



MICHIGAN

OFFICE OF THE AUDITOR GENERAL

AUDIT REPORT



THOMAS H. MCTAVISH, C.P.A.
AUDITOR GENERAL

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– Article IV, Section 53 of the Michigan Constitution

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Michigan
Office of the Auditor General
REPORT SUMMARY

Performance Audit

Fire Safety Inspection Program

*Bureau of Construction Codes and Fire Safety
Department of Labor and Economic Growth*

Report Number:
64-143-05

Released:
August 2006

The Bureau of Construction Codes and Fire Safety is generally responsible for managing Michigan's overall fire safety through construction plan review, fire safety inspections, and training and certification of fire inspectors. Within the Bureau are the State Fire Marshal, the Fire Fighters Training Council, and the State Fire Safety Board. Through its fire safety inspection program, the Bureau conducts annual fire safety inspections of various regulated facilities under the Fire Safety Prevention Code (Act 207, P.A. 1941, as amended).

Audit Objective:

To assess the Bureau's efforts to measure the effectiveness of its fire safety inspection program in protecting Michigan citizens from fire and related hazards.

Audit Conclusion:

We concluded that the Bureau's efforts to measure the effectiveness of its fire safety inspection program in protecting Michigan citizens from fire and related hazards were moderately effective.

Reportable Conditions:

The Bureau needs to establish outcome measures to enable it to assess the overall effectiveness of its fire safety inspection program in reducing fires and related hazards (Finding 1).

The Bureau needs to update its written policies and procedures to help ensure that it conducts fire safety inspections in accordance with the Bureau's goals and objectives (Finding 2).

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Audit Objective:

To assess the Bureau's efforts to ensure that fire safety inspections are performed as required by law.

Audit Conclusion:

We concluded that the Bureau's efforts to ensure that fire safety inspections are performed as required by law were moderately effective.

Reportable Conditions:

The Bureau did not ensure that annual fire safety inspections were completed for places of public assemblage. Also, the Bureau did not ensure that places of public assemblage obtained annual certification from the State Fire Marshal prior to establishment or operation. (Finding 3)

The Bureau did not complete annual fire safety inspections of adult foster care homes, homes for the aged, family adult intermediate services facilities, and hospitals in a timely manner (Finding 4).

The Bureau did not conduct timely fire safety inspections of construction and renovation projects of various facilities as required. In addition, the Bureau did not properly document when fire safety inspection reports were received and reviewed (Finding 5).

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Agency Responses:

Our audit report contains 5 findings and 7 corresponding recommendations. The Bureau's preliminary response indicates that it agreed with all the recommendations.

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Background:

Executive Order 1997-2 transferred certain inspection and administrative functions of the Fire Marshal Division, Michigan Department of State Police (MSP), and the State Fire Safety Board to the Office of Fire Safety, Department of Consumer and Industry Services (CIS), effective September 1997.

In March 2003, the Office of Fire Safety was merged into the Bureau of Construction Codes, which was renamed the Bureau of Construction Codes and Fire Safety. Executive Order 2003-18, which was effective in December 2003, renamed CIS as the Department of Labor and Economic Growth and transferred the remaining functions involving fire safety from the Fire Marshal Division to the Bureau, which included the State Fire Marshal position and the Fire Fighters Training Council. The functions remaining with MSP included the State arson strike force unit, fire investigations, criminal enforcement, and the Fire Investigator Training Program.

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August 16, 2006

Mr. Robert W. Swanson, Director
Department of Labor and Economic Growth
Ottawa Building
Lansing, Michigan

Dear Mr. Swanson:

This is our report on the performance audit of the Fire Safety Inspection Program, Bureau of Construction Codes and Fire Safety, Department of Labor and Economic Growth.

This report contains our report summary; description of agency; audit objectives, scope, and methodology and agency responses; comments, findings, recommendations, and agency preliminary responses; and a glossary of acronyms and terms.

Our comments, findings, and recommendations are organized by audit objective. The agency preliminary responses were taken from the agency's responses subsequent to our audit fieldwork. The *Michigan Compiled Laws* and administrative procedures require that the audited agency develop a formal response within 60 days after release of the audit report.

