



December 2025  
PE 25-03-687

## PERFORMANCE REVIEW

# THE STATE FIRE COMMISSION

### AUDIT OVERVIEW

The Fire Death Rate in West Virginia Has Remained Among the Highest in the United States for Twenty-Four Years

The State Fire Commission Is Not in Compliance with West Virginia Code §15A-11-8(e) to Develop a Plan for Fire Prevention and Control as a Separate Comprehensive Document, Which Prohibits Auditors from Making Further Determinations on the Quality and Effectiveness of the Plan. Additionally, Code Lacks Clarity on Some Requirements Contributing to Non-Compliance

The Commission's Website Includes Most of the Statutorily Required Content and Contains Several Features that Enhance User-Friendliness and Transparency



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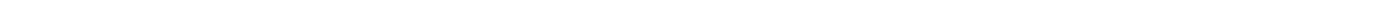
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**John Sylvia**  
**Director**

December 7, 2025

The Honorable Patricia Puertas Rucker  
State Senate  
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Charleston, WV 25305

The Honorable Chris Phillips  
House of Delegates  
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Charleston, WV 25305

Dear Chairs:

Pursuant to the West Virginia Performance Review Act, West Virginia Code §4-10-7, we are transmitting an Agency Review of the *State Fire Commission*. The issues covered herein are:

1. The Fire Death Rate in West Virginia Has Remained Among the Highest in the United States for Twenty-Four Years.
2. The State Fire Commission Is Not in Compliance with West Virginia Code §15A-11-8(e) to Develop a Plan for Fire Prevention and Control as a Separate Comprehensive Document, Which Prohibits Auditors from Making Further Determinations on the Quality and Effectiveness of the Plan. Additionally, Code Lacks Clarity on Some Requirements Contributing to Non-Compliance.
3. The Commission's Website Includes Most of the Statutorily Required Content and Contains Several Features that Enhance User-Friendliness and Transparency.

We transmitted a draft copy of the report to the agency on October 17, 2025. We held an exit conference on November 5, 2025. We received the agency response on November 10, 2025. If you have any questions about this report, please let me know.

Sincerely,  
*John Sylvia*  
John Sylvia

Enclosure



# CONTENTS

Audit Report Brief.....	7
Executive Summary.....	9
Issue 1: The Fire Death Rate in West Virginia Has Remained Among the Highest in the United States for Twenty-Four Years.....	13
Issue 2: The State Fire Commission Is Not in Compliance with West Virginia Code §15A-11-8(e) to Develop a Plan for Fire Prevention and Control as a Separate Comprehensive Document, Which Prohibits Auditors from Making Further Determinations on the Quality and Effectiveness of the Plan. Additionally, Code Lacks Clarity on Some Requirements Contributing to Non-Compliance.....	25
Issue 3: The Commission’s Website Includes Most of the Statutorily Required Content and Contains Several Features that Enhance User-Friendliness and Transparency.....	33

## List of Tables

Table 1: States Most Consistently Ranked in the Top Ten for Highest Fire Death Rates Per Million CY 2000-2023 .....	16
Table 2: Reported Deaths per 1,000 Fires West Virginia and Surrounding States CY 2022 and 2023.....	17
Table 3: Ten Counties Highest Average Reported Fire Deaths per 1000 fires CY 2009-2023 .....	18
Table 4: Breakdown of West Virginia Structure Fires by Property Type CY 2009-2023 .....	19
Table 5: Breakdown of West Virginia Residential Structure Fires by Property Type CY 2009-2023.....	20
Table 6: Deaths by Property Type CY 2009-2023 .....	21
Table 7: State Fire Commission Completed Fire Department Evaluations FY 2009-2024.....	31
Table 8: State Fire Commission Statutorily Required Website Content .....	34

## List of Figures

Figure 1: West Virginia and United States Average Fire Death Rate Per Million Population and West Virginia’s National Ranking Above Each Blue Bar CY 2000-2023 .....	15
Figure 2: Fire Deaths by Age Group CY 2009 through CY 2023.....	22

## List of Appendices

Appendix A: Transmittal Letter.....	37
Appendix B: Objectives, Scope and Methodology .....	39
Appendix C: Agency Response .....	41
Appendix I: Average Reported Fire Deaths per 1000 Fires by County CY 2009-2023 .....	43



# AUDIT REPORT BRIEF

## **West Virginia State Fire Commission – Agency Review Report Brief Overview**

West Virginia continues to experience one of the highest fire death rates in the United States. From 2000 to 2023, the state ranked in the top 10 nationally for fire deaths in 21 of 24 years, with a rate more than double the national average. Despite this, the State Fire Commission has not developed the statutorily required fire prevention and control plan.

### **Key Findings**

- **Fire Death Trends:**
  - WV averaged 25 fire deaths per million population (national average: 12).
  - 85% of structure fire deaths occurred in residential buildings; 75% in one- and two-family homes.
  - Adults aged 60+ accounted for 44% of fire deaths.
  - Over 70% of fatal fires had undetermined or unknown causes.
- **Jurisdictional Limitations:**
  - The State Fire Marshal lacks authority over one- and two-family dwellings, where most deaths occur.
- **Lack of Statutory Plan:**
  - The Fire Commission has not created the fire prevention and control plan required by W. Va. Code §15A-11-8(e).
  - The Commission has held the belief for multiple Commission Leaderships that the required plan could be multiple documents, not a single, stand-alone plan.
  - A legal opinion confirmed PERD's stance that the Commission is to compile a stand-alone master plan that is a coordinated program for the entire state covering 16 specific elements. Further clarification of the statute may assist the Commission's compliance.
- **Website Compliance:**
  - The Commission's website includes most required content but lacks office hours, annual reports, and grant details.

### **Recommendations**

1. Develop a comprehensive, stand-alone fire prevention and control plan in compliance with statute.
2. Enhance website transparency by adding missing statutory content including grant information.
3. Legislative action may be needed to clarify responsibilities and ensure compliance.





## EXECUTIVE SUMMARY

The Performance Evaluation and Research Division (PERD) within the Office of the Legislative Auditor conducted a performance review of the Fire Commission (Commission) pursuant to West Virginia Code 4-10-7. The objectives of this review were to examine fire fatality statistics for West Virginia, determine if the Commission had developed the plan for fire prevention and control required by W. Va. Code §15A-11-8(e), and if the Commission's website complies with the statutory requirements of West Virginia Code §5F-1-7. The findings of this report are highlighted below.

### Frequently Used Acronyms in the Report:

PERD – Performance Evaluation and Research Division

W. Va. Code – West Virginia Code

USFA – United States Fire Administration

NFIRS – National Fire Incident Reporting System

### Report Highlights:

#### **Issue 1: The Fire Death Rate in West Virginia Has Remained Among the Highest in the United States for Twenty-Four Years**

- West Virginia has ranked in the top 10 states in the nation with the highest fire death rates in 21 out of 24 years from CY 2000 to 2023.
- From CY 2000 to 2023, West Virginia has averaged an estimated fire death rate of 25 per million population, more than twice the estimated national average of 12 per million population.
- In CY 2023, West Virginia had an estimated fire death rate of 5.5 deaths per 1,000 fires, which was higher than all neighboring states by a range of 60 to 500 percent.
- The cause of roughly 70 percent of all reported fires for CY 2009-2023 were classified as either undetermined or unknown.
- Adults aged 60 and above, represent 44 percent of all reported fire deaths during the period from CY 2009 to 2023.

## **Issue 2: The State Fire Commission Is Not in Compliance with West Virginia Code §15A-11-8(e) to Develop a Plan for Fire Prevention and Control as a Separate Comprehensive Document, Which Prohibits Auditors from Making Further Determinations on the Quality and Effectiveness of the Plan. Additionally, Code Lacks Clarity on Some Requirements Contributing to Non-Compliance**

- The Commission has not created the statutorily mandated plan for fire prevention and control.
- The Commission contends, as it has under prior Commission Leaderships, that the required plan could be multiple documents, not a single, stand-alone plan.
- A legal opinion by the Legal Services Division states that the Fire Commission is currently not in compliance with W. Va. Code and must develop a single, stand-alone, fire prevention and control plan. Clarification of the statute may assist the Commission's development of the plan.

## **Issue 3: The Commission's Website Includes Most of the Statutorily Required Content and Contains Several Features that Enhance User-Friendliness and Transparency**

- The Commission's website contains most of the content required by West Virginia Code §5F-1-7.
- Information is needed regarding grants distributed.
- The Commission should consider adding user-friendliness and transparency elements that it determines would benefit its website.

