

DELAWARE STATE FIRE PREVENTION COMMISSION 60TH ANNIVERSARY



ANNUAL REPORT



JULY 2015



STATE OF DELAWARE
STATE FIRE PREVENTION COMMISSION
DELAWARE FIRE SERVICE CENTER

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DOVER, DELAWARE 19904

July 1, 2015

The Honorable Jack Markell
Office of the Governor
150 Martin Luther King Jr. Blvd.
South, 2nd Floor
Dover, DE 19901

Dear Governor Markell:

Enclosed is the Annual Report of the State Fire Prevention Commission for FY 2015.

It has been an honor for the Commission to serve the citizens of Delaware for the past year. The duties and activities of the Commission have continued to expand again this year. Even with the increase in activities, we find it important to place specific emphasis on the areas of fire protection, Emergency Medical Services, and especially fire prevention.

Many important events have taken place in the last year that will enhance the Commission's ability to deliver efficient, quality service to the citizens of Delaware.

We look forward to the coming year and appreciate your support, and the support of your office.

Sincerely,

David J. Roberts

David J. Roberts
Chairman

DJR/sl

60 YEARS OF GRATITUDE AND EXCELLENCE

As we look back on 60 Years of Excellence and begin the journey into the next sixty years of public service, the Commission faces many challenges in the continued support and oversight of the Office of the State Fire Marshal, The Delaware State Fire School and our precious Volunteer and Career Fire Service. We graciously accept this daily task. One of the most pressing challenges is the evolution of the Volunteer Fire Service into a combination fire service. The demand placed upon today's Fire & EMS system, can no longer be placed solely on a volunteer. Part of the demand has been placed upon men and women who have chosen as a career to be Firefighters and EMT's.

Additionally, our firefighters are being called upon to deliver services a few years ago that were not even thought of. Service such as post explosion firefighting, disease such as Ebola, chemicals such as anthrax being used against us to deter our response and Firefighters actually being the target of terrorists acting against our country.

With that said, no doubt the Commissions vision of increased oversight of the Fire Service comes into question. It is not control the Commission wishes, but rather a concerted effort between the Commission, the DVFA and the rank and file of the Fire Service, to deliver an even higher level of service to the citizens of Delaware.

Although the Commission is called many things, The Commission, the Fire Commission the Fire Prevention Commission, one word is synonymous with the Commission, and that is dedication. The Commissioners are a group of men & women who are now, and have always been truly dedicated to the health and well-being of every man, woman and child in Delaware. And have done so, since 1955, with no compensation except for the knowledge that we have played a small part in making Delaware a safe and wonderful place to live and raise our families.

Thank you for allowing us to serve our State.



SFPC HISTORICAL OVERVIEW

The State of Delaware, Office of State Fire Marshal, was established July 10, 1953. Volunteer Firemen throughout the state, the County Fire Associations, the Delaware Volunteer Firemen's Association and Governor J. Caleb Boggs worked diligently for passage of the legislation to create the agency.

The original law establishing the office required the governor to appoint the State Fire Marshal for a term of four years. The duties and powers are the same as listed in the present law: Title 16, Chapter 66, §6607.

The Office of the State Fire Marshal was responsible for Fire Safety, Fire Prevention, Fire Protection and participation in the Civil Defense Program established at that time.

Arson constituted a serious problem at this time. Arson Investigators from the National Board of Fire Underwriters provided assistance to the State Fire Marshal.

In 1955, the National Board of Fire Underwriters Fire Code was recommended to the General Assembly for adoption. It was never brought out of committee. This inaction led to the passage of H.B. 560 in 1953. (Title 16, Chapter 4, 405 – 407) which created the five-member State Fire Prevention Commission to assist the State Fire Marshal in preparing items of this type for future legislation and to approve the operating budget for the Office.

During fiscal year 1958, the State experienced four large-loss-industrial fires which influenced passage of Title 16, Chapter 66, & §6601 – §6608 in 1959. The legislation revised the State Fire Prevention Commission from 5 members to 6 members. It authorized the Commission to promulgate, amend, and repeal regulations for the safeguarding of life and property from the hazards of fire and explosion, thus removing this function from legislative action by the General Assembly which heretofore had been unsuccessful.

