

Administrative Procedures – Proposed Coversheet

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this proposed filing will be considered complete upon the submission and acceptance of the following components:

- Proposed Rule Coversheet
- Adopting Page
- Economic Impact Statement
- Public Input Statement
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)

All forms requiring a signature shall be original signatures of the appropriate adopting authority or authorized person, and all filings are to be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of the proposed coversheet form will be used to generate a notice of rulemaking in the newspapers of record. Publication of notices will be charged back to the promulgating agency based on the word count of the notices.

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

Rule Title: Fire Safety and Prevention

Martha Maksym, on 2/14/18
 (signature) (date)

Printed Name and Title:

Martha Maksym, Deputy Secretary of Human Services for Al Gobeille, Secretary, Agency of Human Services

RECEIVED BY: _____

- Proposed Rule Coversheet
- Adopting Page
- Economic Impact Statement
- Public Input Statement
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- ICAR Approval received by E-mail.

1. TITLE OF RULE FILING:

Fire Safety and Prevention

2. ADOPTING AGENCY:

Agency of Human Services - Department of Corrections

3. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Matthew Nault

Agency: Agency of Human Services - Department of Corrections

Mailing Address: 280 State Drive, Waterbury, VT 05671-2000

Telephone: 802 241 - 0068 Fax: 082 241 - 0020

E-Mail: matthew.nault@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<http://corrections.vermont.gov/about/policies>

4. SECONDARY CONTACT PERSON:

(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

Name: Christine Cowart

Agency: Agency of Human Services - Department of Corrections

Mailing Address: 280 State Drive, Waterbury, VT 05671-2000

Telephone: 802 477 - 3850 Fax: 802 241 - 0020

E-Mail: christine.cowart@vermont.gov

5. RECORDS EXEMPTION INCLUDED WITHIN RULE:

(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE EXEMPTING IT FROM INSPECTION AND COPYING?) No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

6. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

28 V.S.A. § 102(c)(1)

7. CONCISE SUMMARY (150 WORDS OR LESS):

The Vermont Department of Corrections (DOC) is proposing the repeal of the current Fire Safety Rule, APA Rule #78-120/CVR 13-130-004. The rule is outdated and no longer represents current practice. Updated DOC policy and administrative directive outline fire safety standards and prevention practices for correctional facilities. Setting these standards in DOC policy and directive allows more responsive updates as fire safety and prevention standards evolve.

The DOC is not statutorily required to promulgate a rule concerning fire safety and prevention. Repealing the rule would allow the DOC to more quickly conform to new standards as best practice changes.

8. EXPLANATION OF WHY THE RULE IS NECESSARY:

There is no statutory requirement that the DOC promulgate a rule concerning fire safety and prevention. The current Fire Safety Rule, APA Rule #78-120/CVR 13-130-004, is outdated and no longer represents current practice. Repealing the rule would allow the DOC to more quickly conform to new standards as best practice changes.

9. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

Inmates in the custody of the Department of Corrections;

Department of Corrections;

Department of Public Safety, Division of Fire Safety;

Local fire departments

10. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

It is anticipated that the repeal of this Rule will not have an impact on the Department's budget.

11. A HEARING IS SCHEDULED .

12. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION NEEDED FOR THE NOTICE OF RULEMAKING.

Date: 4/11/2018

Time: 10:00 AM

Street Address: 280 State Drive, Waterbury, VT

Zip Code: 05671-2000

Date:

Time: AM

Street Address:

Zip Code:

Date:

Time: AM

Street Address:

Zip Code:

Date:

Time: AM

Street Address:

Zip Code:

13. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

4/18/2018

14. KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

Fire Safety

Evacuation

Correctional Facility

Fire Detection

Fire Safety Officer

Smoke

Administrative Procedures – Adopting Page

Instructions:

This form must be completed for each filing made during the rulemaking process:

- Proposed Rule Filing
- Final Proposed Filing
- Adopted Rule Filing
- Emergency Rule Filing

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. TITLE OF RULE FILING:

Fire Safety and Prevention

2. ADOPTING AGENCY:

Agency of Human Services - Department of Corrections

3. AGENCY REFERENCE NUMBER, IF ANY:

4. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment as long as the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **A REPEAL OF AN EXISTING RULE** .

5. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND LAST DATE OF ADOPTION FOR THE EXISTING RULE*):

SOS Rule Log # 78-120, CVR 13 130 004, Fire Safety Prevention (312), November 6, 1978

Administrative Procedures – Economic Impact Statement

Instructions:

In completing the economic impact statement, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule. This form must be completed for the following filings made during the rulemaking process:

- Proposed Rule Filing
- Final Proposed Filing
- Adopted Rule Filing
- Emergency Rule Filing

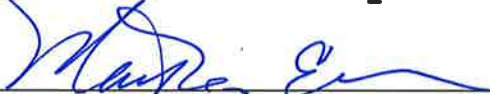
Rules affecting or regulating public education and public schools must include cost implications to local school districts and taxpayers in the impact statement (see 3 V.S.A. § 832b for details).

The economic impact statement also contains a section relating to the impact of the rule on greenhouse gases. Agencies are required to explain how the rule has been crafted to reduce the extent to which greenhouse gases are emitted (see 3 V.S.A. § 838(c)(4) for details).

All forms requiring a signature shall be original signatures of the appropriate adopting authority or authorized person.

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I conclude that this rule is the most appropriate method of achieving the regulatory purpose. In support of this conclusion I have attached all findings required by 3 V.S.A. §§ 832a, 832b, and 838(c) for the filing of the rule entitled:

Rule Title: Fire Safety and Prevention

 _____, on 2/14/18
(signature) (date)

Printed Name and Title:

Martha Maksym, Deputy Secretary of Human Services for Al Gobeille, Secretary, Agency of Human Services

BE AS SPECIFIC AS POSSIBLE IN THE COMPLETION OF THIS FORM, GIVING FULL INFORMATION ON YOUR ASSUMPTIONS, DATABASES, AND ATTEMPTS TO GATHER OTHER INFORMATION ON THE NATURE OF THE COSTS AND BENEFITS INVOLVED. COSTS AND BENEFITS CAN INCLUDE ANY TANGIBLE OR INTANGIBLE ENTITIES OR FORCES WHICH WILL MAKE AN IMPACT ON LIFE WITHOUT THIS RULE.

1. TITLE OF RULE FILING:

Fire Safety and Prevention

2. ADOPTING AGENCY:

Agency of Human Services - Department of Corrections

3. CATEGORY OF AFFECTED PARTIES:

LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:

Inmates in the custody of the Department of Corrections;

Department of Corrections;

Department of Public Safety, Division of Fire Safety;

Local fire departments

4. IMPACT ON SCHOOLS:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS:

No Impact

5. COMPARISON:

COMPARE THE ECONOMIC IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

The Department of Corrections is not likely to experience any savings or added costs related to the repeal of the current rule on Fire Safety and Prevention, as there are no significant changes to current practices related to the repeal. Overall, there should be no discernable economic impact between this proposed repeal, the current rule, or an alternative to this rule on the subject.

6. FLEXIBILITY STATEMENT:

COMPARE THE BURDEN IMPOSED ON SMALL BUSINESS BY COMPLIANCE WITH THE RULE TO THE BURDEN WHICH WOULD BE IMPOSED BY ALTERNATIVES CONSIDERED IN 3 V.S.A. § 832a:

No Impact

7. GREENHOUSE GAS IMPACT: *EXPLAIN HOW THE RULE WAS CRAFTED TO REDUCE THE EXTENT TO WHICH GREENHOUSE GASES ARE EMITTED, EITHER DIRECTLY OR INDIRECTLY, FROM THE FOLLOWING SECTORS OF ACTIVITIES:*

a. TRANSPORTATION —

IMPACTS BASED ON THE TRANSPORTATION OF PEOPLE OR PRODUCTS (e.g., “THE RULE HAS PROVISIONS FOR CONFERENCE CALLS INSTEAD OF TRAVEL TO MEETINGS” OR “LOCAL PRODUCTS ARE PREFERENTIALLY PURCHASED TO REDUCE SHIPPING DISTANCE.”):

