

STATE FIRE PREVENTION COMMISSION
MINUTES
February 20, 2014

Members Present: Mark F. Hubbard, Chairman Pro Tem
K.C. Harrington
Martin J. LePore
Eugene A. Jones
Anthony J. Spencer
Stacy Welsh
Richard L. Yinger

Member Absent: Timothy F. Dayton, Chairman
Charles D. Davis, Vice Chairman

Prior to the meeting, Chairman Dayton appointed Commissioner Hubbard to act as Chairman Pro Tem for this meeting due to the inability of Chairman Dayton and Vice Chairman Davis to be present. Chairman Hubbard called the meeting to order at the Taylor Avenue Fire Station in Annapolis, Anne Arundel County. Due to the absence of some members at the December meeting, the Commissioners and others present exchanged introductions with recently appointed Commissioner Welsh.

FIRE MARSHAL REPORT

Fire Marshal (FM) Brian S. Geraci reported the Office of the State Fire Marshal (OSFM) is in the process of filling a Deputy State Fire Marshal (DSFM) position for the Upper Eastern Shore Region. It is anticipated Brian Collins, a retired Prince George's County fire investigator and bomb technician, will assume this position in March. Additionally, the OSFM will be filling one Fire Safety Inspector (FSI) and one contractual FSI positions. The required paperwork has been submitted to begin the hiring process for an Information Technology position. Effective January 8th, DSFM Dale Ednock began employment with the agency and is assigned to the Bomb Squad Unit. DSFM Ednock is a retired fire and rescue Captain from Prince George's County where he served for many years as the Bomb Squad Commander. On February 5th, Robert Grant began employment with the agency as an FSI assigned to the Metro Region. FSI Grant has an extensive volunteer history with the Laurel Volunteer Fire Department. Deputy Chief State Fire Marshal (DCSFM) Michael Mulligan, Commander of the Lower Eastern Shore Region retired this month and DSFM Ryan Chapman of the Western Region departed state service this month to pursue a new career. FM Geraci thanked them for their many years of dedicated service and wished them well. With the retirement of DCSFM Mulligan, Chief DSFM Joseph Flanagan has transferred to the Lower Eastern Shore Region and will assume duties as the regional commander, taking a voluntary demotion.

As of this date, sixty-nine fire deaths have been reported for 2013, compared with 53 for 2012. The 2014 total currently stands at ten, compared to nineteen for this period in 2013. Additional information is available at www.mdsp.org/firemarshal.

A fire fatality occurred last week in an off-campus single family dwelling in Frostburg, Allegany County. FM Geraci sent the Frostburg Mayor a letter and along with DCFM Jason Mowbray, the Western Region Commander, is reaching out to Frostburg State University, the city of Frostburg, and the fire department to inspect multi-family residential structures in Frostburg. There are approximately 180 properties that have been identified as multi-family rental properties by Frostburg city officials. Chief Fire Protection Engineer (CFPE) Larry Iseminger stated the dormitories at Frostburg State University and Salisbury University are not sprinklered since this was not a requirement at the time of

construction. The University of Maryland System has made progress with retro-fitting other dormitories throughout the State but unfortunately funding is always an issue.

A recent fatal fire in Howard County involved a hoarding situation. Hoarding also contributed to three fatalities last year, including one firefighter. FM Geraci is reaching out to authorities and organizations throughout the state to develop awareness and strategies to fight hoarding behavior. He has contacted the Department of Health and Mental Hygiene, the Governor's Office, legislators, the Department of Aging, the Fire Marshals Subcommittee as well as others. The Manassas City, Virginia, Fire Marshal recently presented a hoarding presentation to the Fire Marshals Subcommittee which was very interesting. The state of Delaware is developing a statewide task force on the issue. Hoarding is a difficult challenge since the definition is very subjective and the behavior is typically a compulsive disorder. Maryland law currently prohibits the OSFM from entering one- and two-family dwellings to conduct inspections so it would be very valuable to solicit the assistance of other organizations that have an opportunity to enter these dwellings and look for basic safety issues such as working smoke alarms, hoarding, electrical hazards, maintaining clear exit paths, etc.

FM Geraci reported the state is preparing to implement the 700 MHz radio system. Radios have been received and are awaiting programming.

