

**STATE FIRE PREVENTION COMMISSION  
MINUTES  
December 19, 2019**

Members Present: Edward S. Tochterman, Chairman  
Kevin Simmons, Vice Chairman  
Mark Bilger  
Emily Devan  
Stacy Welch

Members Absent: Douglas Alexander  
Charles D. Davis  
Michael Faust  
K.C. Harrington

Chairman Tochterman called the meeting to order at the Northpoint-Edgemere Volunteer Fire Department in Sparrows Point, Baltimore County.

**FIRE MARSHAL REPORT**

Fire Marshal Brian Geraci reported the Office of the State Fire Marshal (OSFM) currently has three sworn and five civilian vacancies. Deputy State Fire Marshal (DSFM) Burton and Fire Safety Inspector (FSI) Dayton recently resigned. DSFM Tennyson has retired after 25 years of service. The process is underway to fill FSI Dayton's position.

Fire fatalities for 2019 stand at 52 compared to 71 in 2018. Eight causes of death are pending with the Chief Medical Examiner's Office. Some of the pending were vehicle accidents so they may not all get classified as fire deaths.

In its effort to continue improving safety, the OSFM has distributed AEDs, Stop the Bleed/First Aid kits, and personal flotation devices to the regions and bomb squad. Personnel have been encouraged to put the PulsePoint app on their phones to alert them of nearby cardiac events so they can respond with the AED and possibly save a life. If funds are available, additional equipment is planned to be purchased each year so that each region and the bomb squad will have at least three of each device. DFMs are not individually assigned a set of devices. There is a contract with the company who supplied the AEDs to do all the maintenance, download data when used, and provide supplies.

The Bomb Squad participated in a training exercise at the Federal Air Marshal Service's mock airliner cabin that allowed them to practice render-safe operations utilizing the bomb suits and robot in a confined area.

Delmarva Power has donated 2,900 smoke alarms to local communities through its partners with the Delaware and Maryland State Fire Marshal Offices. Two hundred carbon monoxide detectors were donated to the Wilmington Fire Department. This is the 20<sup>th</sup> year Delmarva Power has donated these life-saving devices. PEPCO has a similar program donating devices for distribution in the Prince George's County, Montgomery County, and Washington D.C. area.

The Maryland Fire and Rescue Institute's fire protection laboratory received a complete makeover due to a generous donation of materials and labor from the Capital Region Fire Sprinkler Association. The lab includes wet, dry, pre-action, foam, and residential suppression systems to be used for the training of local inspectors, fire protection engineering students, and fire protection system contractors.

The OSFM and personnel continue to engage with communities through Facebook, Twitter, blogs, and community programs such as shop with a cop, polar bear plunges, and other events throughout the state.

A bill is being proposed on residential sprinkler enforcement and one to update Public Safety Article Title 11 on Explosives. These are not departmental bills so it was not necessary to seek approval from the Governor. The sprinkler bill sponsored by Delegate Stein would have the OSFM enforce the residential sprinkler requirements of the International Residential Code in an effort to address the situation in Allegany County where

the sprinkler requirement is not being enforced. The Title 11 bill is sponsored by a Montgomery County delegate stemming from issues with blasting for the Purple Line.

Regarding the reappointment of the Fire Marshal to another term, he advised he did not expect any action until April after the legislative session ends.

The Fire & Explosive Investigation Advisory Workgroup met in December and is continuing to work on certifications and training. Another meeting is scheduled for February.

## **CHIEF FIRE PROTECTION ENGINEER REPORT**

CFPE Ken Bush congratulated Commissioners Tochterman and Simmons on their appointments as Chair and Vice Chair to the Commission, respectively. He offered his assistance in any matters before the Commission.