No Impact

b. LAND USE AND DEVELOPMENT —

IMPACTS BASED ON LAND USE AND DEVELOPMENT, FORESTRY, AGRICULTURE ETC. (e.g., “THE RULE WILL RESULT IN ENHANCED, HIGHER DENSITY DOWNTOWN DEVELOPMENT.” OR “THE RULE MAINTAINS OPEN SPACE, FORESTED LAND AND /OR AGRICULTURAL LAND.”):

No Impact

c. BUILDING INFRASTRUCTURE —

IMPACTS BASED ON THE HEATING, COOLING AND ELECTRICITY CONSUMPTION NEEDS (e.g., “THE RULE PROMOTES WEATHERIZATION TO REDUCE BUILDING HEATING AND COOLING DEMANDS.” OR “THE PURCHASE AND USE OF EFFICIENT ENERGY STAR APPLIANCES IS REQUIRED TO REDUCE ELECTRICITY CONSUMPTION.”):

No Impact

d. WASTE GENERATION / REDUCTION —

IMPACTS BASED ON THE GENERATION OF WASTE OR THE REDUCTION, REUSE, AND RECYCLING OPPORTUNITIES AVAILABLE (e.g., “THE RULE WILL RESULT IN REUSE OF PACKING MATERIALS.” OR “AS A RESULT OF THE RULE, FOOD AND OTHER ORGANIC WASTE WILL BE COMPOSTED OR DIVERTED TO A ‘METHANE TO ENERGY PROJECT.’”):

No Impact

e. OTHER —

IMPACTS BASED ON OTHER CRITERIA NOT PREVIOUSLY LISTED:

No Impact

Administrative Procedures – Public Input Statement

Instructions:

In completing the public input statement, an agency describes what it did do, or will do to maximize the involvement of the public in the development of the rule. This form must be completed for the following filings made during the rulemaking process:

- Proposed Rule Filing
- Final Proposed Filing
- Adopted Rule Filing
- Emergency Rule Filing

1. TITLE OF RULE FILING:

Fire Safety and Prevention

2. ADOPTING AGENCY:

Agency of Human Services - Department of Corrections

3. PLEASE LIST THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE:

The Vermont Department of Corrections (DOC) will hold a public hearing and post notice of the proposed repeal of the rule on its website, for feedback from the public.

A printed notice of the proposed repeal of the rule will be kept in all the DOC law libraries and made available to inmates upon request to the Inmate Law Librarian, Inmate Legal Assistant, or any other law library staff. A comment form will also be made available to inmates, on which they may submit comments to law library staff. Each DOC correctional facility will make an announcement to all inmates that a copy of the notice of the proposed repeal of the rule is available to them, in the law library for review and comment.

4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

DOC will ensure that staff and inmates have the opportunity to review and comment on the repeal of the Rule if they wish to do so.

280 STATE DRIVE
WATERBURY, VERMONT 05671-1000



OFFICE OF THE SECRETARY
TEL: (802) 241-0440
FAX: (802) 241-0450

AL GOBELLE, SECRETARY
MARTHA MAKSYM, DEPUTY SECRETARY

STATE OF VERMONT
AGENCY OF HUMAN SERVICES

MEMORANDUM

TO: Jim Condos, Secretary of State

FROM: Al Gobeille, Secretary, Agency of Human Services

DATE: Tuesday, January 17, 2017

SUBJECT: Signatory Authority for Purposes of Authorizing Administrative Rules

A handwritten signature in blue ink, appearing to be 'Al Gobeille', written over the 'FROM' line of the memorandum.

I hereby designate Deputy Secretary of Human Services Martha Maksym as signatory to fulfill the duties of the Secretary of the Agency of Human Services as the adopting authority for administrative rules as required by Vermont's Administrative Procedure Act, 3 V.S.A. § 801 et seq.

