

**STATE FIRE PREVENTION COMMISSION**  
**MINUTES**  
**April 20, 2017**

Members Present: Charles D. Davis, Chairman  
Mark A. Bilger  
Joseph L. Scheffey  
Edward Tochtermann, Jr.  
Stacy Welch  
Richard L. Yinger

Members Absent: Mark F. Hubbard, Vice Chairman  
K.C. Harrington  
Anthony J. Spencer

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

### **FIRE MARSHAL REPORT**

Fire Marshal Brian Geraci extended condolences to Commissioner Harrington and his family on the recent passing of his father-in-law.

Montgomery County suffered its first line-of-duty death in almost 40 years when Master Firefighter Rick Gentilcore had a heart attack at the station and was unable to be revived. Fire Marshal Geraci attended his funeral.

The Office of the State Fire Marshal (OSFM) has three sworn and five civilian vacancies that are in various phases of being filled. A new inspector will be assigned to the Western Region. Allison Nicodemus who was a contract employee is now a full-time merit employee. She will continue to oversee the Maryland Fire Incident Reporting System (MFIRS) and process invoices for fees collected. She will work three days a week in Hagerstown and two days in Headquarters.

Deputy State Fire Marshal (DSFM) Chris Fenzel, Upper Eastern Shore Region, received an award of recognition from the International Association of Arson Investigators at its annual training conference in Las Vegas. He was recognized for his outstanding performance during 2016 and has a closure rate of 80%. He has worked some major cases and is currently field training a new DSFM.

The Fire Marshal distributed the 2016 fire fatality report. Currently for 2017 there have been 31 deaths compared to 19 for the same period last year. Two fires in Baltimore city claimed the lives of ten persons. Baltimore City had a total of 16 last year and they are already over that in the first four months of 2017. Three were the result of homicides and one was a suicide. They are out every weekend knocking on doors and putting up smoke alarms but the message just isn't getting through. The report has new sections to start capturing data on hoarding and date of construction.

Legislative issues were discussed:

- HB1066/SB201 deals with fire drills in schools and passed with no issues. This will eliminate a conflict between the Education Article and the State Fire Prevention Code regarding the number of fire drills. Fully sprinklered schools will require five per year and non-sprinklered schools will require eight per year.
- HB1061 passed with several amendments. It establishes a task force to study emergency and evacuation plans for persons with disabilities in public school facilities. The OSFM and local fire marshal offices will most likely be assisting. The study is to be completed by July 1, 2018.
- SB817 passed. It deals with agri-tourism and maximum occupant loads. Cecil and Garrett Counties will be included in the law.

- HB1375 makes it easier for first responders who may have been exposed to HIV or Hepatitis C to get quicker testing by changing the need to get a search warrant to just obtaining an emergency order from a circuit court judge.
- HB216 allows first responders to treat animals without being sued.
- HB100 "The Hometown Hero" bill passed which allows income tax subtraction modifications for retired law enforcement, fire rescue, and emergency services personnel. Minimum age is 55 and only applies to the first \$15,000 in income.

The next community risk reduction weekend will be May 6-7. Departments are encouraged to get out in the community and talk with citizens, replace smoke alarms when needed, as well as discuss the need to have older sprinkler systems inspected. Some sprinkler information will be added to the OSFM blog site.

Arson Awareness Week is the first week of May. This year's theme is arson prevention in houses of worship, focusing on external and internal security. DSFMs will do some community outreach by surveying these occupancies and talking to clergy. An informational flyer will also be distributed.

The OSFM has received a \$19,000 grant from Firehouse Subs to fund personal protective equipment and air monitoring equipment for on-scene personnel.