Legislation has been introduced to require the OSFM to adopt policies and procedures for MFIRS submissions. The OSFM currently receives and processes all submitted reports. MEMA determines which fire departments will receive funding. It would be ideal if each county only had one point of contact for MFIRS submission for all its fire departments. Allison Nicodemus is now the OSFM's sole contact for MFIRS submissions and she has been doing an outstanding job with processing the reports and keeping the website updated each Friday.

The Maryland State's Attorneys' Association requested the OSFM support and provide testimony on HB 646 which eliminates the one year statute of limitations for the solicitation of first and second degree arson and murder. FM Geraci testified in favor of the Bill.

The OSFM will be working with the Maryland State Firemen's Association (MSFA) and the Maryland Institute for Emergency Medical Services Systems (MIEMSS) on software that will allow MFIRS and the Ambulance Reporting System to connect with each other thus eliminating duplicate reporting efforts. Currently all fire departments are using the same reporting system but it would be helpful to incorporate MIEMSS to save manpower hours for those handling submissions.

The Maryland Real Estate Commission is supporting a change in COMAR for housing inspectors to help identify homes with corrugated stainless steel tubing construction so that buyers can be notified of the importance of proper grounding. FM Geraci testified in favor of the proposal. The National Association of State Fire Marshals also endorses the practice.

FM Geraci reported that \$42,977 has been cut from the OSFM operating and maintenance budget for Fiscal Year 2015. Agency vehicles have very high mileage and there are currently no spares due to breakdowns and accidents, through no fault of OSFM employees. If the Department of State Police obtains funding for its long-term vehicle replacement plan (5-10 years), the Fire Marshal will request ten vehicles.

The Fire Marshal is attempting to obtain cameras through grant funds.

The Maryland Youth Fire Intervention Coalition made up of representatives from several agencies and departments continue to make progress in addressing juvenile fire setting issues in Maryland.

The Public Educator and Life Safety Seminar has been scheduled for March 22, 2013, at the Maryland Fire and Rescue Institute, College Park.

The OSFM has partnered with the MSFA to continue the Public Fire and Life Safety Education Grant Program. The program is designed to provide assistance to MSFA member companies for fire prevention publications and supplies. MSFA sent all departments information on February 5th.

The Maryland Fire and Life Safety Information Exchange Program website continues to be updated. (www.mdlifefafety.org)

The U.S. Fire Administration is moving forward with the "Fire is Everyone's Fight" action plan. Information on materials and logo use is available at www.usfa.fema.gov/fireiseveryonesfight.

The OSFM Facebook website (<http://facebook.com/MarylandStateFireMarshal>) is updated several times a month with news releases and educational information.

FM Geraci reported Carroll County is hiring a plans reviewer for Life Safety Code compliance (not fire protection systems). FM Geraci would like to administratively allow Carroll County to split the currently established OSFM plan review fees in half, with the county collecting 50% for the plan review and the OSFM collecting 50% to conduct the inspections. CFPE Iseminger advised this would prevent building permit applicants from being charged duplicate fees by both the county and state. Chairman Hubbard recommended the Fire Marshal submit the proposal to the Commission in writing for consideration since it is unclear under what authority the Fire Marshal could do this administratively. Once received, the proposal will be reviewed with the Commission's legal counsel.

FM Geraci distributed some statistical data for Calendar Years 2011-2013 on OSFM activities; i.e. investigations, inspections, plan reviews, etc. Criminal investigations listed as "other" include such things as tampering with sprinkler heads, code violations, or other non-fire/explosive criminal activities which the OSFM investigates. Obtaining authority to write civil citations in addition to criminal citations is something the Fire Marshal would like to accomplish. FM Geraci would like to hire more inspectors so that DSFMs can focus on investigations. DSFMs currently perform both inspection and investigation duties.

FM Geraci praised the members of the OSFM Bomb Squad Unit for their assistance at the Columbia Mall shooting incident. At the request of the FBI, six OSFM bomb technicians along with two response vehicles and robots responded to survey all three victims and the surrounding area. During this search, the suspect's backpack was located and technicians dressed in protective clothing conducted a more extensive investigation and determined that two improvised explosive devices were in the backpack. The devices were rendered safe on the scene. Communications throughout the event remained constant among the regional bomb squads on scene. Chairman Hubbard commended those involved for their quick response and diligent work. Good emergency pre-planning with the mall and emergency services personnel was a great benefit. A second incident involving a pipe bomb in Harford County to which OSFM bomb technicians also responded took place during the mall event.

CHAIRMAN REPORT

Chairman Hubbard reported that the Federal Emergency Management Agency has published its Fire and Life Safety grant information on-line for those interested in applying.

