

**STATE FIRE PREVENTION COMMISSION**  
**PUBLIC HEARING ON AMENDMENTS TO COMAR 29.06.01**  
**MINUTES**  
**August 18, 2022**

**Members Present:** Edward S. Tochterman, Chairman  
Mark Bilger  
Emily Devan  
Michael Faust  
Randy Sanger  
Daniel Stevens

**Members Absent:** Kevin Simmons, Vice Chairman  
Douglas Alexander  
Stacy Welch

The Fire Prevention Commission held a public hearing on amendments to COMAR 29.06.01 on August 18, 2022, at 11:00 a.m. at the Savage Volunteer Fire Station, 8521 Corridor Road in Savage, Howard County.

Chairman Tochterman convened the hearing. The purpose of the hearing was to receive comments from the general public regarding proposed amendments to the Maryland State Fire Prevention Code. State law prohibits the Commission from voting on the proposed amendments until at least 15 days following the hearing. First, Chief Fire Protection Engineer (CFPE) Kenneth Bush with the Maryland State Fire Marshal's Office, will describe the proposed NFPA Codes, the process that has taken place thus far, and changes between the existing 2018 editions of the NFPA Codes and the 2021 editions. Second, CFPE Bush will review the one written public comment received concerning elevators and the Department of Labor, Licensing, and Regulation's response to that written comment. Third, the Commission will receive any comments from members of the general public. Anyone desiring to speak is asked to provide their name, contact information, and affiliation on the sheet that was circulated so that the Commission Secretary and court reporter will have an accurate record.

The following persons provided their contact information but did not offer any comments:

- Mike Penn, Acting Commissioner and Chief of Compliance - Department of Labor, Licensing, and Regulation (DLLR). Following the deaths of three Baltimore City firefighters, the DLLR issued a letter to Baltimore City and the State Fire Prevention Commission regarding firefighting tactics in vacant and deteriorating buildings.
- Kevin Panizari, Captain - Howard County Fire Marshal's Office
- Terin Hopkins, Public Fire Protection Specialist - National Fire Sprinkler Association
- Gretchen Yingling, Bureau Chief - Baltimore County Fire Department
- Matt Shanks, Senior Permitting Services Specialist - Montgomery County
- Antonio Concha, Assistant Chief Howard County Fire Marshal's Office
- Jason Mowbray, Chief Deputy Fire Marshal - State Fire Marshal's Office

The hearing was turned over to CFPE Bush who reported as follows.

At the request of the State Fire Prevention Commission, a committee was formed that consisted of approximately 30 members that represented different local jurisdictions through the State of Maryland. An invitation was submitted to these jurisdictions requesting interested volunteers to participate. Due to COVID the meetings were held virtually. Eight meetings were held for members to consider changes that had been made to the Model codes, specifically NFPA 1 Fire Code and NFPA 101 Life Safety Code, 2021 editions, to bring them up to consistency with the State Fire Prevention Code and existing federal regulations. There were also some changes considered outside the scope of these two Model Codes with regards to other provisions of the State Fire Prevention Code. The purpose of the proposed amendments was to correlate the two Model Codes with the State Fire Prevention Code. The committee's recommended proposed amendments were distributed to the Commission members who voted to accept the committee's proposed amendments. As a result of the committee meetings and the

Commission's vote, the proposed amendments to the State Fire Prevention Code were published as required by State law in the Maryland Register on May 6, 2022, for public comments.

CFPE Bush briefly described some of the major proposed amendments:

COMAR 29.06.01.07 deals with amendments to NFPA 101:

- Regulation M amends a section of NFPA 101 to prohibit trash or recyclable materials awaiting scheduled collection, commonly known as valet trash, from being placed in exits, exit access corridors, or on egress balconies.
- Regulation EE The 2021 edition of NFPA 101 requires any assembly with 50 or more persons be provided with automatic sprinkler protection. The committee recommended an amendment to correlate sprinkler requirements with the Maryland Building Code, making the threshold 100 or more persons or 5,000 square feet or more in area, or when housed on a floor other than the level of exit discharge. The same amendment is proposed for NFPA 1 as 29.06.01.08 Regulation VV.
- Regulation KK The committee recommended an amendment to correlate sprinkler requirements for day care centers with the Maryland Building Code. The amendment will permit the elimination of sprinkler protection where other protective features are present; basically, if the day care is located on the level of exit discharge, all rooms have an exit door directly to the exterior, is located in an occupancy that does not exceed 12,000 square feet in area, and is located in an occupancy whose total occupant load does not exceed 300 persons.
- Regulation SS deals with smoke alarm requirements for single-family homes being converted for family day-care home use. The Model code would require the alarms be hardwired electrically-operated. This amendment will permit the use of battery-operated alarms with certain conditions.