We appreciate the courtesy and cooperation extended to us during this audit.

AUDITOR GENERAL

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Description of Agency

The Bureau of Construction Codes and Fire Safety is generally responsible for managing Michigan's overall fire safety through construction plan review*, fire safety inspections, and training and certification of fire inspectors. Through its fire safety inspection program, the Bureau conducts annual fire safety inspections of various regulated facilities under the Fire Safety Prevention Code (Act 207, P.A. 1941, as amended). Within the Bureau are the State Fire Marshal, the Fire Fighters Training Council (FFTC), and the State Fire Safety Board (SFSB):

- a. The State Fire Marshal is responsible for implementation and enforcement of administrative rules for fire safety, explosives, and Statewide fireworks enforcement. The State Fire Marshal also provides staff support to FFTC and SFSB.
- b. FFTC, created by Act 291, P.A. 1966, is responsible for educating officials in fire safety laws and rules and for overseeing the training of fire fighters and inspectors as well as public fire education throughout the State. FFTC serves the training and certification needs of the State's 1,080 fire departments and more than 34,000 fire fighters and officers. FFTC prepares and publishes training standards; establishes courses of study; certifies instructors; establishes regional training centers; cooperates with State, federal, and local fire agencies to facilitate training of fire fighters; and develops and administers mandatory certification examinations for new fire fighters.
- c. SFSB was created by Act 207, P.A. 1941. SFSB's mission* is to protect life and property from fire, smoke, hazardous materials, and fire related panic in specific types of public facilities in cooperation with other fire organizations within the State.

The statutory responsibilities assigned to SFSB include, but are not limited to, promulgation of fire safety rules covering: the construction, operation and maintenance of schools, health care facilities, penal facilities, and other types of facilities; the operation and maintenance for public assembly and other buildings;

* See glossary at end of report for definition.

and the storage and handling of hazardous materials. In addition, SFSB oversees delegation of fire inspection responsibilities and serves as the final administrative hearing body on decisions made by the Bureau related to the rules that SFSB promulgates.

Various sections of the *Michigan Compiled Laws* and the *Michigan Administrative Code* address the fire safety related responsibilities of the Bureau, including:

- Sections 29.1 - 29.34 of the *Michigan Compiled Laws* (Act 207, P.A. 1941, as amended), also known as the Fire Prevention Code.
- Sections 388.851 - 388.855a of the *Michigan Compiled Laws* (Act 306, P.A. 1937, as amended).
- Sections R 29.501 - R 29.508, R 29.1501 - R 29.1509, R 29.1601 - R 29.1641, R 29.1701 - R 29.1733, R 29.1801 - R 29.1861, R 29.1901 - R 29.1934, and R 29.2001 - R 29.2032 of the *Michigan Administrative Code*.

The Bureau's fire safety related responsibilities were originally with the Fire Marshal Division (FMD), Michigan Department of State Police (MSP). Executive Order No. 1997-2 transferred certain inspection and administrative functions of FMD and SFSB to the Office of Fire Safety, Department of Consumer and Industry Services (CIS), effective September 1997. In March 2003, the Office of Fire Safety was merged into the Bureau of Construction Codes in CIS, which was renamed the Bureau of Construction Codes and Fire Safety.

Executive Order No. 2003-18, which was effective in December 2003, renamed CIS as the Department of Labor and Economic Growth and transferred the remaining functions involving fire safety from FMD to the Bureau, which included the State Fire Marshal position and FFTC. The functions remaining with MSP included the State arson strike force unit, fire investigations, criminal enforcement, and the Fire Investigator Training Program.

Audit Objectives, Scope, and Methodology and Agency Responses

Audit Objectives

Our performance audit* of the Fire Safety Inspection Program, Bureau of Construction Codes and Fire Safety, Department of Labor and Economic Growth (DLEG), had the following objectives:

1. To assess the Bureau's efforts to measure the effectiveness* of its fire safety inspection program in protecting Michigan citizens from fire and related hazards.
2. To assess the Bureau's efforts to ensure that fire safety inspections are performed as required by law.

