

STATE FIRE PREVENTION COMMISSION
MINUTES
April 19, 2012

Members Present: Timothy F. Dayton, Chairman
Sharon S. Gilyeat, Vice Chairperson
Charles D. Davis
Brian S. Geraci
K.C. Harrington
Mark F. Hubbard
Anthony J. Spencer
Richard L. Yinger

Members Absent: Martin J. LePore

Chairman Dayton called the meeting to order at the Laurel Municipal Building in Laurel.

FIRE MARSHAL REPORT

Fire Marshal William E. Barnard reported the Office of the State Fire Marshal (OSFM) currently has three vacant full-time Deputy State Fire Marshal (DSFM) positions, a part-time contractual Data Device Operator (DDO) position, and a full-time contractual Fire Safety Inspector (FSI) position. The DDO position is critical to the processing of fees collected for plan review and inspection services. Unfortunately only one application was received and the position will be re-advertised. The services of the Western Region DDO will be used temporarily through the end of this fiscal year to process fees. The vacant FSI position is expected to be filled April 30th. The DSFM positions must remain vacant to cover the turnover requirements.

As of April 17, 2012, fifteen fire deaths were reported in Maryland, compared to twenty-one for this period last year. Additional information on fire deaths may be found at the OSFM website www.mdsp.org/firemarshal. There have only been two deaths so far this year contributed to smoking materials. Smoking related fire deaths have steadily decreased since the "safe-cigarette" law went into affect: Eighteen in 2009, twelve in 2010, and nine in 2011. A new concern is the manufacturing of cigarettes (roll-your-own) at the point of sale using loose tobacco. The Fire Marshal contacted the Comptroller's Office regarding these facilities and they have already confiscated one machine in Maryland. Another fire death occurred last night in Hagerstown City, bringing this year's total to sixteen. Two other victims are in critical condition. At the request of the City Fire Marshal, the OSFM K-9 team is assisting with the investigation.

Several fire departments and/or counties are not submitting MFIRS reports to the OSFM in a timely manner. MFIRS reports must be submitted to the United States Fire Administration by June 30th. The OSFM is striving to obtain 100 percent submission for Calendar Year 2011 incidents, so please continue to remind all departments of the importance of submitting accurate and timely reports.

The Annual Public Fire and Life Safety Educator's Conference was held March 31st at the Maryland Fire and Rescue Institute (MFRI) College Park. Fire Marshal Barnard addressed the group of 57 fire prevention professionals from across the state concerning fire deaths in Maryland. Bruce Bouche, the OSFM Director of Public Education and Media Affairs, instructed two sessions covering the Maryland State Firemen's Association (MSFA) supported fire prevention grant programs and deaf/hard of hearing devices and alarms. Vulnerable adult and child injury issues were presented by Cyndy Wright-Johnson and Marie Crosson from Maryland Institute for Emergency Medical Services System.

The Fire Marshal reviewed items of interest in this year's Legislation Session. The session began on January 11th and the Maryland Fire Service Legislative Working Group held weekly meetings during the session at the Taylor Avenue Fire Station in Annapolis. Commissioner Spencer was present and very active in Annapolis during the session to represent the Commission. Commissioner Davis was also present and active during the legislative session in his role as the MSFA Legislative Committee Chair.

- HB 366/SB 602 Public Safety-Building Performance Standards-Fire and Life Safety: This legislation prohibits a local jurisdiction from adopting local amendments to weaken the fire and life safety provisions contained in the Maryland Building Performance Standards. The legislation has some exceptions which are mostly phased out by 2016. It passed and awaits the Governor's signature.

- SB 421/HB 875 Public Safety-Explosives-Package of Components: Similar to a departmental bill last year, this legislation changes the definition of explosives to include two or more components that are packaged together for sale and when combined create a bomb or destructive device. It passed and awaits the Governor's signature.
- SB 331 Manufactured Homes-Sprinkler System Requirement-Opt Out Provisions for Local Jurisdictions: This legislation sought to allow local jurisdictions to opt out of the provisions to require residential sprinklers in manufactured (modular) homes. Received a unanimous unfavorable report by the Committee.
- HB 2/SB 173 Public School Buildings-Carbon Monoxide Detection and Warning Equipment: This legislation requires all new schools or those being renovated to install carbon monoxide detectors and warning equipment. It passed and has been signed by the Governor.
- HB1101 Worker's Compensation-Medical Presumptions and Study. This bill would significantly expand the worker's compensation cancer presumptions for firefighters and rescue workers. It passed and awaits the Governor's signature.

Revised procedures for fire department criminal history record checks have gone into effect. The new procedure requires live scan fingerprinting. Information on the procedures and the new required form are available at the OSFM website www.mdsp.org/firemarshal. Questions on the new procedures may be addressed to Linda Neal at OSFM HQ.

