

**STATE FIRE PREVENTION COMMISSION
MINUTES
February 16, 2017**

Members Present: Charles D. Davis, Chairman
Mark F. Hubbard, Vice Chairman
Mark A. Bilger
K.C. Harrington
Anthony J. Spencer
Edward Tochtermann, Jr.
Stacy Welch
Richard L. Yinger

Members Absent: Joseph L. Scheffey

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

On behalf of the commission, Chairman Davis offered condolences to Chief Fire Protection Engineer (CFPE) Ken Bush on the passing of his mother.

FIRE MARSHAL REPORT

Fire Marshal Brian Geraci reported the Office of the State Fire Marshal (OSFM) has two sworn vacancies and six civilian vacancies. The OSFM is in the process of trying to fill them. The new Northeast regional commander is Sander Cohen. That region oversees Cecil, Harford, and Carroll Counties. The new Chief Deputy will be starting in March. Deputy State Fire Marshal (DSFM) Tim Warner will be retiring April 1st. DSFM Pete Raia will graduate from the Southern Maryland Law Enforcement Academy on March 3rd. He will be assigned to the Northeast region. Emily Reaver, the Maryland State Firemen's Association's Miss Fire Prevention First Runner Up, is a new intern in the office and is working with DSFM Bouch on fire and life safety education projects on the website. She's been doing a great job.

The Fire Marshal reported on the 2016 fire fatalities: 68 persons, 12 of whom were children, died in 57 fires. Seven multiple fatality fires claimed the lives of 19 persons. Sixty-eight percent occurred in single-family homes, 7% in apartments, and 20% in vehicles. Fatalities for 2017 are at 12 compared to 16 for this period last year. A detailed fatality report should be available at the next meeting. Information can also be found at [http://mdsp.maryland.gov/fire marshal](http://mdsp.maryland.gov/fire%20marshal). Fire fatality data, sprinkler saves, and smoke alarm saves should be reported at <http://mdosfm.wixsite.com/blog>. Please be sure to spread the word to departments so as much data as possible can be captured. Prince George's County reported 80 sprinkler saves last year. Commissioner Bilger commented how unfortunate it is the OSFM doesn't have access to single-family homes where the most fatalities occur.

In 2016, the OSFM investigated 1,102 incidents of which 709 were fire related; 92 criminal cases were closed with arrest; 134 individuals were arrested for fire/explosive and other related crimes, of which 61 were juveniles; 12,335 inspections and 1,687 plan reviews were conducted. The arson closure rate was 27% which is above the national average. Personnel are doing a great job. In response to an inquiry from Commissioner Bilger, the Fire Marshal stated investigations are up 17% from 2015 but accidental fires went down 2.9%; cases closed by arrest were up almost 7%; arrests were up 34%; inspections were down 5.3%. There is still a backlog of plan reviews but that has always been an issue. The OSFM is working with MSP to try to get some contractual engineers.

As of January 1st, Carroll County is conducting limited plan reviews and they will be inspecting all new occupancies. They have hired their own fire inspector and a memorandum of understanding has been established. To support their efforts, the OSFM will still inspect existing buildings, handle complaints, and investigate fire/explosive incidents.

Three ten-person teams have been established within the OSFM to respond to major incidents across the state. The teams will be rotated monthly and will include command staff, fire investigators, bomb technicians, a fire protection engineer, a K-9 accelerant, and the response of the OSFM fire investigation unit vehicle.

Regarding vehicles, three Ford Explorer Interceptors have been received but they were not fully outfitted. They are in the process of being outfitted by a vendor in Prince George's County. MSP provides radios and antennas but anything else comes out of the OSFM budget. In response to an inquiry from Commissioner Tochterman, the Fire Marshal reported that for the pickups it costs about \$43,000 to purchase and outfit. Inspector vehicles don't get outfitted with anything. It costs about \$1,000 more to outfit K-9 vehicles due to the cage and heat sensor system. The pickup trucks are at Waterloo and they will also get outfitted and be deployed. Three Ford Escapes for inspectors are supposedly at the dealer and a Chevy Suburban is still on order. The OSFM will get \$300,000 for vehicles next fiscal year and are working with MSP on that order.