Other functions of the Commission authorized by the revised legislation included appointment of the State Fire Marshal for terms of four years, authority to hold public hearings, power to issue subpoenas and hear appeals. Prior to the revised legislation, the Governor appointed the State Fire Marshal, appeals were heard in Superior Court and any fire prevention codes required legislative action.

The need for training for the state's volunteer fire service surfaced as a major concern in the early 1960's. Availability of training was limited to one annual fire school sponsored by the Delaware Volunteer Firemen's Association and a limited number of evening classes provided by the State Department of Vocational Education. These combined efforts reached only a small number of the firefighters who needed training. The need to establish a State Fire School became the major legislative issue for the volunteer fire service.

In 1964 the Fire School bill was passed. Once again, the jurisdiction for this fire service institution was placed under the jurisdiction of the State Fire Prevention Commission, Title 16, Chapter 66, §6613 – §6618.

Commission authority includes: appointment of the Director and other employees as may be recommended by the Director, the establishment of admission fees and other fees that it may deem necessary for the training given and the Fire School may “undertake any project and engage in any activity which in the opinion of the Fire Prevention Commission will serve to protect the public safety.”

During this same period of time, the volunteer fire service recognized the need to regulate the formation of new fire companies to assure that adequate fire protection was available to the citizens of Delaware and that a proliferation of volunteer fire companies at every crossroad did not occur. Once again, with the support of the volunteer fire service, this regulatory authority was legislated to the State Fire Prevention Commission. (Title 16, Chapter 66, §6619). This authority was later expanded in 1982 to include substations; to resolve boundary and other disputes; prohibit cessation of necessary fire protection services.

In the early seventies, the Federal focus on Highway Safety emphasized the need for training and certification of emergency medical service personnel within the States. State regulation of ambulance personnel was a requirement imposed by the Federal Government for the State to be eligible to receive highway safety funds. Initial draft legislation named the Department of Health as the regulatory agency. The volunteer fire companies strongly opposed the provision and recommended that the State Fire Prevention Commission be named as the regulatory agency. If regulations were required to keep the State eligible for federal funding, then those regulatory functions should rest with the Commission. The volunteer fire service felt that the members of the Commission were more in tune with the problems and concerns involved in the delivery of emergency medical services than any other agency within state government. Once again, the volunteer fire service was successful in having the Commission assume that responsibility on its behalf. On July 1, 1972 the Ambulance Service Regulations, promulgated by the State Fire Prevention Commission became effective and Delaware became one of the first states, if not the first, to have statewide ambulance service regulations.

In 1970, the State of Delaware changed from the Commission form of government to a cabinet form. The only agency to be retained as a Commission with full powers, responsibilities and authority granted to it by legislation over a period of fifteen years was the State Fire Prevention Commission. The strong working relationship that existed between the volunteer fire service and the Commission was the primary reason that the Commission was not included in the reorganization.

Today, sixty years after its creation, the State Fire Prevention Commission continues to provide a cabinet-level function as state fire prevention body governing fire prevention within State Government with oversight over the State Fire School and State Fire Marshal and a strong working relationship with the volunteer fire service of Delaware.

The Fire Prevention Commission has existed and functioned for sixty years and has addressed and alleviated the problems, conditions and/or situations as outlined below:

- It was created as an advisory group to assist the Fire Marshal in carrying out his duties and to approve a budget for operation of the office;
- Its powers were expanded to include the promulgation of regulations, the appointment of the State Fire Marshal and the authority to hear appeals;
- Regulations can be promulgated throughout the year without the need for legislative action. They can be amended and repealed in a like manner;
- Appointment of the Fire Marshal by the Commission provides more stability for the office since the appointment is not affected by changes in the Governorship. Five Fire Marshals have been appointed for the period 1959 – 2015;
- The authority for the Commission to hear appeals alleviates an overloaded Superior Court system of this responsibility;
- It was given jurisdiction over the Delaware State Fire School with the authority to appoint the Director:
- Appointment of the Director by the Commission provides more stability for the School since the appointment is not affected by change in the Governorship. The first of four Director's was appointed in November 1964. Appointment of the Director by the Commission provides more stability for the School since the appointment is not affected by change in the Governorship.
- Its authority to approve new fire companies and substations provides adequate fire protection services throughout the state with 60 volunteer fire companies operating a total of 60 stations and numerous substations;
- Its authority to regulate the predominately volunteer ambulance service has successfully maintained a reasonable number of certified EMTs available for service and provided consistency over regulation.
- Its authority to approve new fire companies and substations, resolve boundaries and other disputes, to prohibit cessation of services has been exercised on numerous occasions. Boundary disputes have been resolved. Cessation of services has been prevented. Several substations have been approved. Boundaries for all fire companies have been designated;
- Liaison with the volunteer fire companies continues in a strong and positive fashion. The Commission's ability to understand the problems and concerns the volunteer fire companies face every day and its ability to be responsible to those problems and concerns is a major contributing factor towards maintaining an effective and efficient volunteer fire, rescue and ambulance service.

Volunteer Ambulance Company Fund

The 147th General Assembly amended Title 11 section 4101; this amended Title established the Volunteer Ambulance Company Fund. Furthermore, the “State Fire Prevention Commission” (SFPC) was tasked with providing these funds to Volunteer ambulance companies on a proportionate basis across the state and this number being based on approved dispatched ambulance runs.

The SFPC being tasked to develop the methodology and disbursement plan reviewed multiple levels of data and decided to base the completed number of ambulance runs per company on the compilation of the required documentation of all state certified “Basic Life Support” (BLS) companies. The reports pulled to show the ambulance runs per agency and statewide is the Delaware Emergency Medical Reporting System (DEMRS). DEMRS was decided as the source of this data for numerous reasons but the driving thought was the requirement to do these reports to be in accordance with the Medical Standing Orders as signed by the SFPC.

The DEMRS data will show all run types to include BLS Transport, Cancellation, Patient Refusal, Public Service, Standby Only, Agency/Assist, DOPA/DOA, Unable to Locate patients/scene, Termination of Resuscitation and Transfer of Care. In order to assure the validity of the information a Quality Assurance/Quality Improvement validation score of 85 percent will be used as the minimum validity accepted as accurate reports. The reports mentioned above are entered by the providers who operate within the BLS system.

The SFPC distributed \$579,190.61 for the period of December 24, 2014 until June 30, 2015. The funds will be distributed on a bi-annual basis.

*Disbursement of the Vol. Ambulance Company Fund; Covering Dec. 24, 2014 thru June 30, 2015
Total Ambulance Runs; Source: OEMS Report for Covered Period with 85% Validation Criteria*