The OSFM received grant funding from the National Capital Region Urban Areas Security Initiative to enhance and upgrade some bomb squad equipment to protect against and mitigate acts of terrorism. The grant provided much needed funding to rehabilitate the OSFM's 14-year old robotic platform. Fire Marshal Barnard thanked Commissioner Geraci, who through his private employment, was extremely helpful during this process. The robot rehabilitation was completed in March and it is now back in service. An agency bomb squad vehicle is currently being rehabilitated and should be ready to place back in service shortly. Commissioner Geraci reported the OSFM Bomb Squad received \$500,000 in grants to bring their equipment up to par.

The Fire and Life Safety Information Exchange Program website is still under construction but updates are continuing on a weekly basis. In the near future, interactive fire and life safety related games will be available once a few compatibility issues are worked out. The web address is www.mdflifesafety.org.

The 2012 Mid-Atlantic Life Safety Conference, "Caring for Your Community and Yourself" has been set for Wednesday September 26th at the Johns Hopkins Applied Physics Laboratory Kossiakoff Conference Center in Howard County. Additional information on the conference will be coming out in the near future.

Since the last Commission meeting the OSFM has issued several news releases which are available on the OSFM Facebook page. Some topics include "Change Your Clock-Change your Batteries", "Spring into Fire Safety", "Caution During Power Outages", and "Prevent Smoking Related Fires". The recent abnormally dry weather conditions have lead to a rise in fires around dwellings and decks resulting from smoldering remains of smoking materials on or near dry vegetation and mulch.

Fire Marshal Barnard reported the OSFM is conducting two active investigations dealing with licensed sprinkler contractors not operating in compliance with the regulations. When the investigations are completed he will provide additional information.

A fireworks safety news conference is scheduled for June 28th at the Baltimore County Agricultural Center near Oregon Ridge Park. The OSFM receives a fair amount of complaints, particularly in the Northeast Region since Pennsylvania has a large retail fireworks store near the Maryland border. It can sometimes be confusing to the public which Maryland jurisdictions allow the sale and use of certain products since some jurisdictions ban all fireworks and ground-based sparking devices.

CODE OF MARYLAND REGULATIONS

COMAR 29.06.01 STATE FIRE PREVENTION CODE – Chief Fire Protection Engineer A. Larry Iseminger, Jr. reported the State Fire Prevention Code Update Review Committee, which he chaired, has completed its review of the 2012 editions of NFPA 1 Fire Code, NFPA 101 Life Safety Code, and COMAR 29.06.01 State Fire Prevention Code. He commended the members for their hard work and thanked the leadership of local jurisdictions for allowing their staff to participate. Being the first time for Chief Iseminger to

serve on the committee as well as be the chair, he stated it was a very good learning experience to interact and discuss code issues with the various jurisdictions represented on the committee.

Chief Iseminger presented the Commission members with the 2012 editions of the NFPA codes along with the committee's proposal on amendments to the regulations, meeting minutes, membership, and a summary of some of the more significant code changes. No changes are particularly dramatic and proposed amendments to the regulations are fairly routine in nature. He summarized some of the changes as follows:

- All new buildings three stories or more in height will require automatic sprinkler protection. While this appears significant, in reality there are very few buildings three stories or more in height being built in Maryland that are not provided with automatic sprinkler protection.
- The requirement for standpipes will now reference NFPA rather than the International Building Code (IBC). A few additional three-story nonsprinklered buildings will require standpipe installations. NFPA and IBC requirements are very similar but since some authorities having jurisdiction (AHJs) enforce both codes this will give an opportunity to get the best protection.
- The regulation which permitted double-key operated dead-bolt locks in day care homes provided they remained unlocked during day care operations will be eliminated. Most AHJs indicated there are many neighborhoods where security issues are a real concern and that it provides better protection for the occupants to prevent unwanted intruders. The regulation still requires a thumb turn so the door can be readily unlocked in the event of an emergency.
- NFPA 150 Life Safety for Animal Housing Facilities will no longer be a part of the State Fire Prevention Code. NFPA 150 is very stringent, requiring sprinkler and fire alarm systems in even the smallest veterinary office or kennel. AHJs indicated provisions in NFPA 1 and 101 which were previously enforced prior to the development of NFPA 150 provide reasonable protection for animals and occupants in these facilities.
- NFPA 1142 Water Supplies for Rural and Suburban Firefighting will now be part of the State Fire Prevention Code. Construction of new buildings in rural areas with no municipal water supply or pond will have to provide an adequate water supply.
- The State Fire Prevention Code reference to the 2012 IBC will no longer delete the sprinkler requirement for day care centers. If the center will have more than five children ages 2-1/2 years or younger, the center must be provided with automatic sprinkler protection. This requirement is already being enforced by AHJs under the IBC requirements.
- The Christmas tree table in the State Fire Prevention Code will be eliminated and the Table in NFPA 1 will be used. NFPA 1 is slightly more stringent but the regulations also give the AHJs authority to approve live trees in other locations.
- Battery-operated smoke alarms will only be permitted in existing day care homes. New day care homes or conversions of older homes will require the installation of AC-power, battery backup smoke alarms. Under Maryland law, battery only alarms are only allowed in single-family homes built prior to 1975 so most homes will already have AC-power alarms.
- The NFPA 1 water supply requirements will be reduced by 75% for open-air parking garages, with a minimum of 1,000 gpm. The IBC has exceptions for open-air parking garages and most municipal water systems cannot provide the flows required by NFPA. This requirement has already been an issue in an open-air parking garage proposed for construction in Montgomery County and there was no possible way the NFPA water supply requirements could be achieved.
- A requirement has been added for written notification to the OSFM Bomb Squad at least 24-hours prior to any blasting operation, to include the GPS coordinates for the blasting sites. This requirement is being codified into regulation at the request of the OSFM Bomb Squad which has always requested this information as a matter of policy but sometimes is met with resistance. The GPS coordinates should be easy for contractors to obtain and provide.
- Wording has been added to specifically prohibit sky lanterns. Several AHJs reported the use of these products has increased significantly at outdoor events. Once the lanterns are lit and set aloft there is no control over where they go or where they may land, presenting a potential fire hazard.