The OSFM also has received \$400,000 to upgrade three bomb squad robots which are more than ten years old and parts are difficult to get. The OSFM has been working with the remote technician in Tennessee to rebuild them off the existing platforms which will save over \$100,000 per robot.

Legislative issues were discussed. The OSFM is not taking any official position on any bills but has been reviewing and making some recommendations for amendments.

- HB206 deals with the flame retardant chemicals and child care products.
- HB600/SB175 deals with medical oxygen and smoking/open flame restrictions in multi-family occupancies. This is coming out of Montgomery County in relation to some instances that occurred at Leisure World condominiums in Silver Springs. HB600 was heard yesterday and there was no opposition. Originally the health department was to enforce it but they declined so the OSFM will be the enforcer if it gets passed. The OSFM did not request to enforce it; however, the sponsor did call and advise him of the change. The bill also requires the medical oxygen suppliers to make consumers aware of the law.
- HB1066/SB201 deals with fire drills in schools. Last year the OSFM agreed to reduce the number of required fire drills in sprinklered schools to five and in non-sprinklered schools to eight. This became part of the Fire Prevention Code. However, the Education Article requires ten drills per year. This bill aims to eliminate the conflict.
- HB1311/SB722 deals with light-frame combustible construction, height area limitations, and the building code pedestal exception where the height of the building is measured from the pedestal up. The bill will require it to be measured from the lowest level of fire department access, have a full NFPA 13 sprinkler system, fire watches during construction, and informational signage for firefighters. CFPE Bush reviewed it and several questions were submitted to the sponsors and supporters. Responses have not yet been received. There will most likely be some opposition. CFPE Bush stated the issue is there is no life safety hazard because the sprinklers will control the fire in occupied areas; however, when the fire moves on to unoccupied areas such as attics, wood spaces, etc. it causes significant damage to the building often requiring demolition. This is the issue they are trying to address. In the 2018 code edition sprinklers will be required in combustible attic spaces which are more than 45 feet above ground. It currently is 60 feet so that would be a change for 13R systems. There have been several fires throughout the country where this has been an issue. There have also been several nationwide fires involving buildings under construction where the protection was not yet in place and construction workers had to try to escape the areas on fire and await rescue. Suggestions made to the bill were to try to

clarify some language and definitions, and make reference to recognized model code fire barriers.

- HB1061 establishes a task force to study emergency and evacuation plans for persons with disabilities in public school facilities. The OSFM is listed as part of the task force. This bill just came out so there should be more to come. Vice Chairman Hubbard reported Cecelia Warren, an Anne Arundel County Fire Department retiree who works in the Department of Disabilities was reaching out to local fire marshals to research any issues. The Fire Marshal has been discussing this with school officials. CFPE Bush stated the evacuation plans for schools with disabled occupants has come up in the past in various counties. Unfortunately the fire code recognizes any room in a fully sprinklered floor of a building as an area of refuge so this would be acceptable in an evacuation plan. Some parents aren't please that their child could be placed in a sprinklered room to await rescue by firefighters. In non-sprinklered buildings the code requires the area of refuge to be enclosed and the person would still have to await rescue.
- HB107 deals with allowing the Department of Housing and Community Development to provide loans and grants for new home buyers due to building and fire code restrictions. The OSFM viewed this as a bill that could potentially affect residential sprinklers so the Maryland State Firemen's Association legislative committee worked to remove "building and fire codes" and insert "applicable codes and requirements". The bill has not been voted on yet.
- HB1380/SB978 seeks to change the appointment term of the State Fire Marshal from six years to four years. The members discussed the history of the original law to make it six years to prevent the position being a political appointee. The bill does not make any changes to the Superintendent who serves at the pleasure of the Governor. Chairman Davis will contact the Governor's and Superintendent's offices to see if the Commission can take a formal position on the bill. Until he hears otherwise he would recommend members express any views they may have as a private citizen. The hearing is scheduled for March 9th.