## **PERD's Response to the Agency's Written Response**

The Fire Commission provided its written response to this report on November 10, 2025 (see Appendix C). In its response, the Commission did not dispute the report's findings or conclusions related to any of the three issues presented. The agency response also did not indicate disagreement with any of the eight recommendations.

## **Recommendations**

1. *The Fire Commission should develop the fire prevention and control plan as a stand-alone plan, distinct from the State Fire Code, that addresses, at a minimum, each of the specific 16 areas required by Code.*

2. *The Legislature in conjunction with the State Fire Commission should work to clarify W. Va. Code §15A-11-8(e) to clearly specify the intent and form of the plan for fire prevention and control, the elements contained within, and any other specifics on how the plan should be carried out. Additionally, the Commission should consider drafting legislative rules to further guide these processes and requirements.*
3. *The Legislature should consider requiring regular updates to the fire prevention and control plan to reflect changes in staff, population, water accessibility, and other non-static elements required in W. Va. Code §15A-11-8(e) and to have that added to this code section so that this plan remains effective and current without overtaxing the staff of the Fire Commission.*
4. *The Legislature should consider requiring the fire prevention and control plan to be made available online and shared with all state agencies as well as the public to promote public safety.*
5. *The Legislature should consider requiring fire departments and municipalities to provide information to the Fire Commission that is relevant to the creation and regular updating of the fire prevention and control plan. Currently, code does not specifically grant authority for the Fire Commission to obtain this information.*
6. *The Fire Commission should ensure that its website complies with W. Va. Code §5F-1-7.*
7. *The Fire Commission should consider adding details about the fire service equipment and training grants and indicate dates in which grants will be available.*
8. *The Fire Commission should consider adding any user-friendly or transparency elements that it determines would further enhance its website.*



## ISSUE 1

### **The Fire Death Rate in West Virginia Has Remained Among the Highest in the United States for Twenty-Four Years**

#### **Issue Summary**

As demonstrated by a long history, West Virginia has seen minimal progress in lowering the state's fire death rate, which continues to outpace national averages. Historically, the estimated fire death rate in West Virginia has been among the highest in the United States. On average, for the calendar years (CY) 2000 through 2023<sup>1</sup> West Virginia ranked in the top 10 states for estimated fire death rates in 21 of the 24 years. During this time, West Virginia has averaged an estimated fire death rate of 25 per million population, more than twice the estimated national average of 12 per million population. In CY 2023, West Virginia had an estimated fire death rate of 5.5 deaths per 1,000 fires, which was higher than all neighboring states by a range of 60 to 500 percent. In CY 2009-2023, West Virginia fire departments reported<sup>2</sup> 116,671 structural fires resulting in 644 fire deaths. The average annual number of structure fire-related deaths in West Virginia from CY 2009-2023 was 43. During those years, the smallest number of reported deaths resulting from structure fires was 27 in CY 2011 and the largest number was 58 in CY 2017. Roughly 54 percent of all structural fires were reported as residential structure fires, but they accounted for 85 percent (546) of structure fire deaths. Most residential fire deaths, 75 percent or 484 deaths, occurred in one- or two-family homes. The causes of roughly 70 percent of all reported fires during this period were classified as either undetermined or unknown with 9 percent determined to be incendiary or intentional. Adults aged 60 and above represent 44 percent of all reported fire deaths during the period from CY 2009-2023.

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*During this time, West Virginia has averaged an estimated fire death rate of 25 per million population, more than twice the estimated national average of 12 per million population.*

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<sup>1</sup> Data for calendar year 2023 were the most recent year available at the time of this report. According to the National Fire Incident Reporting System, incident-level data are available 10 to 18 months after the end of the calendar year. Source: Federal Emergency Management Agency's United States Fire Administration's website at <https://www.usfa.fema.gov/statistics/reports/who-fire-impacts/>.

<sup>2</sup> Calculations in this report are based solely on information reported by fire departments and are subject to error based on reported information.

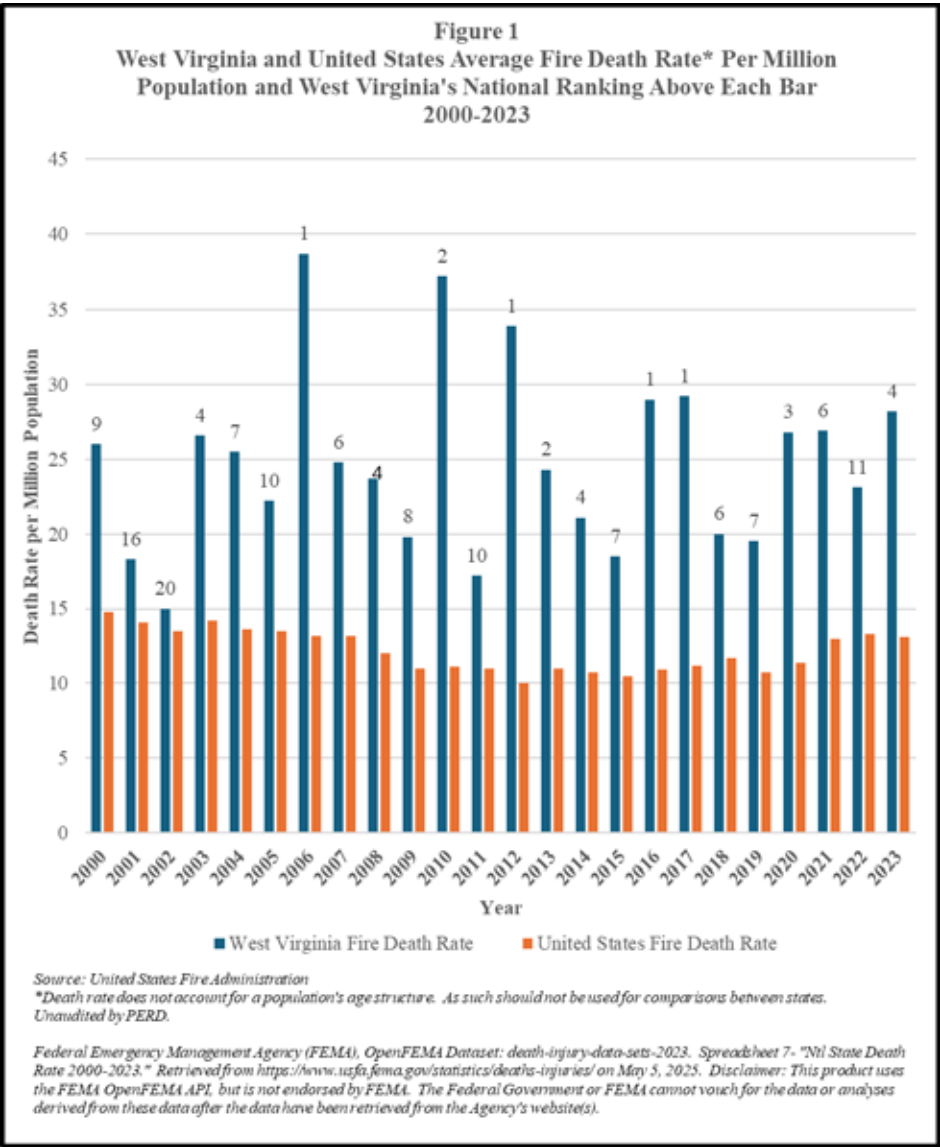
## West Virginia's Reported Fire Death Rate Among Highest in Nation

West Virginia has consistently had one of the highest estimated average fire death rates per million population in the United States. Figure 1 shows the estimated fire death rate for West Virginia and the United States in each year CY 2000-2023. Also shown is West Virginia's ranking in the nation for each year. As can be seen in Figure 1, the estimated United States fire death rate per million population has remained consistent ranging from a low of 10 per million population in CY 2012 to a high of 14.8 in CY 2000. Meanwhile, West Virginia's estimated fire death rate per million has fluctuated, ranging from a low of 15 per million population in CY 2002 to a high of 38.7 in CY 2006. Figure 1 also shows that in 21 out of 24 years from CY 2000 through 2023, West Virginia's death rate per million was in the top 10 in the nation. In nearly half of the 24 years, West Virginia ranked in the top four nationally, and in four separate calendar years, 2006, 2012, 2016, and 2017, it ranked first in fire deaths per million nationally. West Virginia fell outside the top 10 fire death rate per million rankings in only three years: 16th in 2001, 20th in 2002, and 11th in 2022.