COMAR 29.06.01.08 deals with amendments to NFPA 1:

- Regulation CC deals with the operation and refueling of portable generators and other motor-operated devices. The amendment allows some exceptions to distance requirements from building were certain other arrangements are made; basically for ventilation, duration of generator use, type of generator used, location and arrangements of building openings, and installation of carbon monoxide detectors. This amendment is proposed to make portable and vehicle-mounted generator operation and refueling safer.
- Regulation II will prohibit the use of extension cords as a substitute for permanent wiring.
- Regulation WW will correlate requirements for sprinkler protection in mini-storage buildings with those in the Maryland Building Code.
- Regulation VVV deals with the transportation and storage of portable propane cylinders in mobile food trucks to permit transportation inside the vehicle when stored in an upright and secured position.

CFPE Bush briefly described some of the major changes in the Model codes:

- NFPA 101 Section 8.6.10.2.2 deals with a redefined aggregate areas of mezzanines. It allows for a mezzanine to be up to one-half the area of the open floor space below if sprinkler protection is provided.
- NFPA 101 Chapter 9 has added a new section dealing with the location of smoke alarms in sleeping areas to correlate with the National Fire Alarm Code. Another change in Chapter 9 prohibits self-monitoring fire alarm systems to transmit directly to a fire department. The self-monitoring fire alarm system has to transmit to a third-party service. There are also some changes dealing with two-way communication enhancement systems in buildings for firefighter operations.
- NFPA 101 Chapter 10 has a new requirement prohibiting flammable furnishings being placed within two feet of the exterior of the building.
- NFPA 101 Chapter 11 has new requirements for special structures and high-rise buildings.
- NFPA 101 Chapter 12 has new requirements for places of assembly in high-rise buildings.

- NFPA 101 Chapter 14 increases the age of self-preservation for children in educational occupancies from 24 months to 30 months to correlate with the building code, citing the fact that children 30 months of age or older are more capable of self-preservation. An existing amendment to the State Fire Prevention Code has been deleted as no longer necessary.
- NFPA 101 Chapter 16 has a new requirement that all new daycare centers must be provided with sprinkler protection. As previously noted, an amendment to the State Fire Prevention Code has been proposed to change this requirement under certain conditions to correlate with the Maryland Building Code.
- NFPA 101 Chapter 18 recognizes heavy-timber (cross-laminated timber) construction for new health care buildings. There is also a change in Chapter 18 to permit the size of the smoke compartment up to 40,000 square feet when other protective provisions are in place.
- NFPA 101 Chapter 19 requires existing health care buildings to be retrofitted with sprinkler protection. Under Maryland State Law, this could only be applied if the building is considered to be an inimical hazard.
- NFPA 101 Chapter 22 also recognizes heavy-timber construction for new board and care facilities.
- NFPA 1 Chapter 1 has made some changes to record retention, requiring the authority having jurisdiction to maintain such records. The requirement was deleted as the State has its own laws dealing with record retention. The Fire Prevention Code keeps the record retention responsibility with the building owner.
- NFPA 1 Chapter 10 has new requirements for trailers or mobile vehicles used for sleeping to include carbon monoxide alarms, UL Standard 2201 compliant generators, and distance separation for generators.
- NFPA 1 Chapter 13 has a new requirement for some kind of public disclosure to be installed on high-rise buildings, typically signs placed on entrance doors, that the building is not provided with sprinkler protection.
- NFPA 1 Chapter 50 has some new requirements dealing with food trucks. There has been a policy written by authorities having jurisdiction in Maryland regarding mobile food truck requirements that is currently being enforced as a recommended practice. When the 2021 NFPA edition is adopted, those recommended practices will be codified.
- NFPA 1 Chapter 52 has new provisions for energy storage systems.

CFPE Bush reviewed the one written public comment received pertaining to elevator signage and markings as well as electrical controls and disconnecting means. That comment was forwarded to the Department of Labor for the Child Elevator Inspector who basically responded that the comments were already addressed in State Elevator Codes and Regulations and therefore it is not necessary to incorporate the comments into the State Fire Prevention Code

CPFE Bush concluded his presentation by thanking the Code Update Review Committee members who spent a lot of time reviewing the changes in the Model Codes and incorporating changes to the State Fire Prevention Code. It is felt that the committee, consisting of different jurisdictions and code enforcement authorities, reached a very good consensus opinion.

Chairman Tochtermann entertained comments from members of the general public. No comments were made.

Chairman Tochtermann re-iterated that the Commission cannot vote to proceed with the adoption process until 15 days after the hearing. He entertained recommendations from Chief Deputy Mowbray as to a

recommended adoption date since the Office of the State Fire Marshal is the enforcement authority for the State Fire Prevention Code. Chief Deputy Mowbray recommended an adoption date of October 1, 2022. The Chairman entertained a motion to accept October 1<sup>st</sup> as the effective adoption date. Motion Commissioner Bilger, second by Commissioner Faust, and unanimously carried. (see post-hearing footnote)

The Commission thanked CFPE Bush for his presentation and the code