



## Colorado State Fire Chiefs' Association

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### PRESS RELEASE

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## Auditors Report Reveals Abysmal Enforcement of Fire and Life Safety in Schools by State Agency

Fire Chiefs Continue to Express Concerns

**CENTENNIAL**, June 13, 2007 – For years the Colorado State Fire Chiefs' Association (CSFCA) has repeatedly sounded the alarm that there was little or no enforcement of building and life safety codes in the construction or remodel of public schools in Colorado by the State Division of Oil and Public Safety. According to CSFCA President Douglas Forsman, "We have long maintained that this lax oversight was putting our children at risk," adding, "it is only by luck and chance that we haven't lost a child due to a fire or structural collapse in a school."

Thus, the report released Monday by the State Auditor's Office, which found the Division's record of enforcement nothing short of abysmal, comes as no surprise to the fire chiefs. Since publication of its "Five Point Plan for a Fire Safe Colorado" in 1997, the CSFCA has sought to transfer this function from the Division of Oil and Public Safety to the Division of Fire Safety in the Department of Public Safety.

The fire chiefs believe the enforcement of building and fire codes in public schools is a life safety function, best regulated by an office whose mission is life safety. The CSFCA has also long maintained that the authority to conduct plan reviews and inspections of public schools should be delegated to local authorities that have qualified building and fire inspectors. "It is the local fire department that will be called when the school is on fire," says Chief Forsman, "and we will be the ones held to answer if a child loses his or her life. It only makes sense that we should be the ones ensuring that the schools in our jurisdictions are safe." According to Forsman, "The state should be involved only in adopting the codes and standards, and enforcing them in areas of the state where there are no qualified local inspectors."

The CSFCA made two recent attempts in the legislature to address this issue, but our concerns were largely ignored.

In 2005, the CSFCA sought to transfer all of the public safety programs, which included school safety, boiler inspections, carnivals and amusement parks, and explosives from the Department of Labor and Employment to the Department of Public Safety. A bill (SB05-236) sponsored by Senator Tom Wiens and then-Representative Tom Plant, among others, to do this ran into significant opposition from the Division of Oil and Public Safety and its constituents. While the emphasis was on the school safety program, it was felt that all of the public safety programs belonged in a public safety agency and the resources to do the job effectively were scattered between the programs.

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Despite overwhelming evidence that the Division was doing little to fulfill its statutory duties with respect to schools, the bill was killed in its first committee hearing following testimony from the Division Director, Dick Piper, that all required inspections were getting done and no changes were needed.

The list of issues cited by the fire chiefs was lengthy, and mirrors those found by the State Auditor's Office. It included examples of:

- Certificates of Occupancy issued before construction was complete and fire and life safety systems were operational
- Exit doors that were hung backwards, meaning they could trap students inside in the event of fire
- Required fire-rated doors not installed, or installed incorrectly
- Fire detection and alarm systems inadequately designed or inadequately installed
- Unprotected penetrations in fire walls, which would allow a means for rapid fire spread

The list went on, but of significant concern were the countless examples of Certificates of Occupancy being issued by the Division without a single inspection performed by state or local officials. The practice was to allow the contractor to hire their own inspectors, which is tantamount to allowing the "fox to guard the henhouse."

Making matters worse, the years of neglect by the Division have created the situation where we now have countless public school buildings in the state that were not built to code, and there is little opportunity to correct problems once a Certificate of Occupancy is issued.

During the 2006 legislative session, the CSFCA supported by groups representing fire marshals and building officials, renewed its efforts to pass legislation to correct this problem. "In order to increase our likelihood of success," relates Forsman, "this time we narrowed our focus specifically on the issue of school safety." House Bill 06-1158 by then-Representative Paul Weissmann and Senator Ron Tupa sought to transfer the school safety program from the Division of Oil and Public Safety to the Division of Fire Safety and allow delegation of enforcement to local officials.

Like its predecessor bill, HB06-1158 ran into obstacles from the beginning, when it was assigned to three different committees in the House, presumably on the belief that it would not make it through all three. When it did, the Division was willing to come to the table and concede there were issues, but Director Piper blamed it on the lack of resources to do the job. While the CSFCA agrees the resources were insufficient, it suggested that the resources were available within state government, particularly if certain enforcement activities were to be delegated to local authorities. The CSFCA also maintained that the primary problem was cultural – that the primary mission of the Department of Labor and Employment was not public safety – and thus the emphasis was not directed towards this.

However, when the CSFCA was told that then-Governor Owens would not sign a bill that transferred the entire school safety program and allowed for delegation, it was faced with the decision to agree to a compromise or lose the bill entirely.

The compromise position was that the program would remain the responsibility of the Division of Oil and Public Safety, but the authority for the enforcement of fire codes would be given to the Division of Fire Safety. The delegation to local authorities was left to the individual school districts to decide. They could have either the state perform the function or their local building and fire

officials. But, if they opted for state oversight, the proposal would require the Division of Oil and Public Safety to refer plans to local fire departments for fire safety review and comment.

According to Forsman, "It would be a better situation than existed at the time, so we agreed to the compromise." HB06-1558 was subsequently enacted into law with an effective date of July 1, 2006. However, since enactment of the Bill, very little has been done to actually implement its provisions. The Bill requires the Division of Oil and Public Safety to do rule-making to implement it, and nearly a year later, we are still waiting for this to occur.

While the report of the State Auditor confirms what the CSFCA has been saying all along, "The real issue," according to Forsman, "is that problems still exist, and little is still being done to address them." He suggests that, "It is time that we adequately resource this program and turn it over to people whose primary mission is public safety."

Chief Forsman adds that, while the record of the Division of Oil and Public Safety speaks for itself, there are several jurisdictions in the state, including his (Union Colony Fire Rescue Authority in Greeley), "That enjoy a very good relationship with their school district and they work together to resolve fire and life safety issues at the local level."

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#### **About the Colorado State Fire Chiefs' Association**

The mission of the Colorado State Fire Chiefs' Association is to provide leadership, education, and support to the Chief Officers of Colorado fire departments, in order to reduce the loss of life and property and to protect Colorado's citizens and institutions from all types of emergencies.