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*In nearly half of the 24 years, West Virginia ranked in the top four nationally.*

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### Ten States with Consistently High Per Capita Fire Death Rates

Historically, West Virginia has had a high fire death rate compared to other states. As shown in Table 1, from CY 2000-2023, West Virginia ranks fifth among the 50 states for its consistency in appearing in the annual top 10 states with the highest fire death rates per million population. Over that 24-year period, West Virginia placed in the top 10 in 21 years. Only three states and the District of Columbia have been in the top 10 more frequently, including: Mississippi, which ranked in the top 10 in all 24 years; Tennessee and Alabama, in 23 years; and the District of Columbia, 22 years.

**Table 1**  
**States Most Consistently Ranked in the Top**  
**Ten for Highest Fire Death Rates Per Million**  
**CY 2000-2023**

Average Ranking During Years in Top Ten	State	Years Ranked in Top Ten 2000 Through 2023
3	Mississippi	24 out of 24 years
6	Tennessee	23 out of 24 years
5	Alabama	23 out of 24 years
2	District of Columbia	22 out of 24 years
5	West Virginia	21 out of 24 years
5	Oklahoma	20 out of 24 years
5	Arkansas	20 out of 24 years
5	Alaska	16 out of 24 years
6	Louisiana	16 out of 24 years
8	Kentucky	12 out of 24 years

Source: United States Fire Administration.

Federal Emergency Management Agency (FEMA), OpenFEMA Dataset: death-injury-data-sets-2023. Spreadsheet 7- "Ntl State Death Rate 2000-2023." Retrieved from <https://www.usfa.fema.gov/statistics/deaths-injuries/> on May 5, 2025. Disclaimer: This product uses the FEMA OpenFEMA API, but is not endorsed by FEMA. The Federal Government or FEMA cannot vouch for the data or analyses derived from these data after the data have been retrieved from the Agency's website(s).

## Reported Fire Deaths in West Virginia Higher than in Surrounding States

As shown in Table 2, West Virginia had the highest reported fire death rate per 1,000 fires in both CY 2022 and CY 2023 when compared to neighboring states. In 2023, West Virginia's estimated fire death rate was 5.5 deaths per 1,000 reported fires, exceeding the rates of all surrounding states by margins ranging from 60 to 500 percent. Specifically, West Virginia's rate was five times higher than Maryland's (1.1), more than three times higher than Virginia's (1.8), nearly double Pennsylvania's (2.8), and approximately 60 percent higher than Kentucky (3.4) and Ohio (3.3).



<b>Table 2</b> <b>Reported Deaths per 1,000 Fires</b> <b>West Virginia and Surrounding States</b> <b>CY 2022 and 2023</b>		
State	2022	2023
Kentucky	2.90	3.40
Maryland	0.08	1.10
Ohio	4.20	3.30
Pennsylvania	3.50	2.80
Virginia	2.30	1.80
West Virginia	4.30	5.50
Source: United States Fire Administration.		

## Reported Fire Deaths by West Virginia Counties in CY 2009-2023

Table 3 shows the 10 West Virginia counties with the highest average fire death rates<sup>3</sup> for the CY 2009-2023 period. The average fire death rates for every West Virginia county for three five-year periods, CY 2009-2013, CY 2014-2018, and CY 2019-2023, as well as the average fire death rate for the CY 2009-2023 period can be seen in Appendix I. Based on reported fires and fatalities, three counties had the highest average fire death rates during the CY 2009-2023 period: Calhoun County at 37.2, Tyler County at 23.9, and Summers County at 17.3. In contrast, Barbour, Gilmer, and Pleasants Counties, which can be seen in Appendix I, each reported an average fire death rate of zero. Statewide, the average county fire death rate for the CY 2009-2023 period was 8.0 per 1,000 fires. This figure has seen a modest but consistent decline over time, decreasing from 8.5 in the CY 2009-2013 period, to 8.1 for the 2014-2018 period, and further declining to 7.5 in the CY 2019-2023 period.

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*Statewide, the average county fire death rate for the CY 2009-2023 period was 8.0 per 1,000 fires.*

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<sup>3</sup>United States Fire Administration calculates civilian fire death rate per fire: Fire Deaths per 1000 Fires Equals Number of Reported Civilian Fire Deaths Divided By Number of Reported Fires Multiplies by 1,000.

**Table 3**  
**Ten Counties Highest Average Reported Fire Deaths per**  
**1000 fires**  
**CY 2009-2023**

County	2009-2013	2014-2018	2019-2023	2009-2023
Doddridge	22.1	0.0	7.7	10.7
Clay	4.2	0.0	33.3	11.9
Ritchie	18.2	10.8	4.9	12.0
Brooke	11.4	3.4	24.6	12.4
Braxton	15.0	15.9	9.3	13.1
Randolph	24.2	4.1	10.1	13.2
Wetzel	14.6	21.4	4.7	13.9
Summers	20.7	12.6	17.8	17.3
Tyler	14.8	26.1	31.5	23.9
Calhoun	51.5	35.3	23.0	37.2
Statewide Avg.	8.5	8.1	7.5	8.0

*Source: PERD calculations based on State Fire Marshal provided data.*

## **Residential Structure Fires Comprised Slightly More than Half of All Reported Structure Fires in West Virginia from CY 2009-2023**

As stated previously, West Virginia fire departments reported a total of 116,671 structure fires between CY 2009-2023. According to the United States Fire Administration (USFA), a structure fire is defined as a fire occurring in either an enclosed or other type of structure. Enclosed structures include residential and commercial buildings, subways, and similar structures, while other types of structures include bridges, piers, docks, tunnels, and similar constructions. Structure fires in buildings are categorized into two primary types: residential and non-residential. Below is a brief description for each type of structure fire.

- **Residential structure fires** involve buildings where people live, such as one- and two-family dwellings, multifamily residences, dormitories, barracks, boarding and rooming houses, hotels, motels, and fraternity or sorority houses.

- **Non-residential structure fires** occur in buildings and structures used for purposes other than residence, including assembly places, eating and drinking establishments, educational and institutional facilities, stores and offices, detached garages, basic industry, manufacturing, storage facilities, as well as outside and miscellaneous non-residential buildings.

For CY 2009-2023, residential structure fires make up roughly 54 percent of all reported structure fires, and non-residential structure fires account for roughly 46 percent. Table 4 shows the number of reported fires by residential and non-residential property in each year during this period.

<b>Table 4</b> <b>Breakdown of West Virginia Structure Fires</b> <b>by Property Type</b> <b>CY 2009-2023</b>			
<b>Year</b>	<b>Total Structure Fires</b>	<b>Non-Residential Structure Fires</b>	<b>Residential Structure Fires</b>
2009	8,286	4,115	4,171
2010	8,518	4,174	4,344
2011	7,937	3,799	4,138
2012	7,886	3,777	4,109
2013	7,585	3,603	3,982
2014	8,014	3,912	4,102
2015	7,447	3,718	3,729
2016	7,471	3,627	3,844
2017	7,404	3,643	3,761
2018	7,496	3,715	3,781
2019	7,781	3,826	3,955
2020	7,207	3,275	3,932
2021	7,276	2,645	4,631
2022	8,474	3,185	5,289
2023	7,889	3,186	4,703
<b>Totals</b>	<b>116,671</b>	<b>54,200</b>	<b>62,471</b>

*Source: United States Fire Administration and Fire Marshal provided data.*

*For CY 2009-2023, residential structure fires make up roughly 54 percent of all reported structure fires, and non-residential structure fires account for roughly 46 percent.*

## The State Fire Marshal Does Not Have Regulatory Authority in One- and Two-Family Dwellings Where 76 Percent of All Residential Structure Fires Take Place

Table 5 shows a breakdown of the 62,471 reported residential structure fires by property type, including one- and two-family dwellings and all other residential dwellings for CY 2009-2023. In every year during this period, most residential fires in West Virginia occurred in one- or two-family dwellings, where the State Fire Marshal does not have jurisdiction and cannot inspect or enforce safety standards as such dwellings are exempt from the State Fire Code. For the entire period, 76 percent of reported residential structure fires occurred in one- or two-family dwellings, while all other residential dwellings fires accounted for 24 percent.

