

**DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF FIRE SAFETY
NEW JERSEY FIRE SAFETY COMMISSION
REGULAR MEETING**

Meeting of January 18, 2023

The New Jersey Fire Safety Commission meeting was held on Wednesday, January 18, 2023 at the New Jersey State Firemen's Association in Wall Twp., NJ.

Commission Members Present: Mr. Kevin Krushinski, Chairman
Mr. Arthur Londensky, Vice-Chairman
Sen. Samuel Thompson
Mr. Lawrence D. Wood
Mr. Paul McGrath
Mr. Steve O’Gorman
Mr. Fred Collender
Mr. Arthur Hayducka
Mr. Nelson Wiest
Mr. Gerard Naylis
Mr. Richard Blohm
Mr. Charles Siedenburg
Mr. Karl Spinner
Mr. Daniel DeTrollo
Mr. Kevin Bellew
Mr. Charles Maria
Ms. Kathleen O’Leary
Mr. Armando Roman

Commission Members Excused: Mr. George Aleu

DCA Staff Members Present: Richard Mikutsky, NJ State Fire Marshal
Louis Kilmer, NJDFS
Charles Lavin, NJDFS
Don Nelsen, NJDFS
Lenny Inzerillo, NJDFS
Greg Kirkham, NJDFS
Ashley Bledsoe, NJDFS
Steve Dyl, NJDFS
Daniel Timmerman, NJDFS

Guests: Ronald McGowan
John Garton Joseph Hankins
Robert Ordway Robert Laveratt III
Kate Triggiano Christopher Petrillo

A. Call to Order

Chairman Kevin Krushinski called the meeting to order at 10:07 AM. He led the meeting with the Pledge of Allegiance and a moment of silence for those recently lost in the line of duty and the men and women serving our nation overseas.

B. Approval of Minutes

With no discussion requested or additional corrections, the minutes of the regular meeting of November 16, 2022, were approved as submitted.

C. Correspondence

Chairman Krushinski noted that any and all correspondence for today's meeting was contained in the Commission packets.

D. Public Comment I

Chairman Krushinski opened up the meeting to any members of the public present wishing to address the Commission. With no members of the public wishing to address the Commission at this time, the meeting was moved to Division of Fire Safety Activities.

E. Division of Fire Safety Activities

Director Richard Mikutsky reported that the NJ Division of Fire Safety is continuing to move forward with all projects and issues the fire service is currently facing. The NJDFS recently saw a series of significant retirements – most notably Marylain Kemp (Administration) and Kent Neiswender (Training). The NJDFS is being supported fully by the DCA Administration and Commissioner as they proceed with the process of backfilling these positions.

Since the last Fire Safety Commission meeting, the NJDFS has hosted several events for the fire service/public. On December 1st and 2nd the 2022 Youth Firesetter Conference was held at Middlesex County Fire Academy, which hosted over 120 students, instructors, staff, and presenters. Director Mikutsky thanked Charles Lavin and his team on holding a successful event.

On December 5th, the NJDFS partnered with Sprinkler Fitters Local 696, the NJ Fire Sprinkler Advisory Board, and Monmouth County Fire Academy on the annual Holiday Fire Safety Demonstration. Director Mikutsky thanked Dave Kurasz, Commissioner Kevin Bellew, and their organizations on putting this event together. He also added to mark your calendars for the 2023 event, which will be held on November 20th and include a turkey fryer demo for the first time.

On December 16th, the Fire Threat Task Force presented in conjunction with the Energy Safety Group: Electric Vehicles/Lithium Battery Fires Safety & Concerns Seminar. That event was held at Montclair Fire Department Headquarters and sold out at 120 attendees.

NJ Division of Fire Safety staff will be attending ABC's Operation-7 Save-a-Life Kickoff in New York City on February 1st. This year we are celebrating the program's 25th anniversary of saving lives throughout the tri-state area with this smoke alarm distribution program.