*\$579,191
52,237*

NEW CASTLE COUNTY				KENT COUNTY				SUSSEX COUNTY			
Fire Company	# Of Ambulance Runs	% of Total State Runs	Share of Company Fund	Fire Company	# Of Ambulance Runs	% of Total State Runs	Share of Company Fund	Fire Company	# Of Ambulance Runs	% of Total State Runs	Share of Company Fund
Aetna	4,230	8.10%	\$46,901	Bowers	172	0.33%	\$1,907	Bethany Beach	409	0.78%	\$4,535
Belvedere	210	0.40%	\$2,328	Camden-Wyoming	1,518	2.91%	\$16,831	Blades	537	1.03%	\$5,954
Brandywine Hundred	1,195	2.29%	\$13,250	Carlisle (Milford)	1,518	2.91%	\$16,831	Bridgeville	502	0.96%	\$5,566
Christiana	5,001	9.57%	\$55,450	Cheswold	773	1.48%	\$8,571	Dagsboro	263	0.50%	\$2,916
Claymont	2,011	3.85%	\$22,297	Citizen's Hose	No Amb			Delmar		0.00%	50
Cranston Heights	1,176	2.25%	\$13,039	Clayton	No Amb			Ellendale	566	1.08%	\$6,276
Delaware City	763	1.46%	\$8,460	Dover	No Amb/Private			Frankford	277	0.53%	\$3,071
Elsmere	805	1.54%	\$8,926	Farmington	No Amb			Georgetown	No Amb		
Five Points	746	1.43%	\$8,271	Felton	677	1.30%	\$7,506	Greenwood	380	0.73%	\$4,213
Goodwill	841	1.61%	\$9,325	Frederica	235	0.45%	\$2,606	Gumboro	159	0.30%	\$1,763
Hockessin	679	1.30%	\$7,529	Harrington	738	1.41%	\$8,183	Indian River	No Amb		
Holloway Terrace	708	1.36%	\$7,850	Hartly	407	0.78%	\$4,513	Laurel	976	1.87%	\$10,822
Mill Creek	2,642	5.06%	\$29,294	Houston	320	0.61%	\$3,548	Lewes	1,715	3.26%	\$19,015
Minquedale	919	1.76%	\$10,190	Leipsic	135	0.26%	\$1,497	Millsboro	1,244	2.38%	\$13,793
Minquas	737	1.41%	\$8,172	Little Creek	No Amb			Milville	937	1.79%	\$10,389
Odessa	448	0.86%	\$4,967	Magnolia	629	1.20%	\$6,974	Milton	617	1.18%	\$6,841
Port Penn	205	0.39%	\$2,273	Marydel	134	0.26%	\$1,486	Rehoboth Beach	1,364	2.61%	\$15,124
Tilleyville	2,133	4.08%	\$23,650	South Bowers	No Amb			Seaford	1,756	3.36%	\$19,470
Townsend	284	0.54%	\$3,149	American Leg Smyrna	1,463	2.80%	\$16,221	Selbyville	244	0.47%	\$2,705
Vol Hose Co.	1,390	2.66%	\$15,412					Memorial (Slaughter)	53	0.10%	\$588
Wilmington Manor	1,229	2.35%	\$13,627					Roxana	499	0.96%	\$5,533
City of Wilmington	N/A							Amb 91 Mid Sussex	1,433	2.74%	\$15,889
Greater Wilm. Airport	N/A							Amb 93 Georgetown	1,235	2.36%	\$13,693
Total	28,352	54.28%	\$314,960		8,719	16.69%	\$96,674		15,166	29.03%	\$168,157

Cumulative Total (All Three Counties)

52,237 100.00% \$579,191

60 YEARS OF APPOINTED COMMISSIONERS

J. Sharp Queener	September 1955 – September 1958
Ralph H. Boyer	September 1955 – February 1957
	February 1967 – August 1969
Granville T. White	September 1955 – August 1983
Owen L. Davis	September 1955 – September 1958
Harry R. Cross	May 1959 – May 1962
Thomas E. Baker	May 1959 – September 1965
William M. Donahue	May 1959 – June 1974
Howard T. Ennis	May 1959 – January 1961
J. James Ashton	May 1959 – January 1969
Vaughn Outten	February 1961 – June 1964
George W. Bunting	July 1961 – August 1962
Walter Handsberry	September 1962 – November 1964
William J. Himes	October 1964 – July 1978
William T. James	May 1965 – December 1974
Luther M. Adkins	January 1966 – January 1967
Harvey H. Ryan	February 1969 – August 1985
John A. Bowman	September 1969 – June 1981
A.I. Guessford	October 1974 – July 1982
Kline G. Kemp, Jr.	January 1975 – March 1981
William T. Lowe	August 1978 – August 1990
Edward C. McCormick, Jr.	April 1981 – August 1995
Clyde J. Luton, Jr.	July 1981 – August 1993
Jasper H. Lakey	August 1982 – August 1994
John E. Bare (DVFA)	August 1982 – September 1982
William G. Walton (DVFA)	October 1982 – July 1983
William R. Carrow (DVFA)	September 1983 – September 1984
Richard C. Mitchell, Sr. (DVFA)	October 1984 – September 1985
C. Bryan Bennett	September 1983 – September 1995
John C. Fannin III	August 1985 – August 1991
Lawrence E. Mergenthaler (DVFA)	September 1985 – September 1986
Thomas V. Baker (DVFA)	September 1986 – September 1987
Clifford F. Lee (DVFA)	September 1987 – September 1988
Robert G. Sweetman (DVFA)	September 1988 – September 1989
Frank King (DVFA)	September 1989 – September 1990
Walton F. Johnson (DVFA)	September 1990 – September 1991
Edwin S. Barlow (DVFA)	September 1991 – September 1992
George A. Diamond (DVFA)	September 1992 – September 1993
Elmer B. Steele (DVFA)	September 1993 – September 1994
Harry E. Warner, Jr. (DVFA)	September 1994 – September 1995
J. Allen Metheny, Sr. (DVFA)	September 1995 – September 1996
	January 1997 – September 1997