<b>Table 5</b> <b>Breakdown of West Virginia Residential Structure</b> <b>Fires by Property Type</b> <b>CY 2009-2023</b>			
<b>Year</b>	<b>Residential Structure Fires</b>	<b>One and Two Family Dwellings Fires</b>	<b>All Other Residential Dwellings Fires</b>
2009	4,171	3,361	810
2010	4,344	3,495	849
2011	4,138	3,257	881
2012	4,109	3,142	967
2013	3,982	3,050	932
2014	4,102	3,172	930
2015	3,729	2,882	847
2016	3,844	2,829	1,015
2017	3,761	2,759	1,002
2018	3,781	2,776	1,005
2019	3,955	2,947	1,008
2020	3,932	2,899	1,033
2021	4,631	3,480	1,151
2022	5,289	3,951	1,338
2023	4,703	3,561	1,142
<b>Totals</b>	<b>62,471</b>	<b>47,561</b>	<b>14,910</b>
<i>Source: United States Fire Administration and Fire Marshal provided data.</i>			

*For the entire period, 76 percent of reported residential structure fires occurred in one- or two-family dwellings, while all other residential dwellings fires accounted for 24 percent.*

## Fire Deaths by Property Type in West Virginia CY 2009-2023

While residential fires comprised slightly over half of all reported structure fires, they comprised 85 percent (546) of all structure fire deaths (644) for CY 2009-2023. Moreover, 75 percent (484) of all structure fire deaths occurred in one- or two-family dwellings. Table 6 shows an annual breakdown of the number of deaths in residential and non-residential structure fires during the period from CY 2009-2023. During those years, the smallest number of reported deaths was 27 in CY 2011 while the largest number of reported deaths was 58 deaths in CY 2017.

**Table 6**  
**Deaths by Property Type**  
**CY 2009-2023**

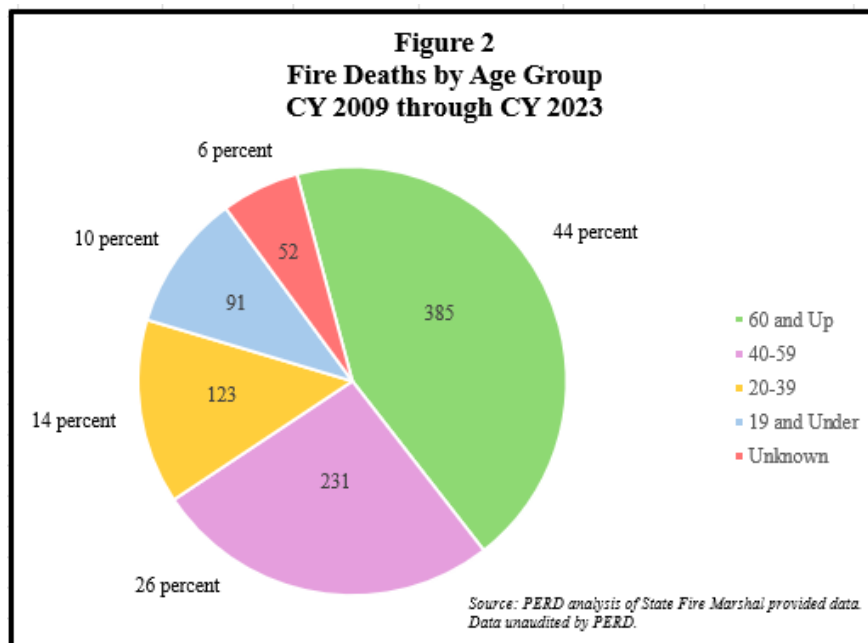
Year	One and Two Family Dwellings Residential Fire Deaths	All Other Residential Fire Deaths	Non Residential Fire Deaths	Total Deaths
2009	48	1	2	51
2010	28	4	12	44
2011	21	4	2	27
2012	43	10	4	57
2013	43	1	9	53
2014	24	4	15	43
2015	25	2	7	34
2016	38	5	1	44
2017	47	5	6	58
2018	27	3	3	33
2019	29	2	7	38
2020	25	6	9	40
2021	28	4	5	37
2022	27	4	12	43
2023	31	7	4	42
<b>Total</b>	<b>484</b>	<b>62</b>	<b>98</b>	<b>644</b>

Source: PERD analysis of Fire Marshal provided data.  
Data unaudited by PERD.

*While residential fires comprised slightly over half of all reported structure fires, they comprised 85 percent (546) of all structure fire deaths (644) for CY 2009-2023. Moreover, 75 percent (484) of all structure fire deaths occurred in one- or two-family dwellings.*

## Percentage of Fire Deaths in West Virginia by Age Group

Figure 2 presents a breakdown of fire deaths by reported age in West Virginia from 2009 through 2023. As can be seen in the Figure individuals aged 60 and older comprise 44 percent of all fire deaths. The next highest group is ages 40 to 59, comprising 26 percent of deaths, followed by those ages 20 to 39 at 14 percent, and individuals 19 and under at 10 percent. This distribution highlights a disproportionately high death rate among older adults, particularly the 60 and older group which the data suggest is an at-risk age group for fire deaths.



*Individuals aged 60 and older comprise 44 percent of all fire deaths*

## Causes of Most Fires Resulting in Deaths Are Unknown or Undetermined

The three largest categories of causes of fires resulting in fire deaths from 2009 through 2023 are “Unknown” (38 percent), “Undetermined” (32 percent), and “Accidental” (12 percent). The remaining causes collectively account for 18 percent. The Fire Marshal classified slightly more than 70 percent of fatal fires during this period as either “Unknown” or “Undetermined.” Fires labeled “Unknown” indicate that no information on the cause was available, while “Undetermined” reflects closed cases in which investigators concluded they were unable to determine the cause of the fire.

The Fire Marshal stated that while many fire causes are categorized as undetermined in West Virginia, this is not because of inadequacies or incompetence of the state's investigators. Rather, the Fire Marshal must adhere to the methods and standardized procedures outlined in the National Fire Protection Association's (NFPA) publication *NFPA 921: Guide for Fire and Explosion Investigations*. By following the NFPA methods and procedures, fire investigators comply with established and objective standards during an investigation and those standards often require a significant percentage of "undetermined" findings.

Additionally, the high number of fires categorized as unknown or undetermined is not unique to West Virginia, as national numbers are similarly high. The USFA Topical Report issued in June 2022, titled, *Fatal Fires in Residential Buildings 2018-2020*, states that a majority (51 percent) of the causes of fatal fires in residential buildings nationally from 2018 through 2020 were categorized as unknown.

## Conclusion

Figures cited in this report reflect data as reported by appropriate state and federal agencies and demonstrate that, despite decades of recurring patterns, West Virginia has made minimal progress in reducing its historically high fire-related death rate. The state's persistently elevated fire death rates, consistently among the highest in the nation, underscore the urgent need for more effective, targeted fire prevention efforts. Residential structure fires, particularly in one- and two-family homes, account for most fatalities, with older adults disproportionately affected and notable disparities across counties.

However, the Fire Marshal raised concerns about the completeness of certain fire data. For instance, the Fire Marshal relies on local fire departments to report on all fires in West Virginia to the National Fire Data Center located in Emmitsburg, Maryland. These data may suffer from underreporting. Because of this, incomplete figures on total fire incidents can distort key metrics such as the death rate per 1,000 fires. There are currently no mechanisms for the Fire Marshal to enforce complete reporting. While the Fire Marshal has confidence in data related to fire deaths and large-loss incidents exceeding one million dollars in property damage, since federal figures for West Virginia in these categories can

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*The state's persistently elevated fire death rates, consistently among the highest in the nation, underscore the urgent need for more effective, targeted fire prevention efforts.*

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be corroborated with internal records, underreporting in other areas not monitored by the Fire Marshal may distort broader findings. Additionally, the high number of fires with undetermined or unknown causes highlights systemic challenges in investigation and reporting. Enhancing data quality is critical to enabling targeted intervention strategies, reducing fire hazards, and protecting West Virginia's most vulnerable populations.



## ISSUE 2

### **The State Fire Commission Is Not in Compliance with West Virginia Code §15A-11-8(e) to Develop a Plan for Fire Prevention and Control as a Separate Comprehensive Document, Which Prohibits Auditors from Making Further Determinations on the Quality and Effectiveness of the Plan. Additionally, Code Lacks Clarity on Some Requirements Contributing to Non-Compliance**

#### **Issue Summary**

The Performance Evaluation and Research Division (PERD) sought to determine if the Fire Commission (Commission) had developed a plan for fire prevention and control (Plan) that includes 16 specific elements as required by W. Va. Code §15A-11-8(e). These elements include:

1. Manpower needs;
2. Location of training centers;
3. Location of fire prevention and control units;
4. Communications;
5. Fire-fighting facilities;
6. Water sources;
7. Vehicular needs;
8. Public education and information;
9. Public participation;
10. Standardization in recordkeeping;
11. Evaluation of personnel;
12. Reporting of fire hazards;
13. Programs on mutual aid;
14. Location of public safety agencies;
15. Outline of fire prevention programs;
16. Accessibility of fire prevention information.

