

STATE FIRE PREVENTION COMMISSION
MINUTES
August 18, 2016

Members Present: Charles D. Davis, Chairman
Mark A. Bilger
K.C. Harrington
Edward Tochterman, Jr.
Joseph L. Scheffey
Anthony J. Spencer
Stacy Welch
Richard L. Yinger

Members Absent: Mark F. Hubbard, Vice Chairman

Chairman Davis called the meeting to order at the Laurel Municipal Building in Prince George's County.

Chairman Davis and Fire Marshal Geraci welcomed recently appointed Commissioner Tochterman as the at-large industry representative. He replaces outgoing Commissioner LePore. Commissioner Tochterman stated he was honored to be a member. During his prior employment as a Baltimore County Fire Protection Engineer he testified before the Commission several times and never thought he would one day serve on it.

FIRE MARSHAL REPORT

Fire Marshal Geraci reported 26 employees of the Office of the State Fire Marshal (OSFM) and numerous employees of the Bureau of Alcohol, Tobacco and Firearms (ATF) assisted Montgomery County with its investigation of the three-story apartment explosion and fire in Silver Spring that killed five adults and two children. All seven victims were recovered and the preliminary autopsies to determine causes of death are still pending. The scene has been cleared and the National Transportation Safety Board will continue to follow-up its investigation for the gas pipes going into the building and to the meter. Washington Gas also had its private investigators on the scene to secure gas meters, piping, and other equipment for analysis. An eyewitness reported an odor of gas right before the explosion and that is the focus of the investigation. OSFM personnel and this ATF response team have worked together on other incidents in the past so there is a good relationship between the agencies. ATF has funds to bring in heavy equipment, 360 view cameras, and other resources.

Fire Marshal Brian Geraci reported the OSFM recently hired a new Deputy State Fire Marshal, Peter Raia, who is currently attending the law enforcement academy in southern Maryland. He is a volunteer firefighter in Prince George's County and also a University of Maryland fire protection engineer graduate.

Fire Safety Inspector Charles Morris has resigned to take a position with the Department of Defense. He was only on board for three months and it took two years to hire him. It's a challenge recruiting and retaining personnel at current salary levels. The OSFM is in various stages of hiring additional sworn and civilian personnel. The four PIN numbers for three inspectors and one engineer which were to come from Maryland State Police in July have not yet materialized. Commissioner Scheffey inquired if there are any laws in place that require hired personnel to stay with the agency for a certain length of time. Assistant Attorney General Susan Baron did not believe there were any such laws. Fire Marshal Geraci stated there is not for civilians but there is for sworn due to the cost of the law enforcement academy and other training. Former Fire Marshal William Barnard thought it may be 18 months. There are definitely costs associated with training new personnel. The hiring process takes so long, you need to downgrade positions, then get a hiring freeze exemption, advertise, score, interview, background check, polygraph, and medical.

The Fire Marshal met with Carroll County officials who are going to take over their own fire safety inspections January 1st. About a year ago they started doing their own plan reviews and the OSFM continued to do the inspections, splitting the fee with them. When they start doing the inspections they will charge and keep a flat fee for both plan review and inspections since the OSFM will no longer be doing either in that county. However, the OSFM will continue to inspect licensed day cares and other limited occupancies. The OSFM inspector who handled Carroll County recently left for a position in Anne Arundel County which paid higher wages. That position will be moved to the Western Region so it will have two inspectors.

Fire fatalities stand at 25 compared to 38 for the same time period last year. Depending on autopsy results, the Silver Spring fire may add several additional. Also pending autopsy results are two vehicle collision fatalities in Carroll and Howard Counties that involved fire.

For the first six months of 2016, the OSFM investigated 549 incidents, 381 of which were fire related. Incendiary fires are up 31% over the last few years. Thirty-seven criminal cases were closed with 62 persons arrested, 21 being juveniles. A total of 6,078 inspections were conducted and 897 plans were reviewed. Inspections have decreased due to several inspector positions being vacant.

Several firework injuries and some fires were reported this holiday season from both legal and illegal fireworks. Lost fingers from illegal fireworks was the major injury. All jurisdictions haven't reported but there were about 10 injuries and 6 fires. This is about the same as previous years.

The agency continues to develop a blog and app for fire prevention points pertaining to smoke alarms, sprinklers, and other inquiries the public may have. With everyone having cell phones now, an app may help to reach out to more people.

Another individual has been sentenced in the Baltimore City protests, bringing the total to five persons arrested and convicted for incidents during the protests. The latest sentence was five years for arson of the liquor store. The man convicted of cutting the fire hose plead guilty and will be sentenced in September. Attempts are still ongoing to identify other perpetrators from various videos. Although it appears to be a crime of opportunity and not the result of the civil unrest, the investigation into the arson of the senior center that was under construction on the east side of Baltimore is continuing.

CHIEF FIRE PROTECTION ENGINEER REPORT

Chief Fire Protection Engineer (CFPE) Ken Bush reminded everyone of the Mid-Atlantic Life Safety Conference in Laurel on September 27th. There are several interesting workshops.

CFPE Bush reported he has attended some NFPA meetings and reviewed some tentative proposals. One item for the 2018 edition of the Life Safety Code is requirements for grab bars in bathrooms. Although not validated and officially voted on, it is an interesting expansion of the scope of the code to prevent falls and slips. Another is to identify and regulate outside shopping malls that don't have full enclosures of walls and roofs. The question is when is a building not a building anymore and how to regulate the amount of area that has to be open to differentiate it from an enclosed building; can there be exceptions, such as longer travel distances; and what if it's the main street concept which really has no building structure at all. There were also some discussions to change the occupant load factors for large business offices since these larger buildings may not have as many occupants as what the code would require them to design exits and stairs for. Reducing the number and size of stairs would expand the gross leasable floor space. But this proposal failed. The 2015 edition does actually split the occupant load factor for businesses, recognizing that there are some businesses that have large executive suites with fewer occupants but also some buildings that have concentrated occupants in small areas such as in call centers. The last topic deals with health care to allow larger (up to 40,000 square feet) smoke compartment sizes in certain hospitals that are designed for single-patient rooms. The current limit is

22,500 square feet. Some fire officials are not in favor of this and it was defeated last code cycle but passed the committee this cycle. Just a few code cycles ago it was only 12,500 square feet so up to 40,000 square feet is a big change.