An error has been discovered in the COMAR amendments dealing with the explosives section of the State Fire Prevention Code. The 2015 edition contained a lot of information that after review by the Explosives Advisory Council was found to be outdated and unnecessary with a reference back to NFPA 495 which is the NFPA Standard dealing with explosives and blasting operations. Unfortunately there was one line in the regulations that was retained but should have been omitted that deleted two sections of NFPA 495, one dealing with ground vibrations and the other with air level pressures. So without that reference to those NFPA 495 sections and because they were deleted in the last update, these requirements have been lost. It was suggested the easiest way to regain them is to promulgate emergency regulations to actually fix the error by deleting amendment 29.06.01.09(E)(1), a one line amendment that deleted two sections of NFPA 495. CFPE Bush requested the Commission consider this proposal to fix the error. The Chairman deferred to the Commission's legal counsel, Assistant Attorney General (AAG) Susan Baron, who concurred with CFPE Bush's proposal. Motion by Commissioner Bilger, second by Vice Chairman Simmons, and unanimously carried to accept the proposal. CFPE Bush will notify the Commission Secretary to proceed with submitting the proposed amendment for processing.

CFPE Bush questioned whether a reference to NFPA 1 as is made in 29.06.01.09 should also be included in 29.06.01.10 or if the general reference to NFPA 1 amendments in 29.06.01.02 is sufficient. AAG Baron advised it would not be necessary to have in under .10 but it could be included for consistency. Motion by Commissioner Welch, second by Commissioner Bilger, and unanimously approved to include the statement under .10. AAG Baron recommended it be a separate submittal from the previous amendment regarding NFPA 495.

Regarding the two vacant fire protection engineer positions in the Western and Southern regions, FM Geraci and CFPE Bush have agreed to submit information to request a salary increase to make the position more attractive. They have some salary comparison data both in Maryland and nationally. Data is also being gathered on the number of specialized fire protection engineer graduates versus other engineering disciplines to show that the pool of potential fire protection engineer applicants is limited. Based on feedback from potential applicants, the location of the position is not the issue—it's the salary. A request will be submitted to the Department of Budget and Management who may do an audit, similar to what occurred for the inspector position. Chairman Tochterman offered to send a letter in support, of which FM Geraci and CFPE Bush were very appreciative.

Retired CFPE John Bender asked to be recognized. Mr. Bender stated that the inequity in the FPE pay scales has existed literally for decades.

The Maryland version drafts of NFPA 1 and 101 have been received and are being reviewed in-house, so that project continues to move forward.

A request has been made by NFPA to look at their water-based professional certification program which if accepted by the OSFM would provide another means for fire sprinkler contractors to qualify for a Maryland license. The current licensing regulations require applicants to have a "NICET or equivalent qualification". The two certification processes will be compared so that if an applicant approaches the office regarding the NFPA certification, the OSFM will be prepared. One difference between the two is the NICET certification is based on different levels, experience and education. The NFPA certification is one level. NFPA stated constituents who

have applied for it would rather sit for one exam and have all their certifications covered rather than sit for multiple exams for each different level. NFPA stated if only the highest level is offered, it should cover the qualifications needed for all license categories. Another difference is NICET is based upon an audit-type system and NFPA is based upon experience. Both will be reviewed in further detail before making a final determination.

## **CHAIRMAN REPORT**

Chairman Tochterman reported he has spoken to Carol Schreiber, assistant to Attorney General Frosh, regarding the letter the Commission sent requesting clarification on the enforcement of residential sprinkler requirements. A response has not been received. AAG Baron will look into the status. It may get sent to the AG's opinions division. FM Geraci stated when members of the Maryland State Firemen's Association (MSFA) met with the Attorney General they got the impression the Governor would have to first request action be taken. The issue is there is no enforcement authority in the current law. Mr. Helminiak, Commissioner of Labor and Industry, stated he also has not received any further information on enforcement. Legislation is being proposed to allow the OSFM to enforce the residential sprinkler requirements of the International Residential Code which if passed will resolve the enforcement issue.

