



July 15, 2008

Greetings from the S. C. Office of State Fire Marshal

This letter is intended to clarify responsibilities relating to plan review and fire inspection responsibilities for child care facilities licensed by the Department of Social Services (DSS).

For many years, multiple agencies have conducted inspections of child care facilities. Often the local authority having jurisdiction and the Office of State Fire Marshal (OSFM) both inspected a single child care facility. This system created confusion for the child care facility operator and for DSS as the licensing agency when inconsistencies were presented as a result of an inspection or plan review. Additionally, the redundancy of inspections and plan reviews were neither cost effective nor efficient.

The Office of State Fire Marshal is not statutorily charged with the responsibility for conducting child care facility inspections or reviews. State statutes, as well as building and fire codes, assign the responsibility for these inspections to the local authority having jurisdiction. In the interest of fire and life safety, efficiency and consistency, the OSFM accepted the challenge to assist DSS, the fire service, and the citizens of South Carolina.

After study and consultation with DSS and other concerned entities, the OSFM believes there is a better approach. Any local jurisdiction that is currently performing fire and life safety inspections, performing fire plan reviews, issuing permits or business licenses for child care facilities will now be solely responsible for these functions. In accordance with the Fire Sprinkler Law, plan review responsibility for fire sprinklers will remain with the OSFM or his designee.

For those local authorities having jurisdiction, but which do not have fire inspection capabilities, or are otherwise not able to conduct the inspections immediately, the OSFM Inspection Services Section will work with you to provide on-the-job training by accompanying you on some of your local child care facility inspections. Please remember that inspections of child care facilities are no different than inspections conducted at other types of occupancies.

The Department of Social Services is in the process of recruiting staff to conduct fire & life safety inspections. The Department will take the lead role in conducting inspections and will coordinate this process with state and local jurisdictions when appropriate. Procedurally, DSS will continue to submit inspection requests to the OSFM until the DSS inspectors are able to accept the coordinating responsibility. Until that time, the Deputy State Fire Marshal for your county will coordinate getting these requests to you.

As a reminder: When inspecting or reviewing plans for child care facilities with new construction, additions or renovations, the child care facility may follow the 2006 International Building and Fire Codes in their entirety, in lieu of following the provisions of S. C. Rules and Regulations (SCRR). Existing facilities should be inspected for compliance with the SCRR and the building and fire codes in effect at the time the building was approved. Additionally, changes in ownership of the facility do not support a change in the standards to be applied when inspecting. Facilities continue to be inspected under the codes edition that was applied when originally approved.

As always, the Office of the State Fire Marshal is here to provide assistance and/or consultation during this transition, if necessary. Please feel free to contact your local Deputy State Fire Marshal or the main office at (803) 896-9800 for any additional information or questions. You can also visit our website at <http://www.lfr.state.sc.us/firemarshal.asp> for more information.