Cc: Martha Maksym

1 13-130-004. Fire Safety Prevention (312)

2
3 POLICY

4 SUBJECT AREA: _____ EFFECTIVE DATE: 11/6/78

5 300-399 Facilities

6 and Equipment _____ UNITS AFFECTED:

7 _____ Department of Correction

8
9 INTRODUCTION

10
11 Attention to fire safety prevention procedures are particularly crucial in correctional facilities. In
12 many cases we are dealing with persons who do not have free movement and are confined to a
13 one-cell area. In addition, there is a recent body of both federal and state legislation which
14 mandates improved standards of life safety.

15
16 OBJECTIVE

17
18 To provide guidelines for administrators in implementing specific procedures and methods for
19 fire prevention and reaction in case of fire.

20
21 GROUP SERVED

22
23 All staff at correctional facilities.

24
25 POLICY DESCRIPTION

26
27 Procedures: Each Superintendent shall develop, in coordination with the local fire department
28 serving the facility, the Buildings Division, a Comprehensive Fire Prevention and Reaction Plan.
29 This plan is to be reviewed annually by the Superintendent, and must contain provisions for
30 necessary inspections and notification of proper agencies. A semi-annual review is to be made of
31 equipment. A copy shall be sent to the Director of Adult Facilities. Any updates shall be filed
32 with the Director. If no update is required, a statement to that effect shall be sent to the Director
33 of Adult Facilities.

34
35 The procedures described in the plan shall include an evacuation plan, location of keys, locations
36 of fire fighting and protection equipment, regular checking of emergency exits, fire drills, control
37 of access to potentially flammable materials, and regular testing and inspections of fire
38 protection equipment.

39
40 Training: Because of unique danger of fire and its consequences in correctional facilities, all staff
41 must be completely trained with regard to plans and procedures in fire safety and proper use of
42 fire fighting equipment. Local fire departments should be utilized to provide specific training
43 wherever possible. All staff must be completely trained with regard to the yearly updated plans
44 and procedures in fire safety, and proper use of fire fighting equipment. The Department
45 Training Officer will assist the facilities in coordination of training.

1
2 Equipment: The semi-annual review shall include a complete inventory of fire prevention and
3 fire fighting equipment. That essential equipment which is missing or needs replacement shall be
4 purchased.

5
6 Responsibility & Reporting: A specific individual in each facility will be designated, in writing
7 by the Superintendent, as responsible for fire safety inspections, equipment and coordination of
8 related training safety inspections. This Fire Safety Officer shall undertake monthly monitoring
9 and reporting to the Superintendent on matters addressed in the Comprehensive Prevention and
10 Reaction Plan.

11
12 All incidents involving fire shall be reported to the Superintendent. The Superintendent will
13 report to the Director of Adult Facilities any experiences in which fire equipment does not
14 function properly or where the Superintendent believes furnishings or other materials supplied to
15 residents constitute a fire hazard.

16
17 A copy of the monthly report of the facility Fire Safety Officer will be included in the
18 Superintendent's Monthly Progress Report to the Director of Adult Facilities.

19
20 Reporting: All incidents involving fire should be reported to the Director of Adult Facilities.
21 Facility Superintendents will report any negative experiences they have with any equipment or
22 supply item which constitutes as fire hazard to the Director of Adult Facilities. Furthermore, all
23 incidents should immediately be reported to local fire departments.

24
25 In addition, all fires should be reported within a reasonable time to the Arson Squad of the Public
26 Safety Department.

27
28 Discipline: Through the use of the Resident Guidebook, the seriousness and potential danger of
29 fire will be addressed. Residents will be instructed verbally that the setting of fires or triggering
30 false alarms, no matter how minor are to be treated as major disciplinary infractions and that
31 strict disciplinary action will follow. Prosecution may result.

32
33 Coordination with Other Agencies: The Superintendent and the Fire Safety Officer will
34 coordinate with the local fire department serving the facility. The assistance of the fire
35 department will be requested in conducting the annual review of the Comprehensive Fire
36 Prevention and Reaction Plan. When incidents of fire occur which are controlled by the facility
37 staff, the action taken by the facility staff to control minor fires will be reported to the fire
38 department within a reasonable time. Advice will be requested from the above agencies on how
39 to avoid repetition of the problem or improve response by the Superintendent or Director of
40 Adult Facilities.

