

**STATE FIRE PREVENTION COMMISSION**  
**MINUTES**  
**October 20, 2016**

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

Members Absent:     Charles D. Davis, Chairman

Vice Chairman Hubbard called the meeting to order at the Taylor Avenue Fire Station in Annapolis, Anne Arundel County.

Vice Chairman Hubbard noted a correction to the August minutes to reflect his absence. Motion by Commissioner Yinger, second by Commissioner Spencer, and unanimously carried to approve the August minutes with the correction.

A welcome was extended to Colonel William Pallozzi, Superintendent of the Maryland State Police (MSP). Thanks were extended for his meeting with Chairman Davis, Vice Chairman Hubbard, and Commissioner Yinger on August 24<sup>th</sup>. Colonel Pallozzi thanked the Commission for inviting him to the meeting and apologized for it taking so long for his schedule to permit his attendance. He assured the Commission that he and Fire Marshal Geraci have a good relationship and he supports everything the Fire Marshal's Office does. While the Department of State Police's primary function is law enforcement, it also includes the Fire Marshal's Office and several commissions which have separate budgets but ultimately all fall under the main departmental budget. Whenever possible he tries to help the Fire Marshal and he is committed to supporting the Fire Marshal's need for personnel and vehicles. The Governor is very supportive of law enforcement and public safety and hopefully things will go much smoother for the next budget request but sometimes things are beyond his or the Fire Marshal's control.

Commissioner Welch inquired if there is anything that can be done to avoid the glitch with budget funding that occurred last fiscal year. The Colonel thinks part of the problem was the number of over the target requests which really should be limited to no more than three. The majority of the budget is for personnel so when asked to cut something it has to get squeezed from somewhere else which unfortunately was vehicles. The MSP patrol fleet for the most part is funded through the speed camera program so it's a legislatively driven program, unlike vehicles for the Fire Marshal or other MSP units. If that program is ever eliminated, he would be in the same position as the Fire Marshal having to request and justify funding for vehicles each year.

Those funds are earmarked for patrol so it can't be moved over to buy Fire Marshal vehicles. Last year the over the target was for covert vehicles, support vehicles, and Fire Marshal vehicles and for whatever reason the Fire Marshal vehicles were cut. This year he plans to separate the Fire Marshal out since his vehicle replacement is very important. The Fire Marshal has identified the vehicle of his choice and associated equipment which helps to clearly define the bottom line when dealing with the Department of Budget and Management (DBM) and the General Assembly. Sometimes there is money left at the end of the year that can be used and he helps the Fire Marshal whenever possible. This year he was able to purchase six vehicles with one for the Fire Marshal .

Commissioner Yinger inquired on the status of replacing the Commission's secretary. Colonel Pallozzi stated he was unfamiliar with the details but will check with Donnie Lewis, his current Chief of Staff and formerly with Human Resources, on what the options are. Support positions are sometimes frozen.

Commissioner Spencer inquired as to the plausibility of obtaining confiscated drug bust vehicles but Colonel Pallozzi stated that the drug trade is using parcel delivery services more often so confiscation of vehicles aren't as prevalent. Confiscated vehicles are usually auctioned but sometimes they are placed into service.

Colonel Pallozzi clarified for Commissioner Scheffey that the Fire Marshal's budget is totally separate from the MSP budget. When MSP and the Fire Marshal were under the Department of Public Safety they were separate agencies. In 1995 MSP was separated into its own department under which fell the Fire Marshal's Office and the Commission. The Fire Marshal has its own budget but when presenting the overall departmental budget request to DBM or the General Assembly they don't differentiate between MSP and Fire Marshal but both are really budgetarily coded and separated. With PINS (Personnel Identification Numbers) you have sworn members, civilian members, and then the Fire Marshal has a total separate code for all his personnel.

Commissioner Tochterman inquired if MSP has a budget analyst and if so, perhaps they should familiarize themselves on the functions of the Fire Marshal. Colonel Pallozzi stated MSP has one budget analyst who has been there for a few years so he doesn't think there is a lack of understanding.