These 16 elements stated in code are required to be included in the Plan, but Code does not provide a specific definition or additional details for each category. Initially, the Commission asserted that much of the Plan was covered by the State Fire Code. Upon further inquiry by auditors regarding the 16 elements required by statute not contained in the State Fire Code, the Commission explained that 11 of the 16 elements required by Code are the purview of individual fire departments, local authorities, or other state agencies including the Department of Education and Public Service Commission. Additionally, the Commission stated that some of the 16 elements are found in other documents such as the Commission's "Requirements for West Virginia Fire Departments."

The Commission was operating under the same belief as prior Commission Leaderships, that the plan for fire prevention and control was not required to be compiled into a single document. A Legislative Services legal opinion sought by PERD for this current review confirms PERD's understanding of Code that a state plan cannot be represented by a set of fragmented documents. The Commission also informed the auditors it was unaware of the prior PERD reports and recommendations, including those issued in September 2000 where PERD again asserted *that the agency needed to coordinate this information into a planning document which identifies possible solutions.*"

The Commission is agreeable to establishing a standalone comprehensive document as stated in the legal opinion and is in the process of drafting this document. Additionally, the Commission has stated that there may be some challenges in complying fully with the statute that may be better addressed through some revision and clarification in statute. For instance, the Commission stated it lacks authority to compel reporting of information necessary to comply with the statute and that some requirements are unclear in how they are to be met by the Commission alone, as it may rely on cooperation with another entity.

PERD agrees that clarification of Code could greatly benefit the Commission in carrying out this function by clarifying the intent, form, and function of this plan and addressing areas where the Commission identifies barriers that may prevent compliance. This would also assist auditors in determining the effectiveness of the plan in addressing the 16 elements. The statutory requirements for this plan was made effective in 1976 and has remained since then. Additionally, the Commission could establish legislative rules to further guide these processes and requirements.

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*The Commission has stated that there may be some challenges in complying fully with the statute that may be better addressed through some revision and clarification in statute.*

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*PERD agrees that clarification of Code could greatly benefit the Commission in carrying out this function by clarifying the intent, form, and function of this plan and addressing areas where the Commission identifies barriers that may prevent compliance.*

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## **The Fire Commission Has a Statutory Duty to Develop a Fire Prevention and Control Plan**

West Virginia state law requires the Commission to develop a plan for fire prevention and control that covers 16 specific areas. W. Va. Code §15A-11-8(e) states that:

The Commission shall develop a plan for fire prevention and control which shall include, but not be limited to, the following areas:

1. manpower needs,
2. location of training centers,
3. location of fire prevention and control units,
4. communications,
5. fire-fighting facilities,
6. water sources,
7. vehicular needs,
8. public education and information,
9. public participation,
10. standardization in recordkeeping,
11. evaluation of personnel,
12. reporting of fire hazards,
13. programs on mutual aid,
14. location of public safety agencies,
15. outline of fire prevention programs, and
16. accessibility of fire prevention information.

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*The State Fire Code represents a distinct and separate statutory requirement and does not address the specific requirements of the plan for fire prevention and control.*

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## **The State Fire Commission States that Its Fire Prevention and Control Plan Is Found in the State Fire Code and other Documents, and that Other Officials or Agencies Are Responsible for Certain Statutory Elements**

When PERD initially requested the statutorily required plan for fire prevention and control during its entrance conference, the Commission responded that the Plan is “centered around” the State Fire Code. When PERD made a second request for the Plan, the Commission responded that its plan for fire prevention and control is the State Fire Code. Yet, the State Fire Code represents a distinct and separate statutory requirement found in W. Va. Code §15A-11-3(a) and does not address the specific requirements of the plan for fire prevention and control as laid out in W. Va. Code §15A-11-8(e). West Virginia Code §15A-11-3(a) states:

*...the State Fire Commission shall propose and promulgate comprehensive rules for the safeguarding of life and property from the hazards of fire and explosion to be known as the State Fire Code. Rules embodied in the State Fire Code shall be in accordance with standard safe practice as embodied in widely recognized standards of good practice for fire prevention and fire protection...*

The Commission asserts that the State Fire Code, along with various other state and national documents, collectively fulfill its statutory obligation to have a fire prevention and control plan, and further states that many mandated elements of the Plan fall outside its authority. When PERD asked the agency to specify where each of the 16 statutorily required elements of the fire prevention and control plan are in the State Fire Code, the agency responded that some elements of its fire prevention and control plan are detailed in additional separate documents, including the *Requirements for West Virginia Fire Departments* and various NFPA publications.

The agency further stated that some statutorily required elements of the fire prevention and control plan are not addressed in the various and decentralized documents that it considers to collectively represent its Plan because those elements are instead the responsibility of local fire chiefs, fire boards or fire associations, municipalities, counties, political subdivision leaders, and other state agencies like the Public Water Commission or the Department of Education Public Service Training. These elements include manpower needs, fire-fighting facilities, water sources, vehicular needs, public participation, standardization in recordkeeping, evaluation of personnel, and an outline of fire prevention programs.

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*The Legislative Services opinion holds that, regardless of whether some required elements of the fire prevention and control plan fall under the authority of other agencies, municipalities, or political subdivisions, the Fire Commission must obtain this information so it can be incorporated into a written plan.*

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## **A Legal Opinion from Legislative Services Division Finds the Fire Commission Is Not in Compliance with Code**

Due to differences in interpretation of the statutory requirement, PERD sought a legal opinion from the Legislative Services Division to clarify these issues. The Legislative Services Division determined that the Commission is not in compliance with code. The Legislative Services opinion holds that, regardless of whether some required elements of the fire prevention and control plan fall under the authority of other agencies, municipalities, or political subdivisions, the Fire Commission must obtain this information so it can be incorporated into a written Plan:

In spite of the Fire Marshal's assertion that manpower needs, fire-fighting facilities, vehicular needs, public participation, standardization in recordkeeping, evaluation of personnel, outline of fire prevention programs are the responsibility of the individual departs [*sic*] and Fire Chiefs, the several boards and Fire Associations, or to each municipality or other political subdivision, W. Va. Code §15A-11-8(e) clearly makes obtaining this information and writing a plan that includes that information the responsibility of the Fire Commission.

The Legislative Services opinion also maintains that the Commission must develop a single fire prevention and control plan as a separate document:

It is also important that the Code requires a single plan for fire prevention and control. The use of the singular form of the word and not "plans" indicates a need for a large-scale plan that includes gathering information from other entities, agencies, and multiple various fire departments. Therefore, this plan does need to be assembled as its own separate document. It is not sufficient to state that much of this information can be found by researching different fire departs [*sic*], municipalities, and checking different decentralized and varying sources of information throughout the state.

The Legislative Services Division further concluded:

Referencing the NFPA and the State Fire Code is not the same as assembling a statewide plan and assessment. It is an additional document that is required by statute for all fire departments that fall under the directions and responsibility of the Fire Commission that should be updated as the needs change throughout the state so that these can be addressed and appropriate action recommended to remedy any shortcomings. The Fire Commission must obtain this information and prepare a plan using this information. This plan, with all sixteen elements is a requirement and must be prepared by the Fire Commission.

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*It is also important that the Code requires a single plan for fire prevention and control. The use of the singular form of the word and not "plans" indicates a need for a large-scale plan that includes gathering information from other entities, agencies, and multiple various fire departments.*

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*Referencing the NFPA and the State Fire Code is not the same as assembling a statewide plan and assessment.*

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## The Fire Commission Has Never Had a Fire Prevention and Control Plan

The Commission's lack of a legally required fire prevention and control plan has been a persistent concern, repeatedly cited in PERD reports dating back 25 years. In 2000, PERD found that the Commission had no such Plan in place and lacked a formal strategy to reduce West Virginia's high fire death rate. Although the Commission acknowledged the need for public awareness, fire statistics analysis, and a documented strategy, it admitted that no actual Plan had been enacted.