Director Mikutsky noted that the Fire Focus online newsletter will be returning after a hiatus during the COVID-19 pandemic. The first new issue (Winter 2023) will be released on or around February 1st. Director Mikutsky also reported that registration has begun for New Jersey Weekend, which is scheduled for April 29th and 30th at the National Fire Academy in Maryland. Also, FireStat will be moving to a new format where it is every other Wednesday and CEUs will be offered for attendance.

Director Mikutsky gave a report on some recent legislation pertaining to New Jersey's fire service. On December 15th, the Senate Environment and Energy Committee reported favorably on Senate Bill 2712. This bill would prohibit – beginning two years after the bill's effective date – the sale, distribution, manufacture, and use of any Class B firefighting foam containing intentionally added PFAS within the State. The bill's provisions would not apply to the sale, manufacture, distribution, or use of Class B firefighting foam for which the inclusion of PFAS is required by federal law or regulation. This includes 14 C.F.R. s.139.317 which regulates Aircraft Rescue and Firefighting Equipment and agents. If a federal requirement to include PFAS in Class B firefighting foam is revoked, the bill's provisions would apply one year after the requirement is revoked. The bill was reported out of committee and was sent to a second reading in the Senate. The Assembly version (A-4125) is currently in the Assembly Environment and Solid Waste Committee with no scheduled hearing date.

Director Mikutsky also reported on Assembly bill 4842, which was introduced in late November 2022. This bill requires an appropriation from the Universal Service Fund be allocated to support emergency medical technician and firefighter training concerning electrical vehicle fires as recommended by the Commissioner of Health, in consultation with the Division of Fire Safety, and as approved by the Board of Public Utilities. Under this bill, the training program established by Senate bill 2881 would be credited with an annual appropriation from the Universal Service Fund.

Senate bill 3405, which was introduced on December 19th, mandates access to periodic cancer screening examinations for volunteer firefighters. The bill specifies that there should be no out-of-pocket cost to the volunteer firefighter. The bill also specifies that the State will reimburse a volunteer for the full examination up to \$1,250 per three-year period, which is to be annually adjusted according to inflation. The bill establishes an occupational existing condition that makes being a volunteer firefighter a condition for reimbursement of costs associated with cancer screening examinations.

Director Mikutsky also spoke about President Biden signing a \$1.7 trillion omnibus appropriations bill that included funding for several critical fire service programs. The omnibus package included \$360 million each for Assistance to Firefighter Grant (AFG) program and the Staffing for Adequate Fire and Emergency Response (SAFER) programs, ensuring there will be a FY2023 AFG, SAFER, and Fire Prevention and Safety application period. The United States Fire Administration (USFA) will receive \$58.287 million for FY2023. (An increase, up from \$53.21 million in FY2022). The AFG and SAFER grant programs still face a statutory termination date of September 30, 2024. The USFA is not affected by this sunset date. There is still work to be done to preserve the future of these critical grant programs. Congress will have to pass legislation in the 118th Congress to extend the “sunset” date for the AFG and SAFER Grant programs and authorize funding for the USFA.

From the NJDFS’s Training and Certifications Unit, Supervisor Kent Neiswender has retired as of January 1st after 38 years of State service, and Greg Kirkham has stepped up to keep everything moving forward. Director Mikutsky thanked Greg and his staff for their hard work to make this transition seamless. The RIC, ARFF, and Hazardous Materials SME groups are all meeting towards the end of January. The RIC train-the-trainer is looking to be a 2-day, hands-on course that you must attend to teach. The Apparatus Driver/Operator SME group will be meeting later in the Spring.

The NJDFS is looking to run additional Firefighter 1/Firefighter 2/Hazardous Materials train-the-trainers, as well as the same for Fire Inspector, Fire Official, and HazMat: Tech. The HazMat: Incident Command credentialing course should be finalized this Spring with train-the-trainer classes being developed and run. Building Construction for the NJ Fire Service will be held January 14-15 (Morris Co.), February 18-19 (Middlesex Co.), and March 25-26 (Burlington Co.). Fire officers who attend the program will meet the 12-hour building construction training requirements for Fire Officer I Certification in New Jersey.