After discussions with Chief Fire Protection Engineer (CFPE) Ken Bush and an Attorney General with the Department of State Police, the Fire Marshal has ordered the suspension of enforcement of the State Fire Prevention Code, Section 29.06.01.08 KK which essentially allowed use of Section 903 of the International Building Code regarding requirements for sprinklers. This has been an issue regarding agri-tourism/wedding barns and the interpretation as to whether some barns are Assembly Use Group A2 or A3. By no longer enforcing this regulation, the requirement will fall back on the building officials to make the determination if these barns need to be sprinklered. Contact has been made with the International Code Council regarding its interpretation of wedding barns and some other assembly occupancies but no response has yet been received. Commissioner Scheffey inquired what the Fire Marshal's motivation was regarding the sprinkler requirement. Fire Marshal stated it was the issue with wedding barns. One barn he looked at in Garrett County was very small and an emergency could be easily detected so he did not require them to be sprinklered. It was a new building but was originally built as a barn so no permits were required but they later decided to host weddings. Most of the barns are existing which would put the OSFM in a bind so it was decided the sprinkler requirements in the building code should be enforced by building officials. CFPE Bush explained that this does not eliminate the need to have sprinkler assembly occupancies. Initially the building code established a lower threshold to have sprinkler assembly venues in which food or drink is consumed. It requires sprinklers if 100 or more persons and 5,000 or more square feet. Currently other assembly occupancies require sprinklers at 300 or more persons and 12,000 or more square feet. Many code cycles ago, fire officials felt the need to incorporate requirements for sprinklers that were not addressed in the NFPA codes. The building code tried to address property protection so it established the 12,000 square foot threshold. For the last two code cycles NFPA 1 also adopted the 12,000 square foot threshold, so it was felt there was no longer a need to reference the building code. However, there are some conflicts in definitions and requirements for classification of occupancies, particularly assembly and day care centers. The consumption of food or beverage is verbiage only used in the building code and it is not felt the consumption of food or beverage increases any hazards. Theoretically the sprinkler requirements aren't eliminated, but if required by the building code it will be enforced by building officials and if required by the fire code it will be enforced by fire officials. Geraci stated there have been some past issues with venues operating without a permit and they were addressed as they became known or when complaints were received.

Commissioner Yinger inquired as to the status of the tent at the Wisp and whether it is in compliance. Fire Marshal stated he did not require it to be sprinklered because it was small with an open room arrangement and it would not be able to support the sprinkler piping system. It is inspected every year and they provide a list of all events.

The Public Fire and Life Safety Educator seminar was held March 25<sup>th</sup> at the Maryland Fire and Rescue Institute College Park with over 80 persons attending. Topics including updates to NFPA 1035, senior outreach, and a side-by-side burn. Superhero FlashMax was there to discuss his program which reaches out to kids to teach them fire safety and prevention. Chairman Davis stated Teresa Crisman had a good program on hoarding. Several different organizations are working together to help assist persons with hoarding disorders.

The Major Incident Response Team (MIRT) was activated twice during March, one to assist Howard County on an arson house fire which was set by the owner. Since the owner was a felon and firearms were discovered, ATF is charging him criminally. The other incident was a house explosion which was the result of the owner committing suicide by causing a gas leak. The explosion damaged ten homes and nine vehicles.

Colonel Pallozzi has submitted his recommendation to the Governor's Appointments Office for a replacement member for Vice Chairman Hubbard. The recommendation is a career firefighter from Montgomery County. Commissioner Welch will be submitting her re-appointment paperwork to the Fire Marshal in the near future. There have been no recommendations submitted for Commissioner Spencer's replacement. It has to be a member of the general public so it can't be someone that could represent another group such as fire service, architects, engineers—it has to be an ordinary citizen but can live anywhere in the state. The replacement Commissioner Spencer recommended did not qualify since he is a career firefighter.

## **CHIEF FIRE PROTECTION ENGINEER REPORT**

CFPE Bush reported he attended the funeral for Fire Marshal Edward Cropper, Commissioner Harrington's father-in-law. Mr. Cropper started the Worcester County Fire Marshal's Office in 1966, became Emergency Services Director, and retired in 1996. CFPE Bush had the opportunity to work with him since 1976 and through his retirement. It was a well-attended funeral and tribute with Commissioner Harrington participating in the eulogy.

