



OFFICE OF STATE FIRE MARSHAL
TASK FORCE ON IMPLEMENTATION
RECOMMENDATION



PREPARED // OCT. 2021





TABLE OF CONTENTS

OREGON HOUSE BILL 2927

BACKGROUND	3
TASK FORCE IMPLEMENTATION	3

TASK FORCE ON IMPLEMENTATION

COMPOSITION	4
PURPOSE	4

OREGON OFFICE OF STATE FIRE MARSHAL

MISSION	5
THE OFFICE	5
CURRENT ORGANIZATION	6

GREATER RESPONSIBILITY

RATIONALES FOR DECISIONS

TASK FORCE RECOMMENDATION

THE PATH FORWARD

10

HB 2927

BACKGROUND

House Bill 2927 discussions began in 2017 to find a thoughtful approach to reform Oregon's emergency management functions to better prepare Oregonians for all emergencies. Over three years, the House Committee on Veterans and Emergency Management convened a workgroup, inviting stakeholders to meet and evaluate the challenges inherent in the current Agency structures of The Office of State Fire Marshal (OSFM) and The Office of Emergency Management (OEM). As a result, one significant outcome in the Legislation is renaming the Office of State Fire Marshal as the Department of the State Fire Marshal and establishing the Department as an independent agency on July 1st, 2023.

The Bill passed in the 2021-2023 session with Legislators and supporters of the Bill recognizing that by establishing the State Fire Marshal as an independent agency, command and control operations would be simplified. In addition, it would provide the flexibility and autonomy to deal with Oregon's increasing risks and threats from disasters, such as wildfires, and allow the necessary expansion of scope and scale for OSFM, as outlined in the Governor's Council on Wildfire Response.

TASK FORCE

IMPLEMENTATION

House Bill 2927 was passed by Oregon Legislature on April 19, 2021, with direction to establish a Task Force on Implementation to recommend whether the Office of State Fire Marshal should be made an independent agency or remain housed within another State Agency. The task force determined that the OSFM should become an independent agency after they completed their work that began in July 2021. Their decision was based on the rationale presented during their meetings and the previous multi-year discussions. Another consideration is the added expectations and legislative mandates outlined for OSFM in Senate Bill 762. Therefore, OSFM is ready to move forward with the full implementation of an independent agency structure on July 1, 2023.

TASK FORCE COMPOSITION

The Task Force on Implementation consists of members of the Governor's Fire Service Policy Council, a collaboration of the Oregon Fire Chiefs Association, Oregon Fire District Directors Association, Office of State Fire Marshal, Oregon State Fire Fighters Council, Oregon Volunteer Firefighter's Association, Oregon Fire Marshals Association, League of Oregon Cities, a member of the insurance industry, and a member of the public.

Working with the support of the Governor's Office, members of the Senate and House of Representatives, task force members include:

Les Hallman, Chair

Oregon Fire Chiefs Association

Michael Heffner

Oregon Office of State Fire Marshal

Jack Carriger

Oregon Volunteer Firefighter's Association

Jim Critchley

League of Oregon Cities

Rep. Courtney Neron

Public Member at Large

Mark Kreutzer, Vice-Chair

Oregon Fire District Directors Association

Karl Koenig

Oregon State Fire Fighters Council

Jason Bolen

Oregon Fire Marshals Association

Chris McLaran

Oregon Mutual Insurance Company

TASK FORCE PURPOSE

The Task Force on Implementation is specifically directed to "make recommendations as to whether the Office of the State Fire Marshal should be an independent state agency, and, if not, in which existing state agency the office of the State Fire Marshal should be housed. The task force's recommendations must describe the rationales for the decisions of the task force."

A report on the findings and recommendations of the Task Force must be submitted no later than February 1, 2022.

OSFM MISSION

The Oregon Office of State Fire Marshal's (OSFM) mission is to protect people, property, and the environment from fire and hazardous materials.

The office achieves its mission through prevention education, inspections, code enforcement, and preparedness and response activities.

OREGON OFFICE OF STATE FIRE MARSHAL

In 1917, OSFM began with the State Insurance Commissioner serving as ex officio State Fire Marshal. OSFM separated from the insurance commissioner in 1963 and began service under the Governor. In 1971, the Legislature installed OSFM in the Department of Commerce, provided for the appointment of a State Fire Marshal, and established a separate administration office. The Department of Commerce was dismantled in 1987, and OSFM was transferred to the Executive Department.

Following a national trend to combine law enforcement and fire services into public safety agencies, in 1993, the State Legislature directed that OSFM combine with the Oregon State Police (OSP) to consolidate safety responsibilities. The intended outcome was for the agencies to share administrative costs and pool resources to provide better public safety for Oregonians.



CURRENT **ORANIZATION**

Given the acute risk increase to Oregonians across all services, a new reality of wildfire, and the need to respond to global pandemics, hazmat incidents, floods, or other natural disasters, Oregon has outgrown the model of housing the OSFM within the OSP. By recognizing Oregon's State Fire Chief, the State Fire Marshal, as an Agency Head, Oregon is well positioned into the future. Law enforcement and fire service fill vital roles in public safety; however, they are driven by differing missions, response priorities, public expectations, mandates, and standards for industry equipment, safety, and training.

While responsible for protecting life and property from fire and hazardous materials, the Office's structure does not allow for the direct decision-making necessary to prioritize the fire service. As a bureau within State Police, the Oregon Fire Service's voice, operations, and focuses are represented within a bureau and not directly represented as an executive agency. Currently, the OSFM is tasked with multiple regulatory authorities that flow through the State Fire Marshal to the 13,000 first responders in Oregon's fire service across 305 departments. The expanding role of OSFM and Oregon's fire service calls for an increase in autonomy and agency nimbleness.