A follow-up by PERD in 2004 revealed continued noncompliance, with the Fire Marshal confirming that no written Plan existed beyond reliance on the NFPA and State Fire Code, neither of which PERD considered sufficient to meet statutory requirements. The Fire Marshal also stated that some required elements of the Plan are taken into consideration during their evaluation of fire departments. PERD responded that many essential components, such as training center locations, communications, public education, mutual aid programs, and standardized reporting, were not addressed through fire department evaluations. Legislative Rule §87-6-6 mandates the Fire Marshal evaluate 20 percent of fire departments each year on a rotating schedule. Twenty percent of all West Virginia fire departments would result in approximately 88 fire departments being evaluated each year for five years. Table 7 shows the number and percentage of fire departments evaluated in three five-year periods from fiscal year (FY) 2009 through 2024. In the FY 2009-2013 period, 63 percent of fire departments were evaluated, and for the FY 2014-2018 period, 80 percent of fire departments were evaluated. However, there has been improvement as during the FY 2019-2024 period (excluding 2021 since no evaluations were completed due to COVID), the Fire Marshal completed 115 percent of required fire department evaluations, including some departments evaluated twice in the same period.

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*In 2000, PERD found that the Commission had no such Plan in place and lacked a formal strategy to reduce West Virginia's high fire death rate.*

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Table 7 State Fire Commission Completed Fire Department Evaluations FY 2009-2024			
Five Year Period	Total Number of Fire Departments Evaluated	Annual Average Number of Fire Departments	Annual Average Percentage of Fire Departments Evaluated
2009-2013	277	441	63%
2014-2018	352	439	80%
2019-2024*	502	438	115%
Source: State Fire Marshal Data unaudited by PERD. *The period 2019-2024 excludes 2021, as no evaluations were completed due to COVID.			

In a 2012 evaluation of the Fire Commission, PERD again inquired with the agency to see if it had complied with previous recommendations in 2000 and 2004 to develop a statutorily required plan for fire prevention and control. The Fire Commission did not provide a response. PERD determined that there was “no available plan.”

Conclusion

Since 2000, PERD has repeatedly recommended that the Fire Commission develop a legally mandated plan for fire prevention and control to help reduce the state’s high fire death rate, specifically in 2000, 2004, and 2012. However, 25 years later, the Fire Commission has still not developed such a Plan. Although, some required elements of a fire prevention and control plan may be addressed at various levels and by other entities, there is no comprehensive written Plan that coordinates and centralizes this information at the state level. It would be beneficial to develop a Plan in compliance with statute that assesses various fire protection needs throughout the state and identifies possible solutions to prevalent problems. This Plan needs to gather information from the different sources to give a comprehensive statewide assessment of West Virginia’s fire protection needs, and how the Commission intends to address these issues. Developing such a Plan would also finally bring the Fire Commission into compliance with state law on this issue.

Although, some required elements of a fire prevention and control plan may be addressed at various levels and by other entities, there is no comprehensive written Plan that coordinates and centralizes this information at the state level.

## Recommendations

1. *The Fire Commission should develop the fire prevention and control plan as a stand-alone plan, distinct from the State Fire Code, that addresses, at a minimum, each of the specific 16 areas required by Code.*
2. *The Legislature in conjunction with the State Fire Commission should work to clarify W. Va. Code §15A-11-8(e) to clearly specify the intent and form of the plan for fire prevention and control, the elements contained within, and any other specifics on how the plan should be carried out. Additionally, the Commission should consider drafting legislative rules to further guide these processes and requirements.*
3. *The Legislature should consider requiring regular updates to the fire prevention and control plan to reflect changes in staff, population, water accessibility, and other non-static elements required in W. Va. Code §15A-11-8(e) and to have that added to this code section so that this plan remains effective and current without overtaxing the staff of the Fire Commission.*
4. *The Legislature should consider requiring the fire prevention and control plan to be made available online and shared with all state agencies as well as the public to promote public safety.*
5. *The Legislature should consider requiring fire departments and municipalities to provide information to the Fire Commission that is relevant to the creation and regular updating of the fire prevention and control plan. Currently, code does not specifically grant authority for the Fire Commission to obtain this information.*



## ISSUE 3

### **The Commission’s Website Includes Most of the Statutorily Required Content and Contains Several Features that Enhance User-Friendliness and Transparency**

#### **Issue Summary**

For several years there has been a trend at every level of government to develop government websites that promote transparency and user-friendliness, foster public trust in government operations, and better communicate and engage with constituents. There are a host of website features that are widely used to improve communication with agency constituents and to enhance transparency of an agency’s operations. The West Virginia Legislature has also acknowledged the importance of transparency in websites by statutorily specifying certain information be included on each state agency’s website. PERD finds that the Fire Commission’s website includes most of the items of information specified by state statute and other features that are frequently used in government websites.

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*W. Va. Code §5F-1-7 requires each state agency to maintain a website that has specific standard information.*

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#### **The Commission’s Website Contains the Following Statutorily Required Information**

During the 2020 regular legislative session, the West Virginia Legislature passed Senate Bill (SB) 175. The bill was enacted into law and created a new section of code, W. Va. Code §5F-1-7, which requires each state agency to maintain a website that has specific standard information by December 31, 2020. SB 175 also requires county commissions and authorizes municipalities to maintain a website by the end of 2020 that contains specific information, including the names and contact information of elected officials, ordinances, meeting dates, and meeting minutes.

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*The Commission’s website contains all but five of the specified items of content, including Office Hours, Annual Reports, Grant and Application Information, Grant Eligibility Requirements, and Award Ranges and Award Deadlines.*

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Table 8 shows the statutorily required information that state agencies are to include on their websites in comparison to the Commission’s website. As can be seen, the Commission’s website contains all but five of the specified items of content, including Office Hours, Annual Reports, Grant and Application Information, Grant Eligibility Requirements, and Award Ranges and Award Deadlines. The Commission issues fire service equipment and training grants to fire departments. It last awarded such grants in fiscal year 2023. While the Commission could award grants

above \$20,000, it did not do so from 2020-2025. The required items of information are important in enhancing public access to the agency and providing an understanding of the agency's operation and decisions.

**Table 8**  
**State Fire Commission**  
**Statutorily Required Website Content**

Required Content	Yes	No	N/A
Office location	X		
Mailing address	X		
Telephone number	X		
Facsimile number	X		
Office hours		X	
Secure electronic contact portal	X		
Contact information of each administrative agency official	X		
Organizational chart	X		
List of statutes and legislative and procedural rules	X		
Meeting minutes	X		
Annual reports		X	
Frequently Asked Questions (FAQ) and descriptive answers	X		
<b>For Agencies that Have Available Award Grants</b>			
Grant and application information		X	
Grant eligibility requirements		X	
Award ranges and award deadlines		X	
<b>For Agencies that Award Grants Greater than \$20,000</b>			
Name and addresses of the grantee's organization			X
Purpose of the award			X
Amount of the award			X
Effective date and duration of the award			X
Any financial and performance reports that are required by the State of West Virginia			X
<i>Source: PERD's review of the Fire Commission website as of June 17 through June 24, 2025, compared to W. Va. Code §5F-1-7.</i>			

## Conclusion

The Fire Commission fulfills most of the website requirements set forth by W. Va. Code §5F-1-7. It lists information about the office such as the office location, mailing address, and telephone number. Adding the agency's office hours, annual reports, and grant information to the website will ensure full compliance. More details about the Commission awarded grants would benefit the website's transparency including that there are currently no available grants. The website information required by W. Va. Code §5F-1-7 represents standard content. However, additional website features have been used in government websites to enhance user-friendliness and transparency. PERD finds that the Commission's website is easy to navigate as every page links to the homepage, it has a site map, a search box on every page, and it is at a good readability level. One feature that can enhance user-friendliness would be Site Functionality in which a person can adjust the font size and resizing text without distorting the site's graphics or texts. Transparency features that are used in government websites that the Commission can consider are budget data at the checkbook level in a searchable database, inclusion of the agency's mission statement on the home page, and a website update status on each page.