Audit Scope

Our audit scope was to examine the program and other records of the fire safety inspection program, Bureau of Construction Codes and Fire Safety. Our audit was conducted in accordance with *Government Auditing Standards* issued by the Comptroller General of the United States and, accordingly, included such tests of the records and such other auditing procedures as we considered necessary in the circumstances.

Audit Methodology

Our audit procedures, performed between January and June 2005, included examination of records primarily for the period October 1, 2002 through March 31, 2005.

To establish our audit methodology, we conducted a preliminary survey of the Bureau's operations. This included discussions with agency staff regarding functions and responsibilities and review of applicable statutes, rules, policies and procedures, reports, and other reference materials to gain an understanding of Bureau activities.

We reviewed a sample of the Bureau's fire safety inspection files and reports to assess the effectiveness of fire safety related programs and evaluate compliance with statutes. Our review included assessing the timeliness and completeness of inspections. We

* See glossary at end of report for definition.

identified goals* and objectives* established for the fire safety inspection program and reviewed methods to measure and evaluate its performance. We also reviewed available fire statistics generated by the Bureau and other national organizations.

Agency Responses

Our audit report contains 5 findings and 7 corresponding recommendations. The Bureau's preliminary response indicates that it agreed with all the recommendations.

The agency preliminary response that follows each recommendation in our report was taken from the agency's written comments and oral discussion subsequent to our audit fieldwork. Section 18.1462 of the *Michigan Compiled Laws* and Department of Management and Budget Administrative Guide procedure 1280.02 require DLEG to develop a formal response to our audit findings and recommendations within 60 days after release of the audit report.

* See glossary at end of report for definition.

COMMENTS, FINDINGS, RECOMMENDATIONS,
AND AGENCY PRELIMINARY RESPONSES

EFFECTIVENESS OF FIRE SAFETY INSPECTION PROGRAM

COMMENT

Audit Objective: To assess the Bureau of Construction Codes and Fire Safety's efforts to measure the effectiveness of its fire safety inspection program in protecting Michigan citizens from fire and related hazards.

Conclusion: We concluded that the Bureau's efforts to measure the effectiveness of its fire safety inspection program in protecting Michigan citizens from fire and related hazards were moderately effective. We noted reportable conditions* related to program evaluation and policies and procedures (Findings 1 and 2).

FINDING

1. Program Evaluation

The Bureau needs to establish outcome* measures to enable it to assess the overall effectiveness of its fire safety inspection program in reducing fires and related hazards.

Establishing outcome measures would also help the Bureau to determine the effectiveness of its fire safety inspections, identify weaknesses or gaps in its fire safety related programs, establish accountability for the expenditure of public funds, improve resource allocations, and minimize inefficiencies and unnecessary expenditures in its fire safety prevention efforts.

In accordance with the Fire Prevention Code, the Bureau, which includes the State Fire Marshal, is generally responsible for the protection of persons and property from exposure to the dangers of fire or explosion. The Bureau's functions include conducting fire safety inspections of various facilities and providing for the clearing and improvement of premises that constitute a fire hazard or a menace to the peace, security, or safety of persons or property.

At the time of our audit, the Bureau had only one stated goal for its fire safety inspection program, which was to maintain a timely inspection program for all

* See glossary at end of report for definition.

regulated facilities. The objectives related to this goal were to respond to 100% of inspection requests and to conduct 95% to 100% of annual inspections within required time limits. However, the Bureau's goal and objectives focused more on counting outputs* than on measuring outcomes.

Measuring outputs is important to ensure that required fire safety inspections are being completed; however, the purpose of these inspections is the prevention of fires and related hazards. Developing outcome measures would help the Bureau to assess the overall effectiveness of its fire safety inspection efforts. Possible outcome measures could include determining the effect that fire safety inspection efforts had on reducing the dollar amount of fire-related damages or on reducing fire-related injuries and deaths.