The separation of the two agencies would allow each to play to its strengths, focus on their agency missions, and complement each other. With each agency having an individual voice, both are more able to address and focus on the public safety needs of Oregonians per their missions without having to prioritize one mission over the other. It's also important to note; separation of the Oregon State Fire Marshal and the Oregon State Police will not diminish the relationship of these key public safety partners, and the agencies will continue to collaborate on aligned, effective, and efficient actions to protect Oregonians.

As outlined in the bill, combining with other response agencies will not achieve the needed change, due to different missions and statutory responsibilities, funding sources, customers, and stakeholders. Furthermore, any option but a stand-alone agency is problematic due to competing priorities, the diminished roles of the State Fire Marshal and Oregon's Fire Service, differing complex funding sources, stakeholder priorities, and lastly alignment of, customers and stakeholders.

GREATER **RESPONSIBILITY**

The Oregon Office of State Fire Marshal has a diverse core business portfolio to ensure the agency addresses Oregon's risks. In addition, OSFM provides capacity for regulatory and educational programs throughout the State that have wide-reaching impacts. As the OSFM continues its existing services to ensure life and safety for Oregonians, the Office received additional responsibilities.

In the most recent legislative session, OSFM was given the capacity to meet an increase in responsibilities, establish significant new programs, and strengthen collaborative relationships with State and Local Government agencies. As a result, an increased budget has been awarded to facilitate these expectations. Some key deliverables are:

- The Oregon Safety Assessment Program (OrSAP), OSFM, will conduct safety assessments of buildings after a disaster.
- To establish minimum requirements for defensible space within the wildland-urban interface based on a collaboratively developed risk map.
- To administer a Community Risk Reduction program to educate local agencies and landowners about maintaining defensible space through Fire Adapted Oregon.
- To administer funding for wildland and wildland-urban interface fire prevention.
- To work with the State Department of Forestry to form jurisdictions for response to fires in the wildland-urban interface.
- To increase response capability by increasing staff for prevention, response, and administrative support functions through Response Ready Oregon.
- To make regular reports to the legislative assembly.

OSFM as a standalone agency will help guarantee the successful implementation of the new responsibilities and programs.



RATIONALES FOR **DECISIONS**

- OSFM is relied upon to keep Oregonians safe. Reporting directly to the Governor will ensure direct communication and command decisions, especially during State Emergencies, such as significant wildfires.
- The State Fire Marshal is considered the highest-ranking appointed fire official in the State, and OSFM is the key representative of the Oregon Fire Service. There is an expectation from Oregon Fire Chiefs that OSFM is a stand-alone agency, reporting directly to the Governor.
- As an Agency Head, the State Fire Marshal will independently dispense the existing statutory authorities to the fire service, such as: establishing and enforcing fire protection rules and standards, entering and inspecting buildings and premises, investigating fires, and mobilizing firefighting resources to an incident, during times of heightened fire danger, or when existing firefighting resources may need additional surge response capacity.
- Separating OSFM (fire services) from OSP (law enforcement) allows each agency to be aligned and complementary to address the growing needs of our State with the expected service deliveries. This provides for an equal voice of Fire Service and Law Enforcement needs.
- As an independent agency, OSFM can practice nimbleness, priority setting, and efficiency in program development and legislative planning as public and legislative expectations increase for OSFM and the Oregon fire service.
- OSFM oversees various regulatory fee-based programs that generate a complex budget portfolio with multiple budget sources that can be better managed with flexibility and autonomy.
- Support for the OSFM to become an independent agency is high within the State Legislature, Governor's Office, Oregon Fire Service, OSFM personnel, and the public, making this a logical time to begin the transition, especially in the face of Oregon's new reality of wildfire.

TASK FORCE

RECOMMENDATIONS

The time has come for the Oregon State Fire Marshal to become an independent agency, focused upon local and regional investment for expanded preparedness, and response capacities for conflagration and increased fire defense needs.

Recent wildfires have highlighted the emergent requirements for innovative fire management policies, especially within the wildland urban interface. Therefore, we believe the OSFM should have equitable representation, including the ability to propose legislation affecting prevention, education, inspections, code enforcement, and preparedness and response activities related to fire and hazardous materials impacts.

Separating OSFM from OSP will allow each agency to assist Oregonians according to its own mission, industry standards, and legislative mandates. Additionally, with ownership and authority over its own budget, the OSFM may realize additional funding sources that are not possible when tied to a law enforcement agency.

As discussed with the passage of 2927, the legislature, executive branch, and stakeholders all offered significant support to remove OSFM from OSP as a standalone agency. This decision by this task force was unanimous and consistent with all fire service stakeholders and represents numerous stakeholder meetings, public testimony, and legislative intent. The stakeholders and Office look forward to moving this critically important topic forward on the timeline identified in the Bill- OSFM to become a standalone Agency in July 2023.



THE PATH **FORWARD**

Oregon has seen a significant amount of change since OSFM and OSP were integrated into one public safety agency. The State's demographics, expectations of the public of Oregon's responders, and the hazards have evolved. Clearly defining two separate but equal public safety organizations will ensure that OSFM can adapt to the changing needs of Oregon.

OSFM's programs are designed to address all hazards that threaten Oregon's people and environment. As an independent agency, OSFM will be able to address risks to Oregonians well into the future. For example, there is a forecasted 40% population growth in the Wildland Urban Interface in the next decade, an increase in crude oil transport on Oregon's railways, and the ever-present need to ensure that the regulatory and educational programs are flexible enough to reflect changes in science and Oregon.

With the taskforce's recommendation, OSFM can continue to take meaningful steps toward supporting their multiple statewide programs with diverse funding and programmatic needs, modernize Oregon's Response System, and support communities to become more resilient to all hazards.