Chairman Hubbard attended a Baltimore Gas and Electric press conference in January at which grant award recipients for non-profit organizations were announced. Many of the recipients

were fire companies. Corporate involvement of this type is a great asset to these organizations and communities.

Chairman Hubbard and the members expressed their pleasure in the outstanding job the Fire Marshal has done in the few months since his appointment. FM Geraci reported he has met with the Metro Fire Chiefs Association but due to weather postponements and other conflicts, has not had a chance to meet with several other fire service organizations but intends to do so.

OTHER BUSINESS

CFPE Iseminger reported on several items:

- The Fire Marshal's Subcommittee is working to form the Smoke Alarm Advisory Committee to follow through on the Smoke Alarm Task Force's recommendation that a committee be formed to review continuing developments in smoke alarm technology. The task force report recommends a member of the Fire Prevention Commission serve on the committee. As this develops further, the Fire Marshal will keep the Commission informed for anyone interested in volunteering.
- The NFPA International Fire Marshals Association will hold its northeast regional code development meeting at the Double Tree Hotel at BWI on Friday April 4, 2014. It would be a good opportunity for commission members to get involved with the code development process.
- The International Code Council is requiring members to recertify their memberships. This year they will allow off-site voting on code changes but only members who recertify will be eligible to vote.
- Chief Iseminger is making progress on researching and writing a booklet on the history of the OSFM and Commission to commemorate this year's 50th anniversary. Commissioner Spencer commented that although the first modern-era Fire Marshal, Mr. Robertson, has passed away, three other Maryland State Fire Marshals still survive and having a video or audio compilation of their thoughts and stories would be a valuable historical record. Commissioner Jones recommended contact be made with Maryland Public Television which assisted with documenting the history of the Prince George's County fire service. FM Geraci says a presentation is planned at the MSFA's June convention with the three surviving Fire Marshals. He also reported the 50th anniversary badge design has been completed and it looks very nice. The committee is working on a patch design. He would also like to have a celebratory event in October at a central location and hopes to solicit donations to sponsor the event.

Commissioner Spencer attended a ceremony last week at which the National Fallen Firefighters Foundation and Baltimore, Gas and Electric donated \$10,000 worth of 10-year long life sealed smoke alarms. After several years work on updating the smoke alarm laws, achievements are coming to fruition.

Commissioner Yinger reported that almost all the donated smoke alarms and fire extinguishers on Cooper's Island have been distributed.

Commissioner Harrington reported the various construction jobs he has been working on in Maryland, Delaware, and Virginia have given him a greater awareness and understanding of the different building and fire codes used throughout the various states and jurisdictions.

Motion by Commissioner Yinger, second by Commissioner LePore and unanimously carried to approve the minutes of the December 19, 2013, meeting.

APPEALS

Appeal 13-01 C'Town Laundromat, Chestertown, Kent County. At the request of the Commission by letter dated December 20, 2013, the Commission received additional information regarding fire code citations and the propane cylinders from the OSFM and the Petitioners. The Commission members reviewed the additional information and unanimously agreed to uphold the decision of the State Fire Marshal and deny the appeal. A copy of the Final Memorandum Opinion and Order is attached.

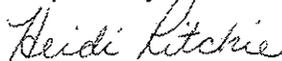
Appeal 14-01 Nichols Senior Care, Edgewood, Harford County. The Petitioner appealed an order of the State Fire Marshal which classified several residents as having an "impractical evacuation capability". The appeal was scheduled to be heard this date but at the request of the Petitioner a postponement was granted. The appeal hearing will be scheduled for the next meeting.

MEETING SCHEDULED

The next meeting has been scheduled for Thursday April 17, 2014, at 9:30 a.m. at the Laurel Municipal Building Council Chambers, 8103 Sandy Spring Road, Laurel, Prince George's County.*

The June meeting will again be held in Ocean City during the MSFA convention week, June 14-20, 2014. When the convention schedule is finalized, a date and time for the Commission meeting will be scheduled.

Respectfully submitted,



Heidi Ritchie, Secretary

*Subsequent to the meeting, the date was rescheduled to May 7, 2014, to accommodate schedule conflicts with parties involved with the Nichols Senior Care appeal.