Commissioner Spencer inquired if the Colonel foresees any changes for the Commission or Fire Marshal's Office. Colonel Pallozzi hasn't heard of any changes and doesn't foresee any under the current governor, but the administration is reviewing a lot of commissions and boards in efforts to streamline government and regulations. The Colonel definitely is opposed to moving the Fire Marshal back under the Department of Public Safety. He also affirmed that he does not view the Fire Marshal's Office as a nonpriority, and feels it is very important MSP and Fire Marshal personnel work together particularly with the issues going on in the world today.

Commissioner Yinger inquired what happened to the portion of money collected from citations that was to go to aviation. The Colonel was not familiar where the citation money goes as this is collected through the court system.

The Fire Marshal stated he is satisfied with the funding resolutions being proposed and is thankful to have received \$250,000 for vehicles even though they won't be purchased until next year. The Colonel has also requested five vehicles from MSP's motor vehicle division. With the Fiscal Year initiator, last year's left over funds, and these vehicles, it will be a total of fifteen vehicles which is a good start. He has submitted a budget request of \$500,000 for vehicles. The first budget meeting is scheduled for November 30<sup>th</sup>.

Commissioner Scheffey inquired if his budget request included secretarial support for the Commission. The Fire Marshal stated that would require an additional PIN; it is not an existing vacant position just for the Commission. The current Commission secretary is also a regional office secretary. Although the Commission duties are part-time, the employee is full-time doing several duties. She continues to do all the Commission duties except attend the meetings.

The Commission expressed its gratitude to Colonel Pallozzi for attending the meeting and having a frank discussion on its concerns.

## **FIRE MARSHAL REPORT**

Fire Marshal Brian Geraci reported the Office of the State Fire Marshal (OSFM) currently has two sworn and six civilian vacancies. Two new fire safety inspectors were recently hired for the Western and Upper Eastern Shore regions. A hiring freeze exemption was granted to get more inspectors and engineers hired. The current Eastern Shore engineer vacancy has been advertised but very few responses. The closing date to submit an application is tomorrow. Contact has made with Dr. Milke with the University of Maryland to advise him of the vacancy. Commissioner Scheffey suggested to also contact

the Eastern Kentucky University engineering technology department as they are encouraging professional engineer registration and it appears to be a legitimate course.

The Chief Deputy position has also been advertised, which is the number two position in the agency. The internal promotional exam process for a Deputy Chief position will be conducted November 30<sup>th</sup> and December 5-7<sup>th</sup>. Outside assessors from Anne Arundel, Howard and Montgomery Counties will be used to conduct the oral interview and assessment process.

Deputy State Fire Marshal orientations yielded 89 individuals who expressed an interest in working for the agency. The diversity for this group was 38%. Forty-two had fire experience and fifteen were Maryland Police Training Commission certified. It is hoped some vacancies will be filled in early 2017.

Fire fatalities stand at 40 compared to 52 for this period last year. There was a double fatal in Cecil County this week. The single-family home was fully involved upon fire department arrival. The investigation is ongoing with the assistance of ATF.

The OSFM blog site is up. The site contains news and information at <http://mdosfm.wixsite.com/blog>. Fatality reports and burn injury reports can be completed on-line, local jurisdictions can also share smoke alarm saves, sprinkler saves, fire deaths, and inspections can be requested. A lot of information is also posted on the OSFM Facebook and Twitter accounts.

Another Community Risk Reduction weekend will be held October 22-23<sup>rd</sup> for local departments to reach out to their communities to check and install smoke alarms and provide fire safety information. The Maryland State Firemen's Association (MSFA) and OSFM are campaigning to close bedroom doors.

The Governor has issued a Fire Prevention Week proclamation. The OSFM participated in the Maryland Realtors Conference in Ocean City with a booth and a continuing education accredited workshop on smoke alarms, carbon monoxide alarms, and residential sprinklers. Fifty participants attended and there was good feedback. The Maryland Realtors were opponents to residential sprinklers but the workshop provided a good opportunity to educate them.

The OSFM is assisting with numerous side-by-side residential sprinkler demonstrations throughout the state by helping with both demonstration setups and rebuilding the trailers. The next one will be at Salisbury University on October 27<sup>th</sup>. The agency is also working with the university and Salisbury Fire Department to help educate students on fire safety.