Chairman Tochterman welcomed Mr. Helminiak and Mr. Wang from the Department of Labor. Mr. Helminiak reported on the status of the updates to the Maryland Building Rehabilitation Code. The International Residential Code, the International Building Code, and the International Energy Conservation Code are basically adopted at the same time. The International Existing Building Code, which is Maryland's Rehabilitation Code, operates on a separate cycle because there is a review board that has to meet to recommend whether to adopt or not. The board met during the summer and recommended adoption. It has been submitted to the Committee but has not yet been published in the Maryland Register. It has to go through the regulatory process with first publication, public comment period, then final publication. It will most likely be around March when the 2018 edition will be adopted. There are no major changes from the 2015 edition.

Chairman Tochterman, Vice Chairman Simmons, and FM Geraci met with Baltimore City Fire Chief Niles Ford, the Chief's adjutant Roman Clark, and Baltimore City Fire Marshal Derrick Ready. Vice Chairman Simmons reported that various topics were discussed such as training, prevention initiatives, and reducing fire deaths. Of main concern was to get Baltimore City more involved with the broader fire marshal community and improve the interaction with the State Fire Marshal. It was a lively discussion and it seemed that progress was made in moving forward with more cooperation to realize a fire safe community. FM Geraci reported they did not seem receptive to the high-rise issue and it appeared that they had not read the reports on proposals to improve high-rise safety. The city follows the International Fire Code and Maryland follows the National Fire Protection Association Codes so there will always be that separation. Investigations are on a case-by-case basis but it appeared unlikely they will be calling for assistance on any regular basis. It seems that major cities throughout the country tend to always do things differently, it's just the nature of being a city. Vice Chairman Simmons followed up with FM Ready to reinforce things that were discussed during the meeting. The Vice Chairman will continue to stay in touch with them to help on improving the relationship. It may take some time and effort to bridge the gap between the different mindsets and different codes. Chairman Tochterman is hopeful things will improve. FM Geraci stated city employees do attend some of the various training offered by the state. If they would request assistance, he would have no issues providing investigators or K-9s. It is not his intent to take over investigations, just to be available to offer assistance if needed. Commissioner Bilger commented that Baltimore City has never really welcomed assistance from the State Fire Marshal, unlike some of the other counties and municipalities that have good working relationships with the State. He encouraged Vice Chairman Simmons to continue to work towards positive improvements. Commissioner Welch echoed that encouragement. Commissioner Devan who lives in Baltimore City also encouraged working to improve the relationship. Retired CFPE Bender who worked for the OSFM going back to State Fire Marshal Robertson stated the genesis of the current relationship stemmed from personality differences between State Fire Marshal Robertson and Baltimore City Fire Chief Thomas Burke, starting in the 1960's. At one time Mr. Bender was involved in an initiative to sprinkler high-rise buildings in Baltimore City and a few meetings were held. The city had identified about 600 buildings but there were disputes that this included churches because of the steeples and since most of the high-rise buildings were owned by the city, there was no interest to sprinkler due to the cost. CFPE Bush pointed out that during the State Fire Prevention Code update process, the city did have a couple representatives attend some of the code update meetings. Chairman Tochterman stated he mentioned that to the Fire Chief and thanked him for their participation in that process.

Chairman Tochterman sent Governor Hogan a letter to introduce himself as the new Chairman of the Commission, stating he intends to take his duties and responsibilities very seriously. He invited the Governor to the February meeting in Annapolis.

#### **OTHER BUSINESS**

Motion by Commissioner Bilger to send a letter in support of a salary increase for Fire Protection Engineers so the OSFM can fill the two critical vacant positions. Second by Commissioner Welch and unanimously approved.

Commissioner Welch reported she has been having discussions with FM Geraci and CFPE Bush to explore different avenues to encourage sprinkler retrofits of college dormitories, such as meeting with public university officials and sending letters to private universities. Pursuing legislative remedies may not be the best way to achieve this.

Chairman Tochterman noted that the word "woman" in the eighth paragraph under other business in the October minutes should be "women". Motion by Commissioner Welch to accept the October minutes with the noted correction, second by Vice Chairman Simmons, and unanimously carried

#### **MEETING SCHEDULED**

The next meeting is scheduled for:

Thursday, February 20, 2020 - 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 provided by Hunt Reporting),



Heidi Ritchie, Secretary