Attachment: Appeal 13-01 Final Memorandum Opinion and Order

BEFORE THE FIRE PREVENTION COMMISSION

C'Town Laundromat, *

Petitioner, *

v. *

Case No. 13-01

STATE FIRE MARSHAL *

Respondent *

FINAL MEMORANDUM OPINION AND ORDER

I. Introduction

Currently pending before this Commission is the appeal of C'Town Laundromat ("the laundromat"), an establishment located at 201 Spring Avenue, Chestertown, Maryland. The laundromat is taking issue with the Fire Marshal's enforcement of several provisions of the State Fire Prevention Code.

This Commission held a hearing in this matter on August 15, 2013. By Memorandum Opinion and Order dated September 12, 2013, this Commission remanded this case to the Fire Marshal in order to obtain the following additional information: the water capacity of the cylinders; how the Fire Marshal determined the minimum separation distance to be ten feet; and what code citation is relevant to the proximity of the cylinders to the dryer vents.

In response, the Fire Marshal sent this Commission a letter dated December 18, 2013, which is incorporated by reference. By letter dated December 20, 2013, which is incorporated by reference, the Commission requested the code citations

supporting the Fire Marshal's assertion that "all of the Liquefied Petroleum Gas Codes since 1976 provide the minimum ten-foot separation." By E-mails dated December 20, 2013, and January 3, 2014, which are incorporated by reference, the Fire Marshal provided the relevant code citations.

Based on our review of the additional documentation submitted by the Fire Marshal, this Commission will deny the appeal of C'Town Laundromat.

II. Issue

Should the laundromat be required to comply with § 6.3 of NFPA 58 Installation of LP-Gas Systems (2011), and provide for greater separation between the dryer vents on the exterior of the building and the propane tanks situated under the dryer vents?

III. Facts

This Commission makes the following findings of fact:

1. C'Town Laundromat is laundromat in Chestertown, Maryland.
2. The laundromat is a business owned by Frances Pennell, and her mother, Nony Howell.
3. C'Town is a tenant of the building located at 201 Spring Avenue in Chestertown, Maryland.
4. There are four 120-gallon (water capacity) LP Gas cylinder tanks about 2.5 feet away from the two exterior dryer vents of the laundromat.

5. There is a large kerosene tank within several feet of the vents.
6. None of the tanks is ten feet away from the dryer vents.
7. On May 20, 2013, the Fire Marshal cited the laundromat in relevant part with a violation of Chapter 6, paragraph 6.3, Tables 6.3.1. and 6.4.2 of NFPA 58. By letter dated December 18, 2013, the Fire Marshal corrected the code references, citing instead NFPA 58, § 6.3.9.
8. The proximity of the LP Gas cylinder tanks to the exterior dryer vents poses a hazard so inimicable to the public safety as to require correction.

V. Conclusions of Law

1. NFPA 58 (2011 edition) § 6.3.9 as adopted by this Commission provides in pertinent part as follows:

The distance measured in any direction from the point of discharge of a container pressure relief valve, vent of a fixed maximum liquid level gauge on a container, and the filling connection to exterior sources of ignition, openings into direct vent (sealed combustion system) appliances, and mechanical ventilation air intakes shall be in accordance with Table 6.3.8.

2. NFPA 58 (2011 edition) Table 6.3.8 as adopted by this Commission provides in pertinent part as follows:

Separation distance between container pressure relief valve and building openings for cylinder filled on site at the point of use: discharge from relief valve, vent discharge, and filling connection to exterior source of ignition, openings into direct-vent appliances, and mechanical ventilation air intakes: 10 ft

3. Since 1976, all of the Liquefied Petroleum Gas Codes have required the minimum ten-foot separation between the LP gas tanks and an exterior source of ignition, such as the exterior dryer vents at issue here.

4. Even if the codes had not consistently required the ten-foot separation, this Commission has determined that the current version of NFPA 58 should be applied to the laundromat because the proximity of the propane tanks to the exterior dryer vents poses a hazard so inimicable to the public safety as to require correction.

5. The Fire Marshal has correctly determined that the proximity of the propane tanks to the exterior dryer vents constitutes a violation of the § 6.3.9 of NFPA 58 (2011 edition).

VI. Conclusion

For the foregoing reasons, the Commission will deny the petition of C'Town Laundromat.

ORDER

For the foregoing reasons, it is, on this 21ST day of February, 2014, by the Fire Prevention Commission, ORDERED that that the petition of C'Town Laundromat is hereby DENIED.



Timothy F. Dayton
Chairman, Fire Prevention Commission