The Mid-Atlantic Life Safety Conference was held in September and appreciation was extended to Colonel Pallozzi's attendance and his promotion of residential sprinklers. The audience was very pleased and the Fire Marshal received good feedback on the Colonel's comments and the other workshops.

Explosive canine CC will retire in November and a new handler will hopefully get into the MSP canine course next spring. Typically a dog serves seven to nine years before retiring for the benefit of the dog's health. MSP will supply the canine since ATF has shifted away from running state and local explosive programs. Explosive and accelerant canines and handlers re-certify every year with ATF. The explosive canine in the Western Region was provided by MSP and it has worked out well. Two accelerant canines and handlers will start the ATF class in Front Royal at the end of this month which will bring accelerant canines in the agency to four.

Fire Marshal Geraci reached out to the State Fire Marshals in Delaware, Virginia, West Virginia, Pennsylvania, and the District of Columbia to get together to discuss common issues and improve relations. Delaware and Virginia Fire Marshals as well as the Pennsylvania Fire Commissioner and the Pennsylvania Corporal with State Police who is in charge of their fire investigation unit have met and had a good conversation and exchange of information. Fireworks were discussed as some states are seeing a big push from the fireworks industry to allow the sale of items that currently are illegal. Fire Marshal Geraci will meet with the West Virginia Fire Marshal in a couple weeks at the State Fire Marshal Forum being held in Pennsylvania.

The agency is distributing a flyer to fire departments that sell Christmas trees to educate people on good Christmas tree maintenance and fire safety during the holiday season. The flyer comes from Common Voices, the group organized by Sher Grogg who lost several relatives in the 2015 Annapolis fire that involved a large Christmas tree. Commissioner Spencer suggested it also be sent to other tree distributors. The Fire Marshal stated there is no database on who they are. There used to be regulations on live trees but that was hard to enforce and has been repealed. Ms. Grogg may be seeking to introduce some type of legislation and the Fire Marshal has offered his support. After losing her family she has traveled throughout the country giving speeches and promoting fire safety education and residential sprinklers.

The Fire Marshal has sent two employees to Tennessee to work with the State Fire Marshal's Office on some outreach programs to use in Maryland. They have a great mapping system of the state where they gather census data, response data, and some other things to target specific areas of need to focus fire prevention efforts. They also have a great "close the door" program. We are providing some information on residential sprinklers to help assist them in their efforts on that.

The Fire Marshal anticipates legislation being introduced this year regarding concrete versus wood frame construction for buildings three stories or more in height. There have been a lot of meetings over the summer as well as discussions on whether to sprinkle attic spaces. The Fire Marshal hasn't taken a position until he sees the formal proposal.

The Department of Housing and Community Development will again attempt to get a departmental Bill passed to eliminate sprinklers, wind requirements, and energy requirements from their code. The Fire Marshal sent a letter of opposition to Senator Shank who is the legislative representative at the Governor's Office.

The Fire Marshal has again submitted a departmental Bill to eliminate the sale of 9-volt smoke alarms.

The Maryland Association of Counties has been meeting to discuss residential sprinklers. There is a push for repeal on the Eastern Shore. Tax credits and fee reductions are also being introduced. There is a nationwide push for the International Code Council (ICC) to remove the requirement from the code and put it in the appendix. That vote will be coming to the floor at their Kansas City meeting as well as by the on-line voting process. If it gets overturned it will be 2018 before the code changes would have an effect in Maryland. The Eastern Shore representatives may be waiting to see what happens with that vote.

Fire Marshal Geraci was pleased to report on the 100% compliance with fire departments submitting their incident reports. Commissioner Bilger credited Allison Nicodemus for much of this success as he has gotten a lot of positive feedback about her willingness to communicate with them and assist with any issues that arise. The Fire Marshal agreed she is doing a great job and plans to have her at the MSFA Convention to give an update and talk about some common errors that she sees. It appears that the NFORS Program, the fire department reporting system, will be managed by the National Fire Protection Association because the U.S. Fire Administration (USFA) just doesn't have the capability or funds to maintain and update it. Fire departments report to the OSFM and then the OSFM reports compliance to the USFA so 508 funds can be released.