41
42 The Superintendent and the Director of Adult Facilities will coordinate with the Buildings
43 Division to obtain annual VOSHA inspection of each facility. In addition, each facility shall be
44 inspected by the Fire Prevention Division of Labor and Industry Department semi-annually. The
45 Buildings Division maintains the Correctional Facilities for the State of Vermont. Such being the

1 ~~ease, all procedures and plans in relation to fire safety and prevention should be coordinated and~~
2 ~~filed with that Division. This coordination shall be established and maintained by the~~
3 ~~Superintendent and the Director of Adult Facilities.~~

4
5 ~~Legal Reference~~

6 ~~28 V.S.A. Sec. 601 (2, 3, 5, 7, 9)~~

7 ~~Sec. 851~~

8
9 ~~CFR28 Judicial Administration~~

10
11 ~~Chapter 1—Department of Justice~~

12 ~~Parts 0—199~~

13
14 ~~Parts 3—Federal Prisons Industries~~

15 ~~Department of Justice~~

16 ~~Parts 300—399~~

17 ~~-~~
18 ~~Cornelius Hogan, Commissioner~~

19 ~~Statutory Authority: 28 V.S.A. §§ 601, 851~~

20
21 ~~Effective Date: November 11, 1978 (SOS Rule Log # 78-120)~~
22



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: February 12, 2018, Pavilion Building, 5th floor conference room, 109 State Street, Montpelier, VT 05609

Members Present: Chair Brad Ferland, Dirk Anderson, Diane Bothfeld, John Kessler, Jen Duggan, and Steve Knudson

Members Absent: Clare O'Shaughnessy, Karen Songhurst and Ashley Berliner

Minutes By: Melissa Mazza-Paquette

- 2:05 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the January 8, 2018 meeting.
 - Motion made to accept the minutes by Diane Bothfeld, seconded by John Kessler, and passed unanimously.
- Additions/deletions to agenda.
 - #6 on the agenda: Vital Records Rule, Agency of Human Services, Department of Health, is being moved to the March 12, 2018 meeting per their request.
 - Member Kessler requested to add an update from Chair Ferland on Administrative Procedures Act discussion in House Government Operations on February 1, 2018 at 2:30 p.m. Discussion to take place after proposed rules have been heard.
 - Motion made to accept agenda with changes by Diane Bothfeld, seconded by John Kessler, and passed unanimously.
- No public comments made.
- Presentation of Proposed Rules on pages 2-6 to follow:
 1. Required Agricultural Practices Rule for The Agricultural Nonpoint Source Pollution Control Program, The Vermont Agency of Agriculture, Food and Markets, page 2
 2. Fire Safety and Prevention, Agency of Human Services, Department of Corrections, page 3
 3. Inmate Access to Publications, Agency of Human Services, Department of Corrections, page 4
 4. Inmate Mail, Agency of Human Services, Department of Corrections, page 5
 5. Regulations Governing the Operation of Woodside Juvenile Rehabilitation Center, Agency of Human Services, Department for Children and Families, Family Services Division, page 6
 6. Vital Records Rule, Agency of Human Services, Department of Health (moved to the agenda for the March 12, 2018 meeting)
- 2:58 p.m. Diane Bothfeld left the meeting prior to hearing proposed rule #5.
- Update from Chair Ferland on Administrative Procedures Act discussion in House Government Operations on February 1, 2018 at 2:30 p.m.
- Next scheduled meeting is March 12, 2018 at 2:00 p.m.
- Motion made to adjourn by John Kessler, seconded by Dirk Anderson, and passed unanimously.
- 3:17 p.m. meeting adjourned.

Proposed Rule: Fire Safety and Prevention, Agency of Human Services, Department of Corrections

Presented by Matthew Nault, Christine Cowart and Gary Dillion

Motion made to accept the repealed rule as presented by John Kessler, seconded by Diane Bothfeld, and passed unanimously.

DRAFT