

2025 Virginia Legislative Priorities and Issues

Provided to the
Virginia General Assembly



VAGEMSA

Virginia Association of
Governmental EMS
Administrators



Virginia Fire Service Council



Members of the Virginia General Assembly:

The process of gaining consensus on legislative priorities can be daunting, requiring significant collaboration and, often, compromise by all entities/stakeholders involved. Each year, the major Fire and EMS Stakeholder organizations from across the Commonwealth of Virginia meet to discuss their specific legislative needs and the key issues concerning the organizations as a whole. The consensus of the eleven major Virginia fire and EMS Stakeholder organizations is that legislative items in this booklet are our collective priorities for 2024. Our organizations are as follows:

Virginia Fire Chiefs Association, Virginia Professional Firefighters, Virginia State Firefighters Association, Virginia Association of Governmental EMS Administrators, Virginia Association of Volunteer Rescue Squads, Virginia Fire Prevention Association, VA Chapter—International Association of Arson Investigators, Virginia Association of Hazardous Materials Response Specialists, Virginia Regional EMS Councils, Virginia Emergency Management Association and the Virginia Fire Service Council

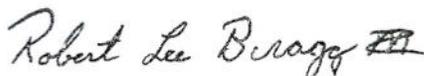
As the presidents/chairpersons of the above statewide Fire and EMS Stakeholder organizations, we request that you consider and ultimately approve these major legislative initiatives, which would have a major impact on fire and EMS in the Commonwealth of Virginia. Further, we desire to inform you of other critical issues affecting the fire and EMS community that may require future legislation.

We thank you for your review and consideration of these critical matters.

Sincerely,
(Fire and EMS Stakeholders)



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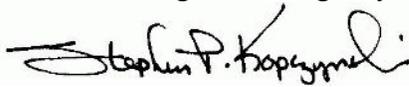
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Dedicated and Sustainable State Funding for High-Quality Fire and EMS Response Service Across the Commonwealth

Providing fire and EMS services is a critical function for the safety and well-being of the citizens and visitors of the Commonwealth, as well as her infrastructure and assets. When citizens call 9-1-1, often in their most vulnerable state, they expect an emergency response that includes fire and EMS, equipped with the resources to mitigate their emergency efficiently and effectively. However, localities do not receive state general funds to provide fire and EMS services in the same manner as law enforcement. The only funds provided to fire and EMS are pass-through funds from small fees on property insurance and vehicle registrations. This model is not sustainable in providing quality service across the Commonwealth.

At the request of the General Assembly in 2023, a stakeholder workgroup came together to survey Virginia localities on fire and EMS needs, receiving an 87% response rate¹. It was recommended that dedicated revenue from the state's general fund be established for Fire and EMS service. Small pass-through funding sources, coupled with increasing call volume and decreasing volunteer providers, create an untenable situation in many localities related to the provision of fire and EMS. Call volume in the last three years has increased by 40%, while state pass-through funding for fire and EMS has increased by only 6.67%. There are no state general fund dollars that go towards fire and EMS services; only two small fees are passed through to localities: a 1% surcharge on insurance for fire service and a \$6.25 fee (an increase from \$4.25) fee on vehicle registrations for EMS service.

Staffing Shortages: Like many industries, Virginia's fire and EMS systems continue to struggle to provide adequate staffing in volunteer, career, and combination fire departments. When asked if they met the minimum staffing standards required by regulation by the Virginia Department of Health's Office of Emergency Medical Services, 18% of localities stated they did *not* meet the standard. When asked if their locality met National Fire Protection Association standards regarding fire protection, 70% said they could only *sometimes, rarely, or never* meet these minimum standards for safety.

Inflation and Equipment Costs: The standard length of service for fire apparatus is twenty years, with approximately 20% of Virginia's front-line apparatus being outside their service life. Ambulances are recommended for a 10-year service life, with localities reporting that 14% are outside that standard. However, the cost of purchasing apparatus and equipment has increased substantially in recent years, outrunning most localities' ability to fund or fundraise for replacements. In 1992, the cost of an ambulance was just

¹ During the 2023 session, HB 2175 created a workgroup to study fire and EMS funding. Chart and data in this write-up are from the HB 2175 report.

over \$100,000; today, an ambulance costs, on average, \$325,000. A stretcher was \$2,500 but can now cost as much as \$40,000. In 2020, the cost of a standard fire engine was \$591,000; today that number has skyrocketed to \$1,238,000 – a 109% increase in just three years.

