire Prevention and Control Act (West Virginia *Code* §29-3-1 *et seq.*), it was recognized that,

(a) A significant part of the population of this state needs improved fire prevention and control; (b) The establishment and maintenance of a coordination program for fire prevention and control for the entire state is necessary to promulgate the safety and well-being of the citizens and residents of this state; (c) Adequate fire prevention and control are not likely to become a reality unless certain administrative functions and procedures are enacted by law; and (d) Fire prevention and control are a public purpose and a responsibility of government for which public money may be spent.

To this end, the Legislature established in *Code* the framework for the Fire Marshal to have a complete understanding of the strengths, weaknesses, and needs of all fire departments in the State at any given point in time. West Virginia *Code* §29-3-9(f) establishes that the Fire Commission should develop a fire prevention and control plan. The fire prevention and control plan is to include the following:

- manpower needs;
- location of training centers;
- location of fire prevention and control units;
- communications;

-
- fire-fighting facilities;
 - water sources;
 - vehicular needs;
 - public education and information;
 - public participation;
 - standardization in record keeping;
 - evaluation of personnel;
 - reporting of fire hazards;
 - programs on mutual aid;
 - location of public safety agencies;
 - outline of fire prevention programs; and,
 - accessibility of fire prevention information.

In the September 2000 report, the Legislative Auditor's Office recommended that the Fire Commission should develop a fire prevention and control plan as required by law. The Fire Commission agreed with this recommendation. However, the Fire Commission has still not developed a fire prevention and control plan. According to the Fire Marshal,

There is nothing written that is a fire prevention and control plan, other than NFPA and State Fire Code. All of the other aspects that you talk about are taken into consideration during our evaluation of fire departments.

Neither the NFPA nor the State Fire Code were ever intended to satisfy the requirement of the fire prevention and control plan. These plans, although valuable, are static plans which indicate minimum requirements and do not provide the real time picture of state fire departments envisioned in the framework of the fire prevention and control plan. Furthermore, relying on evaluations (audits) of fire departments to satisfy the requirements of the fire prevention and control plan is unsatisfactory. First, many of the elements required in the fire prevention and control plan are not evaluated in the fire department evaluations. Appendix B is a copy of the audit form used to evaluate state fire departments. As illustrated in Appendix B, the only information evaluated are personnel needs and equipment needs. Fire department audits do not take into consideration: location of training centers; location of fire prevention and control units; communications; water sources; public education and information; public participation; standardization in record keeping; reporting of fire hazards; programs on mutual aid; location of public safety agencies; outline of fire prevention programs; and, accessibility of fire prevention information.

Second, fire department audits are insufficient to satisfy the requirements of the fire prevention and control plan because the Fire Marshal's Office audits only a small percentage of all fire departments annually. At the time of the September 2000 report, the Fire Marshal was auditing only 10% of all fire departments annually. According to the Fire Marshal's Office, there are currently 445 fire departments in West Virginia. Table 3 shows the number of fire department audits performed by the Fire Marshal's Office from Fiscal Year 1993 to 1999.

Table 3 Fire Departments Audited, Fiscal Year 1993 to 1999	
Fiscal Year	Fire Departments Audited
1993	40
1994	42
1995	42
1996	44
1997	44
1998	43
1999	37

The Fire Marshal's Office is on pace to perform the lowest number of fire department audits in 10 years.

According to the Fire Marshal's Office, the number of fire department audits performed for the last three fiscal years is unavailable due to a loss of their database. For the first half of fiscal year 2003, the Fire Marshal's Office performed 12 fire department audits. **This means that the Fire Marshal's Office is on pace to perform the lowest number of audits in 10 years, evaluating less than 6% of all fire departments.**

Conclusion

In September 2000, the Legislative Auditor issued a report indicating that West Virginia's fire death rate per capita was excessive, reiterating statements made annually by the West Virginia Fire Commission. In response to that report, the Fire Commission indicated,

*We are in full agreement with your stated **Issue Area 1** (West Virginia's high fire death rate requires the State Fire Commission to devote more resources to public awareness programs and fire statistics analysis) and **Issue Area 2** (The State Fire Commission does not have a comprehensive plan on how it intends to lower the State's high fire death rate). The State Fire Commission fully acknowledges the need to devote more resources to public awareness programs, to fire statistic analysis, and to a documented statement of intent outlining a strategy to reduce the State's high fire death rate.*

However, despite the fact that both the Legislative Auditor and the Fire Commission are in agreement on the need for these methods to reduce the high fire death rate, the Fire Commission has been unable to devote additional resources to public education, nor has it developed a comprehensive fire prevention and control plan. The Fire Commission was assigned the Governor's Safer School Hotline as an additional function that was place under the supervision of the Public Education Officer. The Fire Commission indicated that the Safer School Hotline accounts for 10% of the Public Education Officer's time because the program provided additional clerical staff. However, the Fire Commission has also added additional responsibilities to the Public Education Officer that further makes her time limited for public education. While these additional functions and programs have there importance, their benefits are less than the benefits of increasing public awareness to people living in one and two family dwellings. As a result, West Virginia continues to have an inadequate amount of resources devoted to reducing the state's high fire death rate.