Lynn J. Rogers (DVFA)	September 1996 – December 1996
Jospeh W. Hojnicky (DVFA)	September 1997 – September 1998
Gregory W. Haley	August 1991 – November 1997
William R. Carrow	October 1995 – September 1998
Donald W. Knight (DVFA)	September 1998 – September 1999
W. (Bill) Betts, Jr. (Fire)	December 1998 – September 2010
Michael H. Vincent (DVFA)	September 1999 – September 2000
Carleton E. Carey, Sr.	September 1993 – August 2005
Robert E. Palmer	September 1990 – September 2002
Francis J. Dougherty (Fire – New Castle)	August 1995 – October 2007
Daniel W. Magee (Fire - Sussex)	October 1995 – October 2007
Kenneth H. McMahan (Industry)	February 1998 – September 2010
Stephen P. Austin (DVFA)	September 2000 – September 2001
James L. Cabbage, Jr. (DVFA)	September 2001 – September 2002
Dale A. Callaway (DVFA)	September 2002 – September 2003
Bob Ricker (Industry - Sussex)	October 2003 – October 2014
Jasper H. Lakey (DVFA)	September 2003 – September 2004
Marvin C. Sharp (DVFA)	September 2004 – September 2005
Raymond T. Stevens (DVFA)	September 2005 – September 2006
Marvin C. Sharp (Industry – Kent County)	September 2005 – January 10, 2017
Kennard L. Pyle (DVFA)	September 2006 – September 2007
Alan Robinson (DVFA)	September 2007 – September 2008
Ron Marvel (DVFA)	September 2009 – September 2010
Douglas S. Murray, Sr. (Fire – Sussex)	October 2007 – August 2012
David J. Roberts (Fire – New Castle)	October 2007 – January 10, 2020
Tom Di Cristofaro (Industry – New Castle)	October 2010 – Present
Alan Robinson, Jr. (Fire – Kent)	October 2010 – Present
Kevin L. Wilson (DVFA)	September 2010 – September 2011
William F. Tobin (DVFA)	September 2011 – June 2012
Ron Marvel (Sussex – Fire)	October 2012 – Present
Charles Frampton, Jr. (DVFA)	September 2012 – September 2013
Charles Boyer (DVFA)	September 2013 – September 2014
Richard Toulson (DVFA)	September 2014 - September 2015
Ms. Lynn M. Truitt (Industry – Sussex County)	November 2014 - Present
Anthony Guzzo (DVFA)	September 2015 – September 2016

STATUTORY RESPONSIBILITIES

The Statutory Responsibilities of the State Fire Prevention Commission may be found in Title 16, Chapter 66 of the Code and are summarized as follows:

- The Commission shall consist of seven persons appointed by the Governor.
- They shall hold regular meetings at least once a month and special meetings may also be called.
- They shall also have the power to promulgate, amend and repeal regulations for the safeguarding of life and property from hazards of fire and explosion.
- Prior to promulgation, they shall hold at least one public hearing on each regulation, amendment or repealer and shall have the power to summon witnesses, documents and administer oaths for the purpose of giving testimony.
- They shall appoint the State Fire Marshal and State Fire School Director. They shall have complete jurisdiction and management over the State Fire School and the Office of State Fire Marshal.
- The Commission shall have power to authorize new fire companies or substations; resolve boundary and other disputes; prohibit cessation of necessary fire protection services.
- The Commission is empowered to enforce its orders in the Court of Chancery.