TABLE 4: EMS SUPPLY COST INCREASES (OFFICE OF EMS)

Item	Cost Increase from Spring 23' to Fall 23'
Automatic External Defibrator	45%
Ambulance Remount	17%
Chest Compression Devices	17%
Monitors with 12 Lead Capability	10.6%
Power Stair Chairs	40%

TABLE 5: SUPPLY COST INCREASES OF A STANDARD FIRE ENGINE

Year	Cost	Cost Increase
2020	\$591,000	N/A
2021	\$638,000	7.95%
2022	\$978,000	53.29%
2023	\$1,238,000	26.58%
Percent Increase 2020-2023:		109.48%

In the 2024 Appropriations Act, the General Assembly requested an additional third-party review of fire and EMS funding. The administration contracted with the Wilder School at VCU to conduct the assessment, which is due November 1, 2024.

CURRENT FUNDING:

“Four for Life” & the Rescue Squad Assistance Fund:

In 1974, the Commonwealth instituted a \$1 fee on the registration of vehicles to be set aside for Emergency Medical Services. That grew to \$4 per vehicle in 1982 and became known as “Four for Life.” In 2008, it was increased by another \$2.25, a small portion going toward training and recertification. In 2008, the training and recertification fee was increased by \$0.25. Beginning in 2011, the General Assembly added an additional \$2 (bringing the total to \$6.25) but also began diverting \$10.5M from the EMS system to the General Fund. The “Four for Life” fee was intended to fund the entire EMS system in Virginia and should not be diverted as a whole or in part for other purposes.

Aid to Localities (ATL) & the Fire Programs Fund:

In 1985, the Virginia Fire Programs Fund was established to support the critical needs of the fire service, including training, equipment, and protective clothing. Revenues are generated by a 1% fee on property insurance, and the funds are split with 75% returned to localities using a formula based on population and 25% retained for the Department of

Fire Programs (DFP) to distribute through grants. The 1% fee has not been raised since 1995. Additional funds are needed to support fire departments across the Commonwealth, allowing them to be more effective and efficient, save citizens and businesses from loss of income and property, and improve the chances of minimizing injuries and deaths in Virginia.

Both career and volunteer fire and EMS providers remain committed to serving their fellow citizens in the Commonwealth. However, the vast majority of Virginia's fire and EMS services are currently understaffed and underfunded and lack the resources for proper equipment, apparatus, and infrastructure.

POLICY SOLUTIONS:

The Fire and EMS Stakeholders strongly support the creation of a **dedicated and sustainable funding mechanism** to provide general funds to localities in support of fire and EMS services.

Three short-term solutions include:

- 1. A one-time allocation of \$50M from the general fund to the Aid-to-Localities (ATL) program fund for training, heavy equipment, and protective gear, as well as allowing flexibility in the allowable uses to meet modern needs of the fire service, including the mental health of first responders;**
- 2. Slowly increasing the surcharge on property insurance from 1% to 2% over the course of the next biennium, bringing the total to 2% by FY28;**
- 3. Ensure that the \$2.00 added to the "Four for Life" vehicle registration fee in 2011 is used to additionally fund RSAF and return to localities allocations.**

These are not long-term solutions to sustain fire and EMS service across the Commonwealth, but they have the ability to ease immediate pressures from inflation, new regulatory requirements, and challenges from recruitment and retention until long-term solutions can be developed and implemented.

Funding for Firefighter Cancer Screening

Purpose: To provide funding and data collection for cancer detection to all Virginia Career Firefighters (approx. 10,000) in Virginia.

Definition of a Career Firefighter: A career firefighter is a full-time paid employee of a fire department or unit of this State or a political subdivision of Virginia.

Amount Requested: \$3,000,000. The formula used to determine this amount is 10,000 firefighters at \$300/per test.

Distribution of funds to departments: The Virginia Department of Fire Programs would hold the funds. Each locality would be responsible for requesting funding based on the current number of full-time firefighters in their respective departments. (For example, if a locality has 100 career firefighters, the locality will receive \$300 per firefighter, for a total of \$30,000). The funding would be specifically for cancer screening and could not be used for other purposes. The Virginia Fire Services Board would create a policy that outlines the administration of these funds in the same manner that is done for other grants administered through the Department of Fire Programs. A data collection component would be implemented to require individual results from the screening to be provided to VDFP regarding employment/workplace exposure history, demographics, co-morbidities, and lifestyle factors. These results will be used to monitor cancer diagnoses and improve knowledge about cancer risks for firefighters.