CFPE Bush attended two full-scale fire tests at the National Institute of Standards and Technology in Gaithersburg dealing with the heavy timber laminated wood construction. On the first test one wall was left exposed and the fire banked down after a couple hours and then built back up. The test was terminated after it flashed over a second time. It burned for a longer period than the second test. For the second test one of four walls and the ceiling had exposed wood. The other surfaces were covered with at least two layers, and in some cases three layers of Gypsum drywall. A fully developed fire flashed over the room in 10-12 minutes and burned for about 2-2½ hours before collapsing. The laminated layers would give way, drop off and fall, exposing new layers of fresh wood that continuously fueled the fire until it was consumed. The test proved that wood does burn. The ventilation rates are also a factor—presumably a smaller ventilation area will promote flashover because it builds up heat instead of dissipating. Laminated wood construction is still intended to be proposed for the 2021 building code cycle. The 18-story laminated building at the University of Vancouver is sprinklered but Europe has nonsprinklered buildings that height, mainly for esthetics purposes. The upcoming test at ATF will have a larger opening to better assimilate conditions like a sliding door going to a balcony. This type of construction is mainly considered for apartment buildings, hotels, and perhaps office buildings.

CFPE Bush reported he does not yet know if there are any certified amending motions to the next series of NFPA editions which may affect NFPA 1 and 101. There will be new provisions for stored energy (battery) systems, marijuana growing/processing facilities, food trucks, and wood pallet storage. The Code Update Review Committee should begin formation this summer so it will be ready to begin its review of the 2018 editions when they are published in the fall, with hopefully any new amendments being adopted January 1, 2019.

Large fires in buildings under construction, which Maryland has had a few, is also a concern that most likely won't be addressed in the model codes so Maryland may have to adopt amendments to

address that issue. There is an NFPA standard, NFPA 241, which deals with construction and demolition that requires things like fire protection to one story below the active construction level, means of escape for construction workers, fire watches, etc. There was an effort in the General Assembly this year to introduce legislation but it didn't pass due to its onerous provisions. Introduced by the concrete/masonry industry, it contained height and area limitations, 24/7 fire watches, construction type signage, two hour non-combustible separation between every unit, and some other things. It may contain some things the Code Update Review Committee can look at along with NFPA 241. In response to Commissioner Scheffey's inquiry, CFPE Bush noted that NFPA 241 is already referenced in NPFA 101 so technically it is currently adopted.

## **CHAIRMAN REPORT**

Chairman Davis inquired how the fire reports are coming in. Fire Marshal stated the companies are doing pretty good with submitting their reports. The website is updated every Friday to check on submittal status. Allison Nicodemus will be doing a workshop at the Maryland State Firemen's Association's convention in Ocean City this year and she will also be at the booth to entertain questions on the MFIRS.

Chairman Davis inquired if there is any data on fires caused by smoking materials, whether cigarettes are safer since the law passed several years ago. Fire Marshal reported cigarettes are still causing fires, mainly exterior fires that spread, but it is difficult to track data on the type of cigarettes. Other types of smoking materials such as cigars and pipes may also be the cause.

## **OTHER BUSINESS**

Motion unanimously carried to approve the minutes of the February 16, 2017, meeting with a correction to note that Commissioner Scheffey was not in attendance.

Commissioner Bilger reported the Mid-Atlantic Life Safety Conference steering committee had a meeting in April. The conference will be September 26, 2017. There will be 12 workshops to include cancer in the fire service, ethical consideration, exercise of leadership, fire/life safety, fire investigation, national response coordination center, Underwriter's Laboratories resources, human trafficking, recognition of first responders, hoarding, stop the bleeding, community paramedics, social media monitoring, special needs interaction for fire and EMS personnel, and NFPA 1 and 101 inspection issues. The 60<sup>th</sup> anniversary is either in 2018 or 2019 (the committee is debating this). The 2018 conference will be September 25<sup>th</sup>. The conference will be at the Johns Hopkins Applied Physics Laboratory in Laurel.

## **MEETING SCHEDULED**

The next meeting has been scheduled for  
Tuesday June 20, 2017 – 11:30 a.m.  
Roland E. Powell Convention Center  
4001 Coastal Highway  
Mezzanine Board Room #201  
Ocean City, Worcester County

There being no further business, the meeting was adjourned.

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



Heidi Ritchie, Secretary