CFPE Bush also attended the Standards Council meeting and there were some hearings on NFPA 70 National Electrical Code and NFPA 25 which deals with testing and maintaining fire protection systems. The results should be published shortly. The big news is that NFPA 70 for the next edition was passed and fire officials may be directly involved with enforcement.

The big topic for the International Code Council (ICC) is what they term Tall Wood Buildings Workgroup. There is a move to allow buildings that are of heavy wood timber construction, basically five to seven layers of laminated timber that is either glued (GLT style) or nailed (NLT style) together. There is one under construction in Canada that is 18 stories. Canada and Europe already have several projects ongoing. There are a lot of tests that are being proposed and formulated. There are pending projects of this type in Los Angeles and the District of Columbia. There's a workgroup of about 36 ICC members which is subdivided into four basic work groups dealing with different requirements—height and area, fire, standards and definitions, and structural issues. They had a meeting in September and will have another in November. The American Wood Council is the big proponent citing the plentiful and less costly availability of materials and reduction of wildfires. Naturally the steel and masonry industries are pushing back on this proposal. Chairman Davis reported he recently saw a news program on the 18-story dormitory building under construction for the University of Vancouver. The fire service is treating this very cautiously to assure the buildings are structurally safe. They still are required to have a sprinkler system, so the theory is the material is so thick that it will char and actually retard the fire before the building would structurally fail. But it remains to be tested and proven. Underwriter's Laboratories and the National Institute of Standards and Technology are working on some tests.

Commissioner Scheffey inquired of the financial stability of the ICC. CFPE Bush stated he has not heard of any financial demise. They had an issue with the electronic voting process last cycle but they have made numerous corrections and were able to do a recount. The off-site voting is now back on-line.

Fire Marshal Geraci and CFPE Bush have been discussing revisions to COMAR to clarify some of the issues with licensing sprinkler contractors. A proposal will be prepared for the Commission to consider at the October meeting pertaining to the following:

- With the electronic submission of plans becoming more prevalent, the current regulations requiring original signatures on the plans is not feasible. So the proposal would be to add language to accept electronic signatures while still ensuring they are not copied or used illegally. Commissioner Scheffey inquired as to what other agencies are requiring for electronic signatures on plans. CFPE stated he is looking into that as well as digital signatures. Commissioner Scheffey stated he is on the Board of the Maryland Society of Professional Engineers and this issue has come up. One gentleman claimed even digital signatures are not secure. Commissioner Scheffey will try to get additional information. CFPE Bush would appreciate any information he can obtain.
- Requirements for some subcontractors that do specialist work.
- Imposing an additional fee for reinstatement of a license. Some out-of-state contractors allow their license and insurance to lapse when they don't have a project in Maryland. When they do this before the two-year license term expires, it requires time and research when they request it be re-instated. A fee to cover administrative costs would be helpful.

Commissioner Bilger reported that he is familiar with an OSFM engineer who is not able to download and review electronic plans. CFPE Bush stated that the Maryland Stadium Authority (MSA) has taken over the responsibility for Baltimore City school projects and a lot of those plans are coming in electronically for fire code review. MSA has provided computers and software for a couple of the engineers to be able to accept and review plans electronically. Most plans other than in the metropolitan areas are still being submitted by hard copy.

CHAIRMAN REPORT

Chairman Davis welcomed former Fire Marshal William Barnard who stated it was a pleasure to be at the meeting and say hello to everyone.

Chairman Davis reported that he and Vice Chairman Hubbard will be meeting with Maryland State Police Secretary William Pallozzi on August 24th at 1:00 p.m. in Annapolis. They will bring up the concerns of the Office of the State Fire Marshal. He will also try to arrange a meeting with Governor Hogan. Commissioner Bilger suggested Secretary Pallozzi be made aware of the loss of revenue to the state when local jurisdictions assume the responsibilities of the OSFM and it appears the reason this is occurring is due to the lack of adequate state staff.

Chairman Davis will be out of the country for most of September so any issues during this time should be addressed to Vice Chairman Hubbard.

OTHER BUSINESS

Commissioner Yinger suggested the Fire Marshal send his written reports he provides the Commission to the Governor. The Fire Marshal will take this under consideration.

Commissioner Bilger, who sits on the Mid-Atlantic Life Safety Conference Steering Committee, reported all the presenters have been lined up and final arrangements are being made. There are a lot of good workshops and everyone should make an effort to attend. Chairman Davis reminded the members to contact Secretary Ritchie if they wish to attend.

Motion by Commissioner Harrington, second by Commissioner Yinger, and unanimously carried to approve the minutes of the June meeting.

Motion by Commissioner Spencer, second by Commissioner Yinger, and unanimously carried to approve the Fiscal Year 2016 Annual Report to the governor as prepared by Secretary Ritchie.

Being no further business the meeting was adjourned.

MEETING SCHEDULED

The next meeting has been scheduled for

October 20, 2016 – 9:30 a.m.
Taylor Avenue Fire Station
620 Taylor Avenue, Upper Level Classroom
Annapolis, Anne Arundel County

Respectfully submitted
(as summarized from transcript furnished by Hunt Reporting),



Heidi Ritchie, Secretary