AGENCY OVERVIEW

The State Fire Prevention Commission is charged with the protection of life and property from fire for the people of Delaware and to oversee the operation of the Delaware State Fire Marshal's Office and the Delaware State Fire School.

MAJOR ACCOMPLISHMENTS DURING FY 2015

- The Commission acquired Ambulance Funding through HB315.
- The Narcan and CPAP Pilot Programs were established and after great success has been implemented statewide.
- The Commission obtained 800 megahertz radios through grant funding.
- The Commission applied for access and received approval for DELJIS. Both the agency Investigator and Supervisor were trained and certified.
- The Commission authorized Houston Fire Company to obtain and run an ambulance within their fire district.
- The Commission maintains open discussions with the Office of Emergency Medical Services with regard to EMS calls that are not medical in nature. The guidance given to the commission continues to be, if a patient is found to be living in deplorable conditions, needs assistance or needs placement. Over all, the hospitals and case managers refer those cases to state agencies such as Child Services, Division of Services for Aging and Adults with physical disabilities.
- The Commission hired an Investigator II/Compliance Officer. He conducts ambulance inspections statewide and processes complaints/grievance's received with regard to the commission's statutory jurisdiction. This is done with the support and partnership of the BLS Medical Director, assigned Deputy Attorney General and Sherry Lambertson, Supervisor. The addition of this position has greatly improved the turnaround time of complaints received. Ambulance Inspections formally conducted by the Fire School were not completed four years prior to the addition of this position. It has been well received and brought a higher standard to the EMS service statewide.
- The Commission made a motion to accept the 2014 Basic Life Support Standing Orders and Protocols on August 19, 2014 with an implementation date of April 1, 2015.
- The Commission worked within statewide efforts to address the Basic Life Support/EMT needs of an Ebola and Enterovirus D68 outbreak in Delaware.

This annual report includes information from the first full year with the Investigator II position on staff. Our Investigator was able to process and close 18 back logged cases from 2013 and 8 cases from 2014. Ambulance inspections went from sporadic to every ambulance in the state being inspected with the exception of out of service ambulance units. Most Delaware ambulances had not been inspected for 3 – 5 years. It is the goal of the Commission that from this point forward every ambulance will be inspected annually.

With this position, we now have a standardized complaint process in place. There is better communication between the Investigator, Deputy Attorney General’s, BLS Medical Director, Office of Emergency Medical Services and the Emergency Service.

ACTIVITY

The following information is an outline of the Commissioners’ activities for
FY 2015:

1.	Meetings	12
2.	Hearings	
	• Public Hearings	0
	• Appeal Hearings	1
	• Grievance Hearings	0
	• Boundary Hearings	4
	• Audit Hearings	5
	Complaints Received.....	21
	Investigations on Existing Cases.....	58
	Interviews.....	10
	Cases Open.....	4
	Cases Closed.....	33
 <u>Type of Complaint:</u>		
	Fire Service Related.....	3
	EMS Related.....	16
	Public Service Related.....	1

New Ambulance Service Provider.....	1
Remove Ambulance from Service.....	2
Adding/Replacing an Ambulance.....	30
Reserve Ambulance.....	1
Ambulance Inspections.....	247
 <u>Ambulance Inspection Deficiency Notices:</u>	
Critical.....	1
Cautionary.....	25
Watchful.....	1

FINANCIAL STATEMENT

FOR THE PERIOD – JULY 1, 2014 TO JUNE 30, 2015

GENERAL FUND (01)

	2015 Appropriation	2015 Disbursement
Personnel	\$136,961.08	\$136,961.08
Travel	14,500.00	14,500.00
Contractual Services	27,000.00	27,000.00
Supplies	3,100.00	3,100.00
Fire Safety Education	78,900.00	67,395.30
Fire Safety Conference	<u>4,700.00</u>	<u>4,700.00</u>
 Total for FY15	 \$265,161.08	 \$253,656.38

Total Unencumbered and Reverted June 30, 2015 \$ 11,504.70