CHIEF FIRE PROTECTION ENGINEER REPORT

In addition to his comments noted above, CFPE Bush reported the International Code Council (ICC) Tall Wood Building Task Group is moving forward with a full-scale test burn of a two-story residential style building constructed out of heavy timber. The test will be conducted by the ATF in Beltsville sometime between March and June 2016. It will be interesting to see the results.

The ICC is also seeking to form a Model Code Committee. Members interested in being on the committee should go to the ICC website. Hopefully Maryland can retain some participation on ICC committees. CFPE Bush's six-year term on the Fire Code Action Committee has expired. Fire Protection Engineer Derek Murgatroyd from the Southern region has been recommended as a replacement.

The National Fire Protection Association will hold its annual meeting in June which will feature the introduction of several updated codes. The 2018 editions of NFPA 1 and NFPA 101 will officially be adopted at that meeting, and then probably in August it will be issued by the Standards Council. Some other codes—Fire Extinguisher Code, Flammable Liquids Code, Flammable Gas Code, Kitchen Exhaust Coode, Health Care Standard—are also up for adoption as is the normal routine. The closing date for comments is April 17th after which there will be a good idea if there are any significant oppositions.

The Department of Health and Mental Hygiene has contacted the OSFM regarding regulations for medical marijuana processing and growing facilities. An old poultry plant in Worcester County is being sprinklered to be taken over as a growing facility. The growing plants don't seem to present much hazard but the processing plants which use butane gas, flammable liquids, and produce various byproducts may

present a high-hazard condition. The OSFM is happy to assist the health department to coordinate regulations as these facilities begin to be constructed across the state. Currently these facilities aren't addressed in the codes but they will be in 2018 editions.

The OSFM has been in contact with the haunted house industry, which is an organization that apparently has been around for some time. They were not aware of Maryland regulations which have been around since 2008. Some issues came up with facilities in Montgomery County and Ocean City. Hopefully this dialogue will help to better organize code enforcement for these facilities.

The Eastern Shore engineer position, which became vacant when CFPE Bush was promoted, remains vacant. CFPE Bush continues to perform both functions. The Eastern Shore engineer covers seven counties. Plans reviews are most likely down since this full-time position has been vacant. The MS22 job description has been revised to seek a contract engineer position. During the last hiring process only one application was received and he turned the offer down to work elsewhere. So the process has started over again.

CHAIRMAN REPORT

Chairman Davis welcomed two guests who were in attendance. Chuck Walker who is on the MSFA legislative committee stated this was his first time attending a Commission meeting and he found it very interesting. John Rekus stated he attended because he is a public policy enthusiast.

Chairman Davis inquired as to the sprinkler status of a house in a newer development in Leonardtown that completely burned to the ground shortly before Christmas. It apparently started on the outside and the winds were blowing very high. The Fire Marshal stated he would look into it.

Vice Chairman Hubbard's second term will expire June 30th. The Chairman requested members take the vacancy under consideration to vote on a new Vice Chair at the April meeting. Chairman Davis thanked him for his service and welcomed him back to future meetings after his tenure expires.

OTHER BUSINESS

Motion by Commissioner Tochtermann, second by Commissioner Spencer, and unanimously carried to approve the minutes of the December 12, 2016, meeting.

MEETING SCHEDULED

The next meeting has been scheduled for
Thursday, April 20, 2017 – 9:30 a.m.
Taylor Avenue Fire Station, Upper Level Classroom
620 Taylor Avenue
Annapolis, Anne Arundel County

There being no further business, the meeting was adjourned.

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



Heidi Ritchie, Secretary