In addition, the Bureau did not generate data to measure if the quality of inspections was improving, if recurring Fire Prevention Code violations were being reduced, if the number of inspection rechecks was declining, if more potential Fire Prevention Code changes were identified, or if the number of future fires resulting from the same causes was reduced.

RECOMMENDATION

We recommend that the Bureau establish outcome measures to enable it to assess the overall effectiveness of its fire safety inspection program in reducing fires and related hazards.

AGENCY PRELIMINARY RESPONSE

The Bureau agreed and plans to establish outcome measures wherever possible and practical and will establish systems to track and follow up on all fire safety violations cited during inspections to ensure that they are corrected in a timely manner. The Bureau indicated that these systems will assist the Bureau in: 1) establishing minimum standards for fire safety in direct cooperation with the State Fire Safety Board; 2) maintaining established statutory time frames for inspection services of regulated facilities; and 3) generating data that can be used to assess the Bureau's effectiveness of minimizing repeated violations. The Bureau will also reestablish the quality assurance committee within the Bureau to apply all rules and standards in a consistent manner across the State.

* See glossary at end of report for definition.

FINDING

2. Policies and Procedures

The Bureau needs to update its written policies and procedures to help ensure that it conducts fire safety inspections in accordance with the Bureau's goals and objectives. Updated policies and procedures would also help ensure the consistency of inspections conducted among the Bureau's five regions.

The Bureau's policies and procedures did not adequately address the Bureau's operations. Many of the Bureau's policies and procedures were developed when the fire safety inspection program was under the direction of the Michigan Department of State Police and subsequently under the Office of Fire Safety. The outdated policies and procedures need to be revised to conform with operations in order to serve as a guide for better administration of operations. Maintaining current written policies and procedures can impact the effectiveness and efficiency of operations and promote the consistency of practices among staff. Written procedures are also valuable in training new employees and help to ensure that employees understand and are aware of their assigned responsibilities.

In addition, numerous policies had been deleted without written approval from Bureau management staff and without an official record of the policies that had been deleted. Bureau management should formally approve any deletion, addition, or other changes to its written policies and procedures and maintain a record of all changes that are made.

For example, we noted one policy involving the use of a fire safety systems inspection requirements form. The policy indicated that the form was not intended to be used as a definitive inspection standard, but rather to ensure that each inspection included a thorough examination of all critical items identified on the form. We were informed that this policy was deleted in approximately February 2004; however, the Bureau could not provide documentation that it approved this action.

RECOMMENDATION

We recommend that the Bureau update its written policies and procedures to help ensure that it conducts fire safety inspections in accordance with the Bureau's goals and objectives.

AGENCY PRELIMINARY RESPONSE

The Bureau agreed and will comply. The Bureau will soon begin the process of reestablishing rules and will also ensure that policies and procedures are approved by the appropriate level of Bureau management and that records of all changes are maintained. The Bureau also indicated that this is a time consuming process, but it will be a top priority of the newly formed Bureau of Fire Services and estimated that it will take place over the next 12 months.

PERFORMANCE OF FIRE SAFETY INSPECTIONS

COMMENT

Audit Objective: To assess the Bureau's efforts to ensure that fire safety inspections are performed as required by law.

Conclusion: **We concluded that the Bureau's efforts to ensure that fire safety inspections are performed as required by law were moderately effective.** However, we noted reportable conditions related to fire safety inspections of places of public assemblage, annual fire safety inspections, and other construction and renovation projects (Findings 3 through 5).

FINDING

3. Fire Safety Inspections of Places of Public Assemblage

The Bureau did not ensure that annual fire safety inspections were completed for places of public assemblage. Also, the Bureau did not ensure that places of public assemblage obtained annual certification from the State Fire Marshal prior to establishment or operation.

Section 29.21c of the *Michigan Compiled Laws* (a section of the Fire Prevention Code) requires that places of public assemblage be inspected at least annually to determine whether they are being maintained in compliance with the Fire Prevention Code. These inspections are to be conducted by the State Fire Marshal or, upon written request of the governing body of a city, village, township, or county and the approval of the State Fire Marshal, the inspections may be conducted by the chief of an organized fire department or a fire fighter in uniform acting under the orders and directions of a local fire chief. The Fire Prevention

Code also requires that places of public assemblage shall not be established or operated without obtaining an annual certificate from the State Fire Marshal indicating their maximum capacity and that they are in compliance with the Code.

A "place of public assemblage" means a room or other space in a building which can accommodate 50 or more individuals, including all connected rooms and space which share a common means of entrance and egress. Places of public assemblage include locations such as churches, halls, theaters, restaurants, libraries, malls, stores, and museums.

The Bureau estimated that there were approximately 100,000 places of public assemblage in the State. The Bureau informed us that the inspections of these locations would involve a significant undertaking and would be difficult to complete under the current system without additional personnel or funding. In fiscal year 2001-02, the Bureau estimated that it would require an additional 52 full-time equated positions, costing approximately \$3.2 million annually, to complete these inspections.

During 2003 (the most recent year that data was available), the Bureau reported that there were approximately 1,800 fires involving places of public assemblage. Although no deaths were reported, these fires caused 51 injuries and dollar losses of approximately \$20.2 million. The Bureau also reported that approximately 15% of all fires were caused by arson or other suspicious conditions. Although fire safety inspections may not prevent the occurrence of these types of fires, the Bureau can better ensure the safety and protection of the citizens and business investments of the State by inspecting and certifying places of public assemblage.

We reported a similar finding in a prior audit of the fire safety inspection program. However, this is our first audit of this program since it became part of the Department of Labor and Economic Growth.

RECOMMENDATIONS

We recommend that the Bureau ensure that annual fire safety inspections are completed for places of public assemblage.

We also recommend that the Bureau ensure that places of public assemblage obtain annual certification from the State Fire Marshal prior to establishment or operation.

AGENCY PRELIMINARY RESPONSE

The Bureau agreed and intends to comply with the statute whenever possible. The Bureau indicated that it should be noted that this statute has been unfunded since 1978, and accordingly, it has been (and will continue to be) impossible for Bureau personnel to comply with the statutory requirements until funding is made available. The Bureau will continue to seek a dedicated funding source and will also review the possibility of delegating authority for inspections of public assemblage to local governments capable of proper and safe inspections.

FINDING

4. Annual Fire Safety Inspections

The Bureau did not complete annual fire safety inspections of adult foster care (AFC) homes, homes for the aged (HFAs), family adult intermediate services (FAIS) facilities, and hospitals in a timely manner. As a result, the Bureau could not ensure that these facilities were operating safely in accordance with applicable requirements.

Michigan Administrative Code R 400.18305 requires that fire safety inspections be completed for all AFC homes at least annually. Bureau Fire Safety Manual policy 7-14 requires that fire safety inspections be completed annually for HFAs, FAIS facilities, and hospitals.

Our review of the Bureau's fire safety inspection process disclosed:

- a. During the period January 1, 2002 through March 21, 2005, fire safety inspections for 431 (33%) of 1,294 AFC homes and HFAs were not completed in a timely manner. These inspections ranged from 1 to 575 days late, averaging approximately 122 days late.
- b. As of March 31, 2005, fire safety inspections for 86 (30%) of 285 FAIS facilities had not been completed in a timely manner. These inspections ranged from 5 to 543 days late, averaging approximately 111 days late.

- c. As of June 13, 2005, fire safety inspections for 8 (80%) of 10 hospitals had not been completed in a timely manner. These inspections ranged from 63 to 441 days late, averaging approximately 184 days late.

RECOMMENDATION

We recommend that the Bureau conduct annual fire safety inspections of AFC homes, HFAs, FAIS facilities, and hospitals in a timely manner.

AGENCY PRELIMINARY RESPONSE

The Bureau agreed and will reestablish a program to conduct annual fire safety inspections of AFC homes, HFAs, FAIS facilities, and hospitals in a timely manner.

FINDING

5. Other Construction and Renovation Projects

The Bureau did not conduct timely fire safety inspections of construction and renovation projects of various facilities. In addition, the Bureau did not properly document when fire safety inspection reports were received and reviewed.

In accordance with Section 388.853 of the *Michigan Compiled Laws* and various sections of the *Michigan Administrative Code*, the Bureau is responsible for conducting fire safety inspections of new construction and renovation projects involving schools, dormitories, correctional facilities, hospitals, nursing homes, AFC homes, HFAs, and child-care facilities. These include preliminary inspections, which are generally conducted during the course of the construction or renovation, and final inspections, which must be conducted before the facility can be approved for occupancy.

In accordance with Bureau Fire Safety Manual policy, the architect, owner, or owner representative of each facility is to notify the Bureau's central office, in writing, approximately four weeks before either a preliminary or a final fire safety inspection is to be conducted. A request for final inspection may also be made by one of the Bureau's field offices. Bureau Fire Safety Manual policy 7-14 requires that inspections are to be completed within 21 days from the date the request is received and inspection reports shall be completed within 5 working days of the completion of the inspection.

We reviewed 22 construction and renovation projects that required fire safety inspections to be completed by the Bureau and determined:

- a. The Bureau had not completed 6 (60%) of 10 preliminary inspections within the required 21 days. These inspections were completed from 7 to 91 days late. Also, 7 (70%) of the 10 preliminary inspection reports did not have the date the report was reviewed by the supervisor, and none of the 10 reports had the date the inspector submitted the report for supervisory review. Therefore, it could not be determined if the inspection reports were completed within 5 working days as required by Bureau policy.
- b. The Bureau had not completed 7 (32%) of 22 final inspections within the required 21 days. These inspections were completed from 3 to 147 days late. Also, 17 (77%) of the 22 final inspection reports did not have the date the report was reviewed by the supervisor, and none of the 22 reports had the date the inspector submitted the report for supervisory review. Therefore, it could not be determined if inspection reports were completed within 5 working days as required by Bureau policy.

Maintaining project documentation of when a customer requests a fire safety inspection and other documented customer contact could help supervisors monitor and ensure that projects are inspected in a timely manner. Having inspectors sign the report when completed would help supervisors ensure that reports are written in a timely manner. Also, supervisors indicating the date of their review could help ensure timely reviews of fire safety inspection reports.

RECOMMENDATIONS

We recommend that the Bureau conduct timely fire safety inspections of construction and renovation projects of various facilities.

We also recommend that the Bureau properly document when fire safety inspection reports are received and reviewed.

AGENCY PRELIMINARY RESPONSE

The Bureau agreed and will comply. The Bureau will reestablish programs to conduct timely fire safety inspections of renovation projects of various facilities through implementation and revision of the Bureau's policies and procedures. The

Bureau indicated that it is anticipated that this will be a self-correcting problem and the Bureau will also establish a documentation procedure requiring sign off by the area supervisors.

GLOSSARY

Glossary of Acronyms and Terms

AFC	adult foster care.
CIS	Department of Consumer and Industry Services.
DLEG	Department of Labor and Economic Growth.
effectiveness	Program success in achieving mission and goals.
FAIS	family adult intermediate services.
FFTC	Fire Fighters Training Council.
FMD	Fire Marshal Division.
goals	The agency's intended outcomes or impacts for a program to accomplish its mission.
HFA	home for the aged.
mission	The agency's main purpose or the reason that the agency was established.
MSP	Michigan Department of State Police.
objectives	Specific outcomes that a program seeks to achieve its goals.
outcomes	The actual impacts of the program.
outputs	The products or services produced by the program.
performance audit	An economy and efficiency audit or a program audit that is designed to provide an independent assessment of the

performance of a governmental entity, program, activity, or function to improve public accountability and to facilitate decision making by parties responsible for overseeing or initiating corrective action.

plan review Review of structural plans for new construction or remodeling projects to determine if they meet fire safety code standards.

reportable condition A matter that, in the auditor's judgment, represents either an opportunity for improvement or a significant deficiency in management's ability to operate a program in an effective and efficient manner.

SFSB State Fire Safety Board.