On December 13th, the NJDFS Training and Certifications Unit met and selected all Spring Semester classes – which should be announced over the next couple months via Kean University.

Director Mikutsky gave a current report on the activities of the Arson Investigations Unit. They totaled 387 investigations for 2022, which is up 20% from 2021. This includes 93 arson fires, 57 K-9 deployments, 4 firefighter line-of-duty death investigations (all medical related) and 20 firefighter injury investigations. On a somber note, our retired K-9 Ashes (South Region with Rod Meyer) was euthanized due to health issues on January 5th. He was 14 years old and served the NJDFS for 11 years doing ignitable liquid and cadaver detection. On a positive note, 2023 marks the 20th Anniversary of the Investigations Unit. Over 4,500 investigations have been completed since the unit’s inception.

Director Mikutsky gave a report from the Office of Fire Department Preparedness. They are continuing discussions with Union County Communications to take over the NJDFS’s

dispatching, as well as working on School Security initiatives with NJ State Police. OFDP is also collaborating with the Office of Homeland Security to instruct Active Shooter Incident Management throughout the State.

There are currently 13 ongoing fire department complaint investigations being conducted by OFDP. They continue to work with NJ DOL/PEOSH on any complaints received. There were 81 total complaints in 2022. The OFDP will also be hosting the bi-annual State Fire Coordinators Meeting on January 21st at Middlesex County Fire Academy.

The Office of Fire Department Preparedness submitted the following statistics for 2022:

- Notifications of 3rd Alarm or greater – 494
- Responses – 76
- Exercises Attended – 53
- Training Sessions - 176
- Fire Department Complaints - 81
- Meetings Attended – 1,364
- Fire Coordinator Meetings – 288
- Fire Department Meetings – 490
- County Chiefs Meetings – 105
- Area Maritime Security Committee Meetings – 25
- NJ Fireboat Task Force Meetings – 9
- Office of Homeland Security Meetings – 74

The NJDFS Community Risk Reduction Unit submitted the following statistics for 2022:

- Fire Safety Calendars Distributed (2023 edition) – 7,400
- WABC-7 Smoke Alarms – 5,376
- Meetings Attended - 138

From the NJDFS's NFIRS Unit, there have been four fatal fires so far in 2023, as well as three residential fatal fires, six civilian burns, and two school fires. As of January 6th, only 74% of fire departments have completed NFIRS Reporting for 2022. There were approximately 15,845 invalid reports in 2022, which is an increase of 17% from 2021. New Jersey is now up to 161 eNFIRS User Accounts (free USFA software) – two years ago there were less than 50.

In 2022 there were 62 fatal fire victims in New Jersey, which is down approximately 42% from 2021 (when there was 107). Unfortunately, we are off to a rough start for 2023, with 9 total fatalities already.

Chairman Krushinski asked if anyone had any questions for Director Mikutsky regarding his portion of the NJDFS Activities Report. Commissioner Richard Blohm asked about the Universal Service Fund that was referenced earlier, and if there was a specific dollar amount attached to it. Director Mikutsky answered that he was not sure of the specifics of that fund, but the NJDFS is still working on getting further information about it. Commissioner Blohm also asked if someone who is already certified to instruct HazMat: Incident Commander would have to take the train-the-trainer. Greg Kirkham answered

that someone certified in the class would not have to take it, but an instructor would have to take the train-the-trainer.

Chief Lou Kilmer reported on the Bureau of Fire Code Enforcement for 2022. They completed 100% of the required inspections for the year, which totaled 21,808 in all. This is an accomplishment especially considering they have been short staffed for much of the year. 16,330 re-inspections were done and 47,875 violations were issued. There were 2,059 event permits were given as well. A lot of these have ticked up over the course of 2022 as the COVID-19 subsided and more was being done.