Commissioner Bilger asked if the Fire Marshal approached the Department of Education, which funds the contractual fire safety inspector positions, about purchasing vehicles instead of reimbursing mileage for personal vehicle use. He did but they said no as that funding is limited to mainly salaries, mileage, equipment, and uniforms.

Fire Marshal Geraci has been going to the various regional offices to meet with staff again to hear their concerns and needs.

Delmarva Power will once again hold a smoke alarm give-away press event on November 9<sup>th</sup> in Salisbury. Every year they donate hundreds of smoke alarms to fire departments on the Eastern Shore to distribute.

Commission Welch inquired on the status of sprinklering dormitories at state colleges. The Fire Marshal reported that his personnel along with the University of Maryland Fire Marshal's Office inspected residential buildings at ten different campuses and found no major violations but a lot of minor violations that were corrected. CFPE Bush stated he believes all the buildings in College Park are now sprinklered but there are still some at Salisbury, Frostburg, and Bowie that are not. They are working to sprinkler them as the buildings get renovated. Nationwide the bigger problem is the off-campus housing so there is a push to get parents to look at the rental properties they are considering and keep fire safety in mind.

## **CHIEF FIRE PROTECTION ENGINEER REPORT**

CFPE Kenneth Bush reviewed the proposed revisions to the sprinkler contractor licensing regulations that had previously been distributed to the members. A copy is attached for the record. The first amendment deals with clarifying which contractors would be responsible for obtaining a license in order to service, install, and maintain parts of the sprinkler system. He has gotten several inquiries about this issue so this attempts to make that clarification. The second deals with requiring and allowing electronic digital signatures since more plans are now being submitted in an electronic format. He discussed this with Commissioner Scheffey who has dealt with professional engineering boards and this amendment allows for digital signatures on electronic submissions. The current regulation only requires and allows a seal and original signature. The third amendment closes a loophole to charge a fee when a request is received to re-instate a license that has lapsed. In response to Commissioner Spencer's inquiry, CFPE Bush clarified that insurance requirements are already part of the existing regulations.

The guidelines for haunted houses has been updated to reference the 2015 code editions and some other slight modifications. They are posted on the OSFM website.

The NFPA 101 process has completed its second draft ballot of the 2018 edition to present to the general membership at its annual meeting in June. The NFPA 1 process has had a second draft meeting but the ballot has not yet been finalized. That will also be presented in June. Some issues they are addressing are also addressed by the International Code Council. The ICC is voting in Kansas City on the public comments for the International Fire Code and some of the international residential codes. One issue is the tall wood buildings that has previously been discussed with the Commission. There are plans to do some full-scale testing, hopefully at NIST in Gaithersburg. They are planning to build a two-story GLT (glue style) wood frame residential style setting and set fires, with and without sprinklers. The wood frame will be protected with drywall construction and the hope is with a fuel package in the building, the fuel package will burn out and will only cause char. Canada is already working on this and has contracted with NIST to do their test. If it's open to the public it might be interesting for members to attend. He will keep them advised. This is not the same issue as the concrete versus light wood frame that may come up in Maryland legislation. Some other upcoming code issues:

- Large energy storage systems (batteries) will have new requirements.
- Marijuana processing due to the high hazard of butane being used in the process and the oils that are produced. A whole new section on this has been added to both the International Fire Code and NFPA 1.
- Tiny houses, especially the ones on wheels, is also being discussed as to whether they should be treated as a regular dwelling structure, a modular dwelling, or a trailer and who will have jurisdiction over them. There are no proposals at this time but it is on the table.
- The Avalon Bay issue in New Jersey with residential attic sprinklers was also discussed. The National Homebuilders have offered a compromise for large wood frame dwellings to cut the height down from 60 feet to 45 feet for sprinklers. The logic being 45 feet is deemed reachable by a fire department ground ladder. So they propose to sprinkler attics when the building height (not the

tallest rescue window) is more than 45 feet. There has been no final decision but that will probably be something coming out of the ICC hearings. Currently it is permitted to build a 60 foot tall wood frame building with a 13R sprinkler design which eliminates sprinklers in attics or unoccupied portions.

- Keep an eye out for any votes needed to take on RV129 which is the residential sprinkler bill through the ICC process.