## Recommendations

6. *The Fire Commission should ensure that its website complies with W. Va. Code §5F-1-7.*
7. *The Fire Commission should consider adding details about the fire service equipment and training grants and indicate dates in which grants will be available.*
8. *The Fire Commission should consider adding any user-friendly or transparency elements that it determines would further enhance its website.*



## Appendix A Transmittal Letter

### WEST VIRGINIA LEGISLATURE *Performance Evaluation and Research Division*

1900 Kanawha Blvd. East  
Building 1, Room W-314  
Charleston, WV 25305-0610  
(304) 347-4890



John Sylvia  
Director

October 17, 2025

Grant Gunnoe, Chair  
State Fire Commission  
1700 MacCorkle Ave SE, 4th Floor North  
Charleston WV 25314

Dear Chair Gunnoe:

This is to transmit a draft copy of the Agency Review of the State Fire Commission. This report is tentatively scheduled to be presented during the December 7-9, 2025, interim meeting of the Joint Standing Committee on Government Organization. We will inform you of the time and location once the information becomes available. It is expected that a representative from your agency be present at the meeting to answer any questions committee members may have during or after the meeting.

We need to schedule an exit conference to discuss any concerns you may have with the draft report. We would like to have the meeting between October 30, 2025, and November 5, 2025. Please notify us of your preferred day and time. In addition, we need your written response to the report by noon on Friday, November 14, 2025, to include it in the final report. If your agency intends to distribute additional material to committee members at the meeting, please contact the House Government Organization staff at 304-340-3192 by Thursday, December 4, 2025, to make arrangements.

We request that your personnel not disclose the report to anyone unaffiliated with your agency. However, the Legislative Auditor advises that you inform any non-state government entity of the content of this report if that entity is unfavorably described, and request that it not disclose the content of the report to anyone unaffiliated with its organization. Thank you for your cooperation.

Sincerely,

*John Sylvia*  
John Sylvia

Enclosure

C: Douglas P. Buffington, II, Acting Cabinet Secretary  
Department of Homeland Security

Kenneth E. Tyree Jr., State Fire Marshal

Joint Committee on Government and Finance



## Appendix B

# Objectives, Scope and Methodology

The Performance Evaluation and Research Division (PERD) within the Office of the Legislative Auditor conducted this performance review of the Fire Commission (Commission) as part of the Agency Review of the Department of Homeland Security, as required and authorized by the West Virginia Performance Review Act, Chapter 4, Article 10, of the *West Virginia Code*, as amended. The purpose of the Commission, as established in W.Va. Code §15A-11-3(a), is to make policy – the State Fire Code - for the safeguarding of life and property from the hazards of fire and explosion.

### Objectives

An objective of this review was to examine varying fire fatality statistics for West Virginia, including the number of fires, the state's fatality rate, and where West Virginia ranks nationally. The second objective was to determine if the Commission had developed the plan for fire prevention and control required by West Virginia Code §15A-11-8(e). A third objective was to assess the Commission's website for compliance with statutory requirements and additional user-friendly and transparency features.

### Scope

The scope of the first objective of this review was fire-related data submitted by fire departments to the National Fire Incident Reporting System (NFIRS), maintained by the United States Fire Administration (USFA) under the Department of Homeland Security's Federal Emergency Management Agency. The review covered data from 2009 through 2024. PERD utilized NFIRS data obtained both directly from the USFA website and from the State Fire Marshal's Office, which staffs the Commission. The second objective examined the Commission's plan for fire prevention and control. The scope of this review also includes the agency's website and its features.

### Methodology

PERD gathered and analyzed several sources of information and conducted audit procedures to assess the sufficiency and appropriateness of the information used as audit evidence. The information gathered and audit procedures are described below.

Testimonial evidence gathered for this review through interviews with the Fire Marshal's staff to gain an understanding of the agency's procedure to query NFIRS. Testimonial evidence was confirmed by written statements. The audit team reviewed state code and rules related to fire statistics as well as NFIRS reference and user guides to establish criteria for this review. NFIRS data were also provided by the Fire Marshal. The auditors used the NFIRS data primarily to establish the condition with respect to the state's fire death rate.

NFIRS collects more fire-related data than any other equivalent agency in the world, even though reporting fire statistics by fire departments to NFIRS is voluntary nationwide. At least two-thirds of all fire departments nationwide are estimated to be reporting fire incidents to NFIRS, which represents a large dataset. However, the United States Fire Administration cautions how the data are used because the reported fire-related statistics are not a census of all fires or fire-related fatalities. The Fire Marshal believes that individual West Virginia fire departments do not report all fires and fire deaths to NFIRS. The reasons provided include a lack of computer proficiency, forgetting to report fire incidents, and only being required to report at least once

every 90 days. By law, West Virginia fire departments are required to report to the Fire Marshal all fire-related deaths. The Fire Marshal indicated that fire-related deaths reported to him are sometimes reasonably accurate to what are reported by the NFIRS but sometimes they are not. As such, West Virginia's fire death rate could be lower or higher depending on whether fires, deaths, or both, are completely and accurately reported. However, the Fire Marshal acknowledged that the same reporting problems that West Virginia experiences are likely the same in other states. Therefore, PERD believes that West Virginia's fire death rates, as reported by NFIRS, can be used for comparison to other states' fire death rates. Consequently, PERD determined that the NFIRS fire statistics were both appropriated and reasonably accurate for the audit.

The basic methodology outline for the second audit objective consisted of confirming that the Fire Commission is statutorily required to develop a plan for fire prevention and control, and if this is required by law, then the agency would need to develop a singular, written plan to achieve its statutory duty. Therefore, PERD requested a legal opinion from the Legislative Services Division to determine if the Commission had the statutory responsibility to develop a single, written plan. PERD also inquired of the State Fire Marshal to gain an understanding on how the agency interpreted its statutory mandate in comparison to the legal opinion. We confirmed all communication with the agency in writing. The legal opinion confirmed that the State Fire Marshal has the statutory duty to obtain needed statutorily required information and provide a singular, written plan. PERD determined that the evidence of the legal opinion and the confirmed discussions with the agency were sufficient and appropriate for determining the agency's statutory responsibilities.

Under West Virginia Code §5F-1-7, state agencies are required to have several features and components within their websites. PERD assessed the Commission's compliance with West Virginia Code §5F-1-7 by comparing the Commission's website to the standard content specified by law and against other features that are common and widely used for government websites. PERD also conducted a literature review of government website studies, reviewed top-ranked government websites, and reviewed the work of groups that rate government websites to establish a master list of essential website elements. The Brookings Institute's "2008 State and Federal E-Government in the United States" and the Rutgers University's 2008 "U.S. States E-Governance Survey (2008): An Assessment of State Websites" helped identify the top ranked states regarding e-government. PERD identified three states (Indiana, Maine and Massachusetts) that were ranked in the top 10 in both studies and reviewed all 3 states' main portals for trends and common elements in transparency and open government. PERD also reviewed a 2010 report from the West Virginia Center on Budget and Policy that was useful in identifying a group of core elements from the master list that should be considered for state websites to increase their transparency and e-governance. It is understood that not every item listed in the master list is to be found in a department or agency website because some of the technology may not be practical or useful for some state agencies. Therefore, PERD compared the Commission's website to the established criteria for user-friendliness and transparency so that the Commission can determine if it is progressing in step with the e-government movement and if improvements to its website should be made.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.



## Appendix C

### Agency Response



Grant Gunnoe- Chairman  
Doug Mongold- Vice Chairman  
Ted Shriver- Secretary

**WV STATE FIRE COMMISSION**  
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Fax: (304) 558-2537

November 10, 2025

West Virginia Legislature  
Performance Evaluation and Research Division  
Attn: Mr. John Sylvia, Director  
1900 Kanawha Blvd East  
Building 1, Room W-314  
Charleston WV 25305-0610

Re: PERD Review of State Fire Commission and  
State Fire Marshal's Office Support

Dear Director Sylvia:

Please accept this letter as our formal, written response to the draft Performance Evaluation and Research Division ("PERD") report regarding the Fire Commission.

We have reviewed the three (3) issues raised: 1) WV Fire Death Rate; 2) Lack of a Fire Prevention and Control Plan; and 3) Agency Website Required Content.

As a brief background, the scope and mission of the State Fire Commission and the State Fire Marshal's Office are separate and distinct; however, we share the common goal of safety from fire for our firefighters, citizens, and visitors in our great State.

The State Fire Commission is an established 13-member policy making body of volunteers appointed by the Governor with the purpose of coordinating the fire service objectives of the state. Responsibilities include promulgation of the state fire code and state building code, development of fire prevention and control which covers manpower needs, training centers, communications, firefighter training standards and certification, and public education. The commission has representation from the West Virginia State Firemen's Association, West Virginia Fire Chiefs, West Virginia Professional Fire Chiefs, Professional Firefighters Association of West Virginia, West Virginia Architects Institute Association, West Virginia Independent Insurance Association, and West Virginia Manufacturers 'Association. The State Fire Commission does not have any direct funding or staffing, but it gains support through partnership and collaboration with the West Virginia State Fire Marshal's Office.