Chief Kilmer reported that a number of letters were received recently regarding concerns over contractor certification and requirements from the Department of Labor. The NJDFS is looking closer at this and working with the Department of Labor about the requirements in question. Chief Kilmer also announced that Dan Timmerman would be filling the position of Fire Code Specialist, which will entail a lot of research in regards to the Fire Code.

Tomorrow afternoon (January 19) a conference call is scheduled in regards to the launch of the new computer system. The rollout of the new system is anticipated for the end of March at this point, and all elements of the system will be integrated over time. There will be training on the system – both in person and virtual – over the next couple of months. Also, the Local Assistance Unit has been able to fill the vacancies they had and are back up to full staffing. The NJDFS has also been working with Commissioner George Aleu on the Food Truck Safety Committee and will be meeting again next week.

Chief Kilmer reported that the NJDFS is still seeing significant turnover of Fire Officials at the local level. There has been a lot of movement between jobs, retirements, etc. Chief Kilmer stressed that there is a 45-day window of a municipality to appoint a new Fire Official before the State has to step in. Chief Kilmer also reported that the Bureau of Code Enforcement is working on training new inspectors, but there continues to be a lack of candidates available statewide.

Chief Kilmer said that anticipated revenue is out for 2023 and is posted online. The NJDFS is continuing to ask local enforcing agencies to clean up their registrations in anticipation of the new computer system. They are hoping to have the best information possible when it is moved to the new system. It is also Annual Report season and Chief Kilmer stressed the importance of submitting these.

The NJDFS is continuing to work on the issue of Sober Living Facilities. They are continuing to partner with Codes & Standards, and they are working on getting the fire safety message out to these facilities. They are classified as R-3s and need to be inspected. Chief Kilmer also followed up on the issue of radiator covers, but there is nothing new to report on that.

Chief Kilmer followed up on a handful of issues from the previous meeting. The NJDFS is working on getting the Peer Review Board up and running, and the new Fire Code is

moving along through the review process. Chief Kilmer also reported that the School Fire Suppression Survey is continued to be worked on, as several thousand have been mailed out. The response has not been strong to this point, but the NJDFS has been able to get some help from the Department of Education on getting more participation. The NJDFS is also working with the Department of Community Affairs on updates to the Fire Safety Act.

Commissioner Gerard Naylis asked when the new computer system would in place and Chief Kilmer answered that most likely by the end of March. Commissioner Naylis also asked if the issue of Junior Firefighters had been resolved - that they can attend classes, train, go to academies, etc. Director Mikutsky answered that the memo that was put out last year outlines everything they can do. This has not been finalized at this point, but as per the memo they are allowed to proceed at this time. Commissioner Naylis also asked about when the new Fire Code will finally come out, as it seemed to keep getting pushed back. Director Mikutsky answered that they are checking with the Commissioner's Office nearly every day on their review, but that is just another step in a long process – including posting in the New Jersey Register, comment period, etc. So, at this point they are probably looking at the end of 2023. Commissioner Naylis expressed concern that we are falling far behind the curve on this. Chief Kilmer said that they will start working on the next edition as soon as this one is complete.

Commissioner Dan DeTrollo asked about the review of the new Fire Code and who at the Governor's Office is conducting the review. Director Mikutsky answered that the Governor's staff is doing it and the NJDFS is in constant contact with them to answer questions and make clarifications. Chief Kilmer added that the main thing they are doing is looking at the document from a policy standpoint.

Chairman Kevin Krushinski asked if Eligible Organizations are aware that Junior Firefighters are eligible to be accepted for training. Chief Kilmer answered that they were issued a memo stating such, so they should be aware of this. Commissioner Kathleen O'Leary asked about promoting the need for fire officials and fire inspectors, and if it had been considered doing an advertising campaign through the eligible organizations to encourage applying for these positions. Chief Kilmer answered that these job announcements are always sent to the eligible organizations but demand remains high for viable candidates.