Recommendations:

1. *The Legislative Auditor recommends that the West Virginia Fire Commission devote greater resources to public education.*
2. *The Legislative Auditor recommends that the West Virginia Fire Commission should attempt to obtain private grants to assist in expanding its smoke detector giveaway programs and its public education in fire and burn prevention.*
3. *The Legislative Auditor recommends that the Legislature should consider amending the Code to require smoke detectors in all new one and two family dwellings.*

4. *The Legislative Auditor recommends that the Public Education Officer coordinate educational activities with local fire departments.*

5. *The West Virginia Fire Commission should develop a fire prevention and control plan as required by West Virginia Code §29-3-9(f). This plan should be comprehensive in identifying the Commission's strategy to reduce the state's high fire death rate.*

6. *The Legislative Auditor recommends that the West Virginia Fire Commission should consider conducting a greater number of audits on fire departments.*

7. *The West Virginia Fire Commission should devote greater attention to statistical analysis as a tool to reduce the state's high fire death rate as required by West Virginia Code §29-3-11(b).*

Appendix A: Transmittal Letter

WEST VIRGINIA LEGISLATURE *Performance Evaluation and Research Division*

Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610
(304) 347-4890
(304) 347-4939 FAX



John Sylvia
Director

December 23, 2003

Joseph J. Bostar III, Chairman
West Virginia State Fire Commission
1207 Quarrier St.,
Charleston, WV 25301

Dear Mr. Bostar:

This is to transmit a draft copy of the Preliminary Performance Review of the West Virginia Fire Commission. This report is scheduled to be presented during the January 11-13, 2004 interim meeting of the Joint Committee on Government Operations. We will inform you of the exact time and location once the information becomes available. It is expected that a representative from your agency be present at the meeting to orally respond to the report and answer any questions the committee may have.

If you would like to schedule an exit conference to discuss any concerns you may have with the report between December 29, 2003 and January 2, 2004, please notify us. In addition, we need your written response by noon on January 2, 2004 in order for it to be included in the final report. If your agency intends to distribute additional material to committee members at the meeting, please contact the House Government Organization staff at 340-3192 by Thursday January 8, 2004 to make arrangements.

We request that your personnel treat the draft report as confidential and that it not be disclosed to anyone not affiliated with your agency. Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "John Sylvia".
John Sylvia

Enclosure

Joint Committee on Government and Finance

Appendix B: Standards Evaluation

STATE OF WEST VIRGINIA
DEPARTMENT OF PUBLIC SAFETY
STATE FIRE MARSHAL

Fire Department Standards Evaluation

Date: _____ Fire Marshal: _____

FDID: _____ County: _____

Fire Dept.: _____

Address: _____

Phone Number: _____ Chief: _____

Active Members: _____ ISO Rating: _____

FIRE REPORTING:

<u>Month</u>	<u>Year</u>	<u># Calls</u>	<u># Fire Reports</u>	<u>Monthly Activity</u>
January	_____	_____	_____	_____
February	_____	_____	_____	_____
March	_____	_____	_____	_____
April	_____	_____	_____	_____
May	_____	_____	_____	_____
June	_____	_____	_____	_____
July	_____	_____	_____	_____
August	_____	_____	_____	_____
September	_____	_____	_____	_____
October	_____	_____	_____	_____
November	_____	_____	_____	_____
December	_____	_____	_____	_____

Comments: _____

STATE OF WEST VIRGINIA
DEPARTMENT OF PUBLIC SAFETY
STATE FIRE MARSHAL

PROTECTIVE EQUIPMENT:

<u>Type</u>	<u>Yes</u>	<u>No</u>
Helmets	_____	_____
Turnout Coats	_____	_____
Turnout Pants	_____	_____
Gloves	_____	_____
Hood	_____	_____
Short Boots	_____	_____
3/4 Length Boots	_____	_____
Do SCBAs have PASS Device?	_____	_____
SCBA Repair Person/Company:	_____	
Address:	_____	

Certified:	_____	_____
By:	_____	
Address:	_____	

Written Mutual Aid Agreement (s)	_____	_____
With:	_____	

Comments:	_____	

STATE OF WEST VIRGINIA
DEPARTMENT OF PUBLIC SAFETY
STATE FIRE MARSHAL

FIRE DEPARTMENT EMERGENCY VEHICLE PERMITS:

<u>Vehicle Make & Model</u>	<u>Year</u>	<u>Type</u>	<u>Permit #</u>	<u>Radio Installed</u>	
				<u>Yes</u>	<u>No</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Comments:

STATE OF WEST VIRGINIA
DEPARTMENT OF PUBLIC SAFETY
STATE FIRE MARSHAL

FIRE DEPARTMENT PERSONAL VEHICLE PERMITS:

<u>Vehicle Make & Model</u>	<u>Year</u>	<u>License Number</u>	<u>Permit Number</u>	<u>Light</u>		<u>Siren</u>	
				<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

Comments:

STATE OF WEST VIRGINIA
DEPARTMENT OF PUBLIC SAFETY
STATE FIRE MARSHAL

FIRE DEPARTMENT MEMBERSHIP TRAINING:

Member Name	Old Section I	FF I	HazMat Awareness	First Aid	CPR	Other Please List

Comments:

FIRE DEPARTMENT OFFICER TRAINING:

[illegible]

Comments:

STATE OF WEST VIRGINIA
DEPARTMENT OF PUBLIC SAFETY
STATE FIRE MARSHAL

FIRE APPARATUS FIELD AUDIT REPORT

DATE: _____ FIRE MARSHAL: _____

FIRE DEPARTMENT: _____

FDID #: _____ VEHICLE LICENSE #: _____

EMERGENCY VEHICLE PERMIT #: _____

APPARATUS MAKE: _____ YEAR: _____

PUMP SIZE: _____ gpm TANK SIZE: _____ gal.

FOAM TANK: _____ YES _____ NO SIZE: _____ gal.

STANDARD: NFPA 1901 Automotive Fire Apparatus

	YES	NO
1. AXE - Flat Head, 6 lb. ☐ ☐	☐	☐
2. AXE - Pick Head, 6 lb. ☐ ☐	☐	☐
3. HOSE - Suction - Hard ☐ ☐	☐	☐
OR Soft (15 ft) ☐ ☐	☐	☐
4. LADDER - 14' Roof ☐ ☐	☐	☐
5. LADDER - 24' Extension ☐ ☐	☐	☐
6. PIKE POLE - 6' ☐ ☐	☐	☐
or Plaster Hook		
7. PIKE POLE - 8' or 10' ☐ ☐	☐	☐
8. HANDLIGHTS - 2 ☐ ☐	☐	☐
9. FIRE EXTINGUISHERS - 2 ☐ ☐	☐	☐
80 BC rated Dry Chemical		
(OR)		
FIRE EXTINGUISHERS - 2 ☐ ☐	☐	☐
10 BC rated CO2		
(OR)		
FIRE EXTINGUISHERS - 2 ☐ ☐	☐	☐
1 ea. 80 BC rated Dry Chemical		
1 ea. 10 rated BC CO2		
10. WATER FIRE EXT. - 1 ☐ ☐	☐	☐
2 1/2 Gal. or larger		
11. LADDER - 10' Folding ☐ ☐	☐	☐
12. SWIVEL CONNECTION - 1 ☐ ☐	☐	☐
Suction/Large Hydrant		

FIRE APPARATUS FIELD AUDIT CONTINUED

	YES	NO		
13. SWIVEL CONNECTION - 1	[]	[]		
Suction/2 1/2" Hose				
14. SCBA'S - 4	[]	[]		
Comments: _____				
15. SPARE SCBA CYL. - 4	[]	[]		
Comments: _____				
16. 24 UNIT FIRST AID KIT	[]	[]		
17. COMBINATION SPANNERS	[]	[]		
4 w/brackets				
18. HYDRANT WRENCHES - 2	[]	[]		
19. REDUCING WYE-GATED - 1	[]	[]		
20. DOUBLE FEMALE - 2	[]	[]		
21. DOUBLE MALE - 2	[]	[]		
			HOSE SIZE(S)	AMOUNT(S)
22. 2 1/2" OR LARGER	[]	[]		
HOSE - 1200'				
23. 1 1/2", 1 3/4" OR 2"	[]	[]		
HOSE - 400'				
24. 200 gpm COMBINATION	[]	[]		
FOG NOZZLES - 2				
25. 95 gpm COMBINATION	[]	[]		
FOG NOZZLES - 2				
26. PLAYPIPER W/SHUTOFFS	[]	[]		
& 1", 1 1/8", & 1 1/4" TIPS - 2				
27. RUBBER Mallet - 1	[]	[]		
28. SALVAGE COVERS - 2				
12 FT. X 14 FT.				
29. WHEEL CHOCKS - 2	[]	[]		

COMMENTS: _____

Appendix C: Agency Response



The Department of Military Affairs and Public Safety

Sterling Lewis, Jr.
State Fire Marshal

Bob Wise, Governor
Joe Martin, Cabinet Secretary

Phone: (304) 558-2191
Fax: (304) 558-2537

STATE FIRE MARSHAL'S OFFICE

1207 Quarrier St, 2nd Floor
Charleston, WV 25301

January 2, 2004

John Sylvia
West Virginia Legislature
Performance Evaluation and Research Division
Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610

RECEIVED
JAN 02 2004

PERFORMANCE EVALUATION AND
RESEARCH DIVISION

Dear Mr. Sylvia,

I have received your Performance Review of the West Virginia State Fire Commission. I do not have any strong objections to any of your recommendations. The only thing I disagree with is some of the generalization of the Public Education process. In all of Mrs. Nolte's presentations, Home Safety is covered with all groups she talks with.

If you have further questions, please contact me at (304)558-2191 or by e-mail, slewis@wvfiremarshal.org.

Sincerely

A handwritten signature in cursive script that reads "Sterling Lewis, Jr.".

Sterling Lewis, Jr.
State Fire Marshal

SL,Jr. / kb