Regarding Christmas trees, there were regulations at one time regarding distribution, watering, tagging them, etc. Some of the requirements were actually written into NFPA 1 so the regulations were repealed. So NFPA 1 does address Christmas trees and live vegetation but the OSFM can't enforce them on individual owners in their homes. He recommends information be given to the actual retail sellers and not the large distributors as it would probably be more apt to be given to the consumer at the time of purchase.

## **VICE CHAIRMAN REPORT**

Vice Chairman Hubbard noted that the Fire and Burn Safety Coalition of Maryland was seeking a Chairperson.

The Vice Chairman congratulated the Fire Marshal on his social media and public outreach which is providing lots of good information. He inquired as to the status of the fatal Cambridge and Salisbury fire investigations. The Salisbury fire was a rental property in which a young girl perished. It appears that somehow gasoline in a storage area spilled and was ignited by the hot water heater. The child was found in close proximity to the point of ignition so there was little possibility for escape. The Cambridge fire was a complete destruction which is still being investigated but due to the damage it most likely will remain undetermined.

## **OTHER BUSINESS**

Vice Chairman Hubbard entertained any discussions or motions on the proposed sprinkler licensing amendments. Being no further discussion, Commissioner Spencer motioned to accept the proposal, second by Commissioner Bilger, and unanimously carried. Secretary Ritchie will then move forward with processing the proposed amendments.

Being no further business the meeting was adjourned.

## **MEETING SCHEDULED**

The next meeting has been scheduled for

December 15, 2016 – 9:30 a.m.  
North Point-Edgemere Volunteer Fire Department  
Training Room  
7500 North Point Road  
Sparrows Point, Baltimore County

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



Heidi Ritchie, Secretary

Attachment: Sprinkler Licensing Amendment Proposal

# PROPOSED COMAR REVISIONS

*(italic text is explanatory information)*

## **1. Add a new Paragraph to COMAR 29.06.05.02 B as follows:**

**(6) Installation, testing, servicing, and maintenance of specialized equipment that is associated with automatic fire sprinkler systems, but not regulated by the specific provisions of NFPA 13, NFPA 13D, or NFPA 13R performed by persons under the responsible charge of a licensed fire sprinkler contractor who shall verify that such persons have the appropriate qualifications and certifications to perform these specific functions, and who shall be responsible for the installation and continued approved operation of all equipment associated with the fire sprinkler system.**

*The intent of this amendment is to permit specialized installation and service personnel to perform limited duties under their specific purview of expertise (such as the installation and testing of fire pumps, installation of water storage tanks or private water supply systems, and electrical work performed on fire alarms and supervisory systems) without having to obtain a Maryland Fire Sprinkler Contractor License provided that their level of training and experience is verified, and that their work is supervised, limited to specific functions, and evaluated for compliance with all appropriate codes and standards by a licensed Maryland fire sprinkler contractor.*

## **2. Add a new Paragraph to COMAR 29.06.05.04 L as follows:**

**(3) Plans submitted utilizing an electronic format shall be marked with the fire sprinkler contractor license and one of the following:**

- (a) The designated qualified individual's digital signature, NICET level, certification number and expiration date, or**
- (b) The digital signature and seal of a professional engineer who is registered in Maryland.**

*The intent of this amendment is to recognize the increasing number of construction documents which are being submitted utilizing an electronic format, and to permit the use of electronic signatures as a part of those submissions. The reference to digital signatures is intended to limit the type of signatures to those which cannot be copied or duplicated for unauthorized use by persons other than the original signer.*

## **3. Add a new Paragraph to COMAR 29.06.05.04 Q.(1) as follows:**

**(d) Reinstatement of existing licenses which have been suspended or revoked during the normal licensing period - \$100.**

*The intent of this amendment is to charge a nominal fee for the reinstatement of licenses which have been suspended or revoked for a variety of reasons, including the lack of a recognized DQI or interruption to required insurance coverage, prior to the expiration date of the existing license. This fee would control the practice of certain fire sprinkler contractors who allow licenses to become dormant, and then reactivated upon request without penalty; and would recognize the administrative work necessary in order to track such actions and to reissue deactivated licenses. There is no intent to alter the current requirements for the renewal process of sprinkler contractor licenses prior to their established expiration date.*