With no additional questions raised regarding Division of Fire Safety Activities at this time, the meeting was moved to Advisory Council reports.

F. Advisory Council Reports:

1. Codes Advisory Council

Commissioner Arthur Londensky reported that the Codes Advisory Council met on December 21st at Middlesex County Fire Academy. The meeting covered a number of

topics and the minutes were provided at today's meeting for the Commission members' review.

Commissioner Londensky reported progress on Subchapter 3, Subchapter 4 and discussing emergency radio coverage. The Codes Advisory Council has a subcommittee on cooking vendors which met previously and has another meeting scheduled. There was also a proposal on a cooking vendor permit, which has been forwarded to committee for further review. The Codes Council is also looking at standardized forms that could be uniformly used throughout the State. Commissioner Naylis asked about the forms relative to sprinkler inspections and a discussion followed about the best way to proceed when the wrong sprinklers are installed in a given space. There was also a discussion on how often sprinkler systems should be inspected after their installation.

Commissioner Naylis asked if there was a timeframe for the review of Subchapter 4. Commissioner Londensky answered that the emergency radio coverage issue is taking up much of the time on this and anticipated it would be completed by the middle of 2023.

The next meeting of the Codes Advisory Council is scheduled for February 15, 2023 at Middlesex County Fire Academy at 10am.

2. Training and Education Advisory Council

Commissioner Nelson Wiest reported that the Training and Education Advisory Council had met on December 20th at the Burlington County Emergency Services Training Center in Westampton. The minutes were provided at today's meeting for the Commission members' review.

Commissioner Wiest began his report by thanking Kent Neiswender for his years of hard work and is looking forward to working with Greg Kirkham in the future. The largest topic discussed at the previous meeting was the lack of people having Firefighter 2 certifications and how to remedy this. Greg Kirkham spoke on this matter, explaining that there would be an equivalency challenge for instructors to get Firefighter 2 if they meet certain qualifications. The process will be regulated by the NJDFS. This will not have to do with IFSAC or ProBoard and should begin in the Spring.

Commissioner Wiest also reported that the Council is also looking to realign some of the subcommittees, condensing them and focus on having them support the SME groups that are active on various topics.

The next meeting of the Training and Education Advisory Council is scheduled for February 21, 2023 at Kean University's Kean Hall at 10am.

3. **Statistics and Information Advisory Council**

Commissioner Gerard Naylis urged all fire departments to get their NFIRS data submitted for 2022, so that the Council will be able to have a robust set of data for New Jersey to examine.

4. **Master Planning and Research Advisory Council**

In the absence of Commissioner Raymond Heck, no formal report was available at this time. Commissioner Wood reported that no meeting was held since the prior Fire Safety Commission meeting.

5. **Public Education Advisory Council**

Commissioner Daniel DeTrollo reported that there is no formal report on the Public Education Advisory Council to be given at this time. Commissioner DeTrollo added that he would be stepping down as Chair, and assume the role as Vice-Chair. Commissioner Paul McGrath was appointed as Chairman of the Public Education Advisory Council by Chairman Krushinski. Commissioners McGrath and DeTrollo will work on rebuilding the Council's roster and report on the progress at the next meeting.

6. **Firefighter Safety and Health Advisory Council**

Commissioner Richard Blohm reported that the Firefighter Safety and Health Advisory Council met on December 12th and provided the minutes of that meeting for the review of the Fire Safety Commission.

Relative to firefighter safety and health, Commissioner Blohm started a discussion regarding legal marijuana and how that should be dealt when firefighting personnel are impaired. Commissioner Blohm finds there to be a lack of information and guidance in regards to what an academy should do when a firefighter shows up to train impaired. How are they dismissed? How do they get home? Etc. A robust discussion followed and the issue was referred to the Cannabis Committee. Director Mikutsky said that he did not have any guidance to provide on the matter at this point.

Commissioner Blohm asked about what was being done in regard to a Cannabis Committee, which Assemblyman Danielsen spoke about and established the committee. Commissioner DeTrollo said that, to his knowledge, there had only been one meeting thus far but there needed to be another in the very near future to discuss this issue. The members of that committee said they would work with Assemblyman Rooney and Assemblyman Danielsen to set something up.

Commissioner Blohm gave updates from the Department of Labor and the New Jersey Forest Fire Service that were discussed at the previous Council meeting. He also reported that a subcommittee is continuing to examine the Department of Health's "pink book", which has gone about 25 years without revision and is in desperate need of it.

Commissioner Blohm also spoke about the Guidelines for Emergency Management of Firefighters book, which is designed to illustrate special health considerations for injury in the fire service.

The next meeting of the Firefighter Safety and Health Advisory Council is scheduled for February 16th at 10am at the Middlesex County Fire Academy.

7. Youth Firesetter Prevention Advisory Council

Commissioner Kathleen O’Leary reported that the Youth Firesetter Prevention Advisory Council met on January 11th virtually via Zoom. The minutes of that meeting were provided to the NJ Fire Safety Commission in their meeting packets for review.

Commissioner O’Leary reported on the 2022 Youth Firesetter Conference, which was successfully held on December 1st and 2nd. The work has already begun on the 2023 version, which will be the 20th Annual. Commissioner O’Leary also reported that they are planning on holding Youth Firesetter Prevention & Intervention trainings in the Spring (most likely April).

Commissioner O’Leary also expressed concern and frustration regarding the work with the Attorney General’s Office and the lack of progress made with getting their participation. Commissioner O’Leary added that the Council discussed the possibility of reviewing the Fineman Tool and exploring if there had been any updates or modifications made to it.

The next meeting of the Youth Firesetter Prevention Advisory Council is scheduled for March 9th at Monmouth County Fire Academy at 10 am.

G. Committee Reports

1. Residential Sprinkler Committee

Commissioner Gerard Naylis reported that there is no report to be given by the Residential Sprinkler Committee at this time.

2. Ad-Hoc Committee on Legislation

Commissioner Kevin Bellew reported that there is no report to be given at this time. David Kurasz will be reaching out to determine

3. NJ Utility Safety Team

Commissioner Steve O’Gorman reported that the NJ Utility Safety Team will be meeting on February 3rd at New Jersey Natural Gas’s training facility in Howell. Commissioner O’Gorman welcomed any members of the Fire Safety Commission who were interested in attending and asked that Secretary Charles Lavin disseminate the details.

4. Cannabis Committee

No report.

H. Old Business

Chairman Krushinski asked if anyone had any Old Business to bring before the Commission. With no Old Business to be discussed at this time, the meeting was moved to New Business.

I. New Business

Chairman Krushinski asked if anyone had any New Business to bring before the Commission. Commissioner Richard Blohm made a motion that Kate Triggiano be appointed to the Firefighter Safety and Health Advisory Council. The motion was seconded by Commissioner Daniel DeTrollo and passed unanimously.

Chairman Krushinski thanked the New Jersey State Firemen’s Association for their hospitality in hosting today’s meeting. The Chairman also thanked Sprinkler Fitters Local 696 and the New Jersey Fire Sprinkler Advisory Board for providing coffee and refreshments for the meeting’s attendees.

There being no further New Business to conduct at this time, the meeting was moved to Public Comment II.

J. Public Comment II

Chairman Krushinski asked if anyone from the public wished to comment at this time. There being none, the meeting was moved to Adjournment.

K. Adjournment

With no further discussion requested, Chairman Kevin Krushinski called for a motion to adjourn. Vice-Chairman Arthur Londensky made the motion, which was seconded by Commissioner Gerard Naylis and passed unanimously. The meeting adjourned at 11:38 AM.

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