Fire Marshal Barnard and Chief Iseminger requested the Commission review the committee's proposal and take a formal vote on proceeding with the adoption process at the June meeting. It is anticipated a public hearing can be held at the August meeting with the new regulations taking effect January 1, 2013.

Arrangements have been made with NFPA to provide training seminars and materials with Jim Dolan as the instructor. The classes will be held at MFRI College Park. A two-day class for new AHJs will be held September 11-12. One-day refresher classes will be held September 13, 18, 19, and 20 (if needed). Further details and registration information will be forthcoming.

COMAR 29.06.03 APPROVAL OF TESTING LABORATORIES – The Fire Marshal reported that as a result of Governor O'Malley's regulatory review to eliminate unnecessary regulations, the OSFM identified COMAR 29.06.03 as regulations that could be entirely eliminated. The regulations are obsolete and several other organizations and federal agencies conduct reviews and approvals of testing laboratories and maintain lists of approved labs. As such, Fire Marshal Barnard requested the Commission take action to repeal Chapter 3 in its entirety since there is no longer a need for the OSFM to perform these services. Motion by Commissioner Davis, second by Commissioner Yinger, and unanimously carried to proceed with the repeal of 29.06.03.

COMAR 29.06.04 FEES FOR FIRE PREVENTION SERVICES – The Fire Marshal reported that the new fee schedules went into effect April 1st and due to the early planning by OSFM staff members the change-over to the new forms and invoice processing program went very smoothly.

COMAR 29.06.07 GROUND-BASED SPARKLING DEVICES – Chief Iseminger reported that when Maryland developed these regulations about a decade ago, most of the requirements were not in the NFPA codes and standards. Over the years, many of Maryland's provisions have been incorporated into NFPA 1142 and other standards so the committee proposes the deletion of the regulations that would duplicate NFPA requirements.

Fire Marshal Barnard and Chief Iseminger requested the Commission review the committee's proposal and take a formal vote on proceeding with the adoption process at the June meeting. It is anticipated a public hearing can be held at the August meeting with the new regulations taking effect January 1, 2013.

CHAIRMAN REPORT

Chairman Dayton had nothing to report.

OTHER BUSINESS

Motion by Commissioner Yinger, second by Commissioner Spencer, and unanimously carried to accept the minutes of the February meeting.

Commissioner Davis thanked Fire Marshal Barnard for his help during the legislative session and getting the residential sprinkler legislation passed.

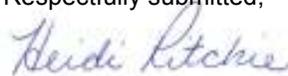
Commissioner Geraci reported the new Montgomery County Public Safety Memorial dedication will be held tomorrow in Rockville. The memorial is dedicated to public safety personnel and in particular to those who have given their lives in the line of duty.

Bernard Foster, Chief of Staff for Superintendent Marcus L. Brown expressed greetings from the Colonel. Chairman Dayton thanked Mr. Foster for coming to the meeting and for the Superintendent's interest in Commission activities.

MEETING SCHEDULED

Tuesday June 19, 2012 – 12:30 p.m.
Roland E. Powell Convention Center, Room M201
4001 Coastal Highway, Ocean City, Maryland

Respectfully submitted,



Heidi Ritchie, Secretary