The State Fire Marshal's Office has statutory responsibility for enforcement of laws covering fire prevention; hazardous substance and explosives; installation and maintenance of fire control equipment; adequacy of fire exits from buildings and all other places where people live, work, and congregate. The State Fire Marshal's Office further has statutory responsibility to determine fire causes, to arrest arsonists, to certify fire departments, and to manage the fire incident reporting system. Lastly, the State Fire Marshal's Office is authorized to establish demonstration units within public and private educational institutions for the purposes of public fire safety education, prevention, and protection.

I want to emphasize that the State Fire Commission and the State Fire Marshal's Office have effectively worked together under these separate areas of responsibility ensuring compliance with the laws of this State.

Please know that everything we do as a commission has been and always will be in the best interest of the State and its citizens. We have reviewed the issues raised by PERD through the audit and have given them due consideration. We are committed to making changes to improve.

We hope the following information will help to clarify the issues of concern.

**Identified Issue # 1 - Unacceptable WV Fire Death Rate.** Fire continues to be a problem in our great State and as such there is a need to have a more robust fire prevention plan. The State Fire Commission and the State Fire Marshal's Office will strive to address the issues and help to positively improve to safeguard those who reside, work, and visit our great State. In the past, we developed two Community Risk Assessments in 2017 and 2024 to help review data and identify risk of the highest priority at the state level. There have been past smoke alarm installation events which were held to install smoke alarms in residences to help reduce risk in homes. For instance, in 2023 we had a smoke alarm project with the City of Huntington and the Marshall University Football Team which affected 58 homes with the installation of 118 smoke alarms.

**Identified Issue # 2 - Lack of a sole source, single document Fire Prevention and Control Plan.** The Fire Commission previously believed that it met the requirements of a fire prevention control plan based on codes, standards, and resources and always sought to be in compliance. However, upon clarification by a legal review, the commission immediately began the process of developing a Fire Prevention and Control Plan that addresses all of the items in West Virginia Code § 15A-11-8(e). Our intent is that this plan will not only meet the mandate of the code, but also provide objectives and solutions to meet the desire and intent of all concerned.

The purpose of the Fire Prevention and Control Plan and the goal we have in creating this comprehensive, single source plan document to provide to the legislature, is to identify strategies, goals, and objectives to meet the specific, identified 16 elements in West Virginia Code § 15A-11-8(e) to reduce fires, casualties, property loss, and improve firefighters and other first responders' safety by evaluating and changing how people think about fire and making fire prevention and community risk reduction a continued way of life.

**Identified Issue # 3 - Website Site Content Requirements.** We have addressed the three items identified in the report, including the Agency Office hours on the website, providing the agency's Annual reports for the past five years on the website, and including the grant administration process information on the website. Each of those items are changed and included on the agency's website.

I cannot over emphasize our commitment as a Fire Commission and the relationship, collaboration, and commitment the State Fire Marshal and its staff have to make every effort to assist in reducing fire deaths, assisting the fire service statewide, and protecting those who live, work, and visit our great State safe.

Respectfully submitted,



Grant Gunnoe  
Chairman, State Fire Commission

## Appendix I

### Average Reported Fire Deaths Per 1000 Fires by County CY 2009-2023

<b>Average Reported Fire Deaths per 1000 Fires by County CY 2009-2023</b>				
<b>County</b>	<b>2009-2013</b>	<b>2014-2018</b>	<b>2019-2023</b>	<b>2009-2023</b>
<b>Barbour</b>	0.0	0.0	0.0	<b>0.0</b>
<b>Berkeley</b>	6.7	10.7	5.1	<b>7.4</b>
<b>Boone</b>	5.8	16.5	3.8	<b>7.9</b>
<b>Braxton</b>	15.0	15.9	9.3	<b>13.1</b>
<b>Brooke</b>	11.4	3.4	24.6	<b>12.4</b>
<b>Cabell</b>	4.1	5.6	6.5	<b>5.5</b>
<b>Calhoun</b>	51.5	35.3	23.0	<b>37.2</b>
<b>Clay</b>	4.2	0.0	33.3	<b>11.9</b>
<b>Doddridge</b>	22.1	0.0	7.7	<b>10.7</b>
<b>Fayette</b>	6.6	8.8	5.1	<b>6.8</b>
<b>Gilmer</b>	0.0	0.0	0.0	<b>0.0</b>
<b>Grant</b>	4.5	5.7	12.8	<b>7.9</b>
<b>Greenbrier</b>	7.2	6.6	14.4	<b>9.2</b>
<b>Hampshire</b>	3.1	2.6	2.2	<b>2.7</b>
<b>Hancock</b>	14.7	7.9	2.8	<b>9.0</b>
<b>Hardy</b>	20.6	10.6	0.0	<b>9.7</b>
<b>Harrison</b>	6.2	6.7	10.7	<b>8.0</b>
<b>Jackson</b>	2.6	7.3	2.2	<b>4.0</b>
<b>Jefferson</b>	4.3	3.1	4.1	<b>3.9</b>
<b>Kanawha</b>	5.0	4.0	2.1	<b>3.6</b>
<b>Lewis</b>	6.4	14.4	0.0	<b>6.8</b>
<b>Lincoln</b>	12.9	6.1	9.8	<b>9.8</b>
<b>Logan</b>	11.9	9.1	10.8	<b>10.6</b>
<b>Marion</b>	4.9	6.4	4.2	<b>5.2</b>
<b>Marshall</b>	6.1	2.2	6.2	<b>4.9</b>
<b>Mason</b>	2.6	8.3	9.2	<b>6.7</b>
<b>McDowell</b>	6.8	1.7	3.8	<b>4.3</b>
<b>Mercer</b>	8.1	8.7	3.8	<b>7.0</b>
<b>Mineral</b>	8.7	4.9	2.3	<b>6.1</b>
<b>Mingo</b>	10.5	9.0	3.0	<b>7.5</b>
<b>Monongalia</b>	6.4	5.2	7.1	<b>6.2</b>
<b>Monroe</b>	11.4	0.0	14.0	<b>9.0</b>
<b>Morgan</b>	2.9	8.5	0.0	<b>3.8</b>
<b>Nicholas</b>	9.0	9.8	2.4	<b>7.1</b>

<b>Average Reported Fire Deaths per 1000 Fires by County CY 2009-2023</b>				
<b>County</b>	<b>2009-2013</b>	<b>2014-2018</b>	<b>2019-2023</b>	<b>2009-2023</b>
<b>Ohio</b>	7.8	4.6	2.8	<b>5.2</b>
<b>Pendleton</b>	0.0	0.0	4.8	<b>1.6</b>
<b>Pleasants</b>	0.0	0.0	0.0	<b>0.0</b>
<b>Pocahontas</b>	4.8	15.2	4.9	<b>8.2</b>
<b>Preston</b>	1.8	6.5	11.8	<b>6.6</b>
<b>Putnam</b>	1.6	7.8	4.2	<b>4.5</b>
<b>Raleigh</b>	3.8	9.2	6.2	<b>6.3</b>
<b>Randolph</b>	24.2	4.1	10.1	<b>13.2</b>
<b>Ritchie</b>	18.2	10.8	4.9	<b>12.0</b>
<b>Roane</b>	10.2	11.8	7.7	<b>9.9</b>
<b>Summers</b>	20.7	12.6	17.8	<b>17.3</b>
<b>Taylor</b>	0.0	5.8	4.8	<b>3.4</b>
<b>Tucker</b>	9.6	12.7	0.0	<b>7.0</b>
<b>Tyler</b>	14.8	26.1	31.5	<b>23.9</b>
<b>Upshur</b>	7.8	5.5	2.4	<b>5.1</b>
<b>Wayne</b>	1.5	8.5	10.4	<b>6.5</b>
<b>Webster</b>	8.4	11.8	12.1	<b>10.5</b>
<b>Wetzel</b>	14.6	21.4	4.7	<b>13.9</b>
<b>Wirt</b>	0.0	8.9	7.4	<b>6.0</b>
<b>Wood</b>	6.2	9.8	12.5	<b>9.7</b>
<b>Wyoming</b>	6.7	6.8	4.0	<b>5.8</b>
<b>Average</b>	<b>8.5</b>	<b>8.1</b>	<b>7.5</b>	<b>8.0</b>
<i>Source: PERD calculations based on State Fire Marshal provided data.</i>				



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