Screening: Each locality would have the option of a preferred screening method. The minimum test would be an ultrasound test specific for detecting cancers, costing \$300. Localities would have the option to upgrade to more advanced blood testing and would be responsible for the additional expense.

The Virginia Professional Firefighters will aid each locality in securing a testing method based on choice of option.

Virginia Retirement System: Enhanced Retirement Benefits for 9-1-1 Dispatchers and hazardous duty positions within the Virginia Department of Fire Programs (VDFP) and the Virginia Department of Emergency Management (VDEM).

Emergency-9-1-1 dispatchers are known as the "first" first responders at the local level. Without them, no first responder would ever be dispatched on an incident. Dispatchers experience many of the same psychological trauma and stressors as law enforcement, firefighters, and emergency medical personnel. Dispatchers are exposed to traumatic calls – and even texts, pictures, or videos – but they rarely get closure as they do not see the final resolution or closure to a 9-1-1 call. Under current law, localities may provide enhanced benefits to firefighters and emergency medical technicians but not 9-1-1 dispatchers. In a recent Emergency 9-1-1 Border Response Workgroup Report, increased benefits and compensations for dispatchers are identified as a key recommendation for recruitment and retention of this vital public safety position.

At the state level, hazardous duty positions within two state agencies currently cannot receive enhanced retirement benefits. The public safety duties performed by these employees present elevated risks for severe or life-threatening injury. Many of these positions are directly responsible for maintaining order during emergencies and disasters, and their actions directly impact the safety of others. The Virginia Department of Fire Programs (VDFP) delivers fire service training to an estimated 45,000 firefighters, often in Immediately Dangerous to Life and Health (IDLH) environments, such as live-fire training, high-pressure water systems, and technical rescue training (swift water/trench/rope/confined space). Additionally, the State Fire Marshal's Office, a branch within VDFP, has a staff of 28 fire marshals who oversee commercial blasting operations and pyrotechnics on state property. The Virginia Department of Emergency Management (VDEM) coordinates a 24/7 emergency response capability to support all jurisdictions and state agencies of the Commonwealth. This capability is supported by 13 hazardous duty personnel who currently do not receive enhanced retirement benefits.

Virginia's Fire and EMS Stakeholder organizations unanimously support adding 9-1-1 dispatchers and hazardous duty positions within VDFP and VDEM to the list of those eligible to receive enhanced retirement benefits for hazardous duty service.

Relocate the Office of Emergency Medical Services (OEMS) from the Virginia Department of Health (VDH) to the Public Safety and Homeland Security Secretariat and establishment as a separate department.

In light of the events uncovered at the Office of Emergency Medical Services (OEMS) within the Virginian Department of Health (VDH), an opportunity exists to restructure these services at the state level. **The Fire and EMS Stakeholders support relocating the Office of EMS to be overseen by the Secretary of Public Safety and Homeland Security.** Placement under the Public Safety Secretariat better aligns with how localities organize and deliver these services on the ground locally. EMS is seen more as an emergency service aligned with public safety response at the local level than a public health initiative under the local Department of Health. In fact, in the vast majority of cases, EMS response is often delivered through a fire-based system, overseen by the Fire Chief, managed by a local EMS agency, and/or by a locally managed rescue squad and dispatched by the local 9-1-1 Center. This allows for better coordination on the ground among police, fire, and EMS response to an emergency incident. From an operational standpoint, aligning the state office of OEMS with their fellow first responders under the Secretary of Public Safety and Homeland Security and as a separate agency improves efficiency with service delivery at the local level.

Other Informative Issues

Fireworks

The Fire and EMS Stakeholders oppose any action by the General Assembly that would expand the sale, possession, and use of consumer fireworks.

Fireworks have been restricted to certain consumer fireworks since the General Assembly (GA) enacted in 1950 under the Trade and Finance title of the Code of Virginia (COV). The term “Permissible Fireworks” was created and became effective the COV under Title 27 in SB 683 during the 2002 GA session. The restricted types of consumer fireworks have historically provided a safer use and handling experience for the citizens and visitors of the Commonwealth of Virginia. In the last 12 months, there have been multiple reported fireworks injuries from misuse and/or misfire/malfunction and one death from misuse of consumer fireworks that are not classified as permissible fireworks in Virginia. These incidents emphasize the dangers of fireworks that explode, rise, and/or travel.

The Consumer Product Safety Commission’s 2023 Fireworks Annual Report highlights eight fireworks-related deaths during 2023 in the United States. There were an estimated 9,700 fireworks-related injuries treated in U.S. hospital emergency departments during 2023. There has been a statistically significant increase in fireworks-related injuries of an estimated 561 per year from 2008 through 2023. *Note: Per the CPSC, reporting of fireworks-related deaths for 2023 is not complete, and the number of deaths identified for 2023 should be considered a minimum.

Any expansion of the type or use of fireworks in the Commonwealth of Virginia should come with critical increases in funding for fire, EMS, and law enforcement agencies identified as first responders by a locality and the fire marshal’s office having authority, as well as consideration of more stringent fire codes such as residential sprinklers. Of the sales tax or fee revenue generated by the local sale or use of permissible or consumer fireworks, a percentage of such revenue should be dedicated to funding for first responders and the fire marshal’s office having the authority to assist with increased calls for service.

Language shall remain in Title 27 of the Code of Virginia that gives authority to local government to prohibit, by ordinance, the sale and use of permissible or consumer fireworks.

In-Building Radio Communications Systems

The Fire and EMS Stakeholders support legislation that enhances in-building emergency responder communication coverage. In new or existing structures that are altered in a way that affects emergency responder’s ability to communicate utilizing the jurisdiction’s communication system(s), there must be infrastructure and specific equipment to amplify and redistribute signal strength in areas identified with poor signal (dead spots). Poor signals often disrupt incident command efforts, dispatch communication, emergency responder accountability, and, most importantly, safety. The Virginia Uniform Statewide Building Code contains provisions that require amplification systems and components for communications systems utilizing radio-frequency-emitting devices. The missing critical element of this regulation for emergency

responder communication enhancement systems is mandating responsibility (financial) for the actual jurisdiction specific equipment.

In-building emergency responder radio systems are critical life safety technology that enables fire, EMS, and police to communicate effectively and reliably. However, how a building is designed and constructed, its size and use, or other nearby structures can affect in-building communication. To overcome this problem, a dedicated, complete system fit for emergency responders is needed.

Agritourism and Public Safety

Virginia's Fire and EMS Stakeholders recognize and value the important role that rural businesses play in our economy. To that end, we support legislation that promotes both agritourism and associated public safety. In particular, we support legislation requiring minimum life safety standards in agritourism buildings or structures used to assemble 50 or more persons. We also support educating owners of such structures on operational components, such as those found in the Statewide Fire Prevention Code. Minimum safety features that would assist in getting patrons out of buildings or structures quickly include:

- Local non-monitored fire alarm systems;
- Two remote exits, each equipped with exit lights and panic hardware on hinged exit doors that swing out;
- Emergency lighting; and
- Portable fire extinguishers.

Post-traumatic stress disorder, anxiety disorder, or depressive disorder incurred by law-enforcement officers and firefighters.

Legislation to enhance benefits relating to workers' compensation, post-traumatic stress disorder, anxiety disorder, or depressive disorder incurred by law-enforcement officers and firefighters.

Amend Virginia's Medicaid State Plan to allow for an EMS Supplemental Payment Program in support of emergency ground transports

Medicaid reimbursement rates have not kept pace with the actual cost of providing services/transport. The average cost of an ambulance transport in Virginia is approximately \$1,500, but the average Medicaid payment for an ambulance transport is only \$175, leaving a significant gap of unfunded costs. These factors place immense pressure on the sustainability of EMS service. Nearly 30 states have enacted a cost-based EMS Supplemental Payment Program to support emergency ground transport for Medicaid patients currently in managed care. For example, from FY11-FY17, Texas captured over \$260M in additional dollars for 50 different providers in their supplemental payment program. The Commonwealth can establish a new program where the state acts as a facilitator to draw down additional federal dollars that go to local EMS agencies to support their work. In practice, EMS agencies that bill Medicaid for transport could opt-in to draw down additional dollars each quarter to raise the total reimbursement to the commercial average for a transport in that region. Each quarter, localities would assume the risk of putting up a 40% match and submitting adequate accounting for

expenses paid, and the state would submit this paperwork to CMS. When approved, a 60% match from federal Medicaid dollars would be combined with the original 40% match, and a full 100% would be returned to the locality through DMAS via direct payment from one of the six health insurance companies that act as Medicaid Managed Care Organizations (MCOs).

The Fire and EMS Stakeholders are highly interested in exploring this possibility of additional funding for Virginia’s local EMS agencies.

Single-Exit-Stairwell

Virginia’s Fire and EMS stakeholders strongly oppose any code change that reduces the minimum safety requirements found in the national model codes. The proposed code language seeks to deregulate provisions that require a minimum of two exit stairwells in a Residential Group R-2 occupancy over three stories as required by the International Code Council (ICC) International Building Code (IBC) – the model code adopted by the Virginia Board of Housing and Community Development. The longstanding code development process in the Commonwealth should not be circumvented by legislation action.

Through a national code consensus process utilized for decades, model codes have established that at least two means of egress are required in residential occupancies above three stories. This provision ensures vital redundancy in egress options that are crucial for occupant escape and first responder access during emergencies. Allowing the construction of residential buildings over three stories with a single-exit stairwell is contrary to the lessons learned from decades of loss of life tragedies.

Concerns:

- Places occupants and firefighters in danger.
- Many fire departments lack the personnel and equipment required to safely evacuate large numbers of people from elevated floors and through a single stairwell.
- Performing emergency response operations in a single stairwell that is simultaneously being used for occupant escape negatively impacts rescue and fire suppression efforts.
- Modern hazards, such as those posed by lithium-ion batteries, underscore the need to be able to exit a building quickly and safely in an emergency.

Additionally, the International Association of Firefighters, the National Association of State Fire Marshals, the International Association of Fire Chiefs, and the National Fallen Firefighters Foundation oppose the deregulation proposal.

Fire Prevention through the Building Code; Requirement for Residential Sprinklers in Townhouses

One of the largest ways to reduce the devastation from residential fires is to build safer homes. Compared to single-family homes, townhouses have increased fire risk, where the behavior of one tenant will drastically impact the safety of neighboring families, pets, and property. There have been many incidents where a fire in one townhouse unit had catastrophic consequences on neighbors who had nothing to do with the cause of the fire. As you can imagine, townhouses increase the complexity of rescue operations, as firefighting is hampered because firefighters

cannot easily follow fire from unit to unit. Residential fire sprinklers prevent such tragedies by keeping fires contained to the unit of origin, either controlling the fire or extinguishing it altogether, ultimately increasing the life safety of the occupants and firefighters.

The requirement for residential sprinklers in new townhomes was first published in the 2009 International Residential Code (IRC) and has been retained in the 2012, 2015, 2018, 2021, and 2024 editions of the model code, with thirteen other states adopting it in their model code (Oklahoma, Pennsylvania, Washington, Wisconsin, Hawaii, Maine, Maryland, Massachusetts, Minnesota, California, New Hampshire, and New York).

The Fire and EMS Stakeholders support providing localities the ability to realign the Virginia Residential Code with the model International Residential Code (IRC) by retaining the IRC requirement for fire sprinklers in newly constructed townhouses. This proposal provides a reasonable approach to fire safety as Virginia continues building new housing inventory.

Research shows that the rate of fire growth in modern residential structures has increased, partly attributed to modern synthetic materials used in household goods and furnishings. This poses additional risk to firefighters and increases the demand for fire service. Research from FM Global also verified the value of fire sprinklers in sustainable housing and protecting the environment from pollution associated with toxic smoke and contaminated runoff.

Opponents of residential sprinklers state concerns with possible cost implications. However, installation costs for fire sprinklers in townhouses are offset by cost savings – incentives in the IRC - that can be realized in other aspects of construction. These may include:

- Reduced costs associated with fire rating of townhouse separation walls.
- Reductions in minimum water supply for firefighting, allowing for smaller water mains, which can space out or eliminate some fire hydrants.
- Reduction in street width or increase in lengths of dead-end streets.
- Increased portion of the roof area is permitted to have solar panels for increased solar capacity.
- Increased permissible floor area of the living room, which permits increased design flexibility.

Sprinkler systems are intended to combat and slow the spread of fire and smoke directly. They reduce the likelihood of injury or death by providing additional time for occupants to escape safely, preventing flashover, and controlling the fire until firefighting personnel arrive on scene. By slowing the fire spread, they can also reduce building damage from fire and firefighting operations. Sprinkler systems do not require human intervention to activate and require very little maintenance. Reports from localities where residential sprinkler systems are mandatory suggest that no lives have been lost as a result of fires in buildings protected by automatic sprinkler systems.

The language of § 36-99 of the Code of Virginia states that “The provisions of the Building Code and modifications thereof ***shall be*** such as to protect the health, safety, and welfare of the

residents of the Commonwealth, provided that buildings and structures ***should be*** permitted to be constructed, rehabilitated and maintained at the least possible cost consistent with recognized standards of health, safety, energy conservation, and water conservation...”

Therefore, the Fire and EMS stakeholders strongly support localities' having the authority to require residential sprinklers in newly constructed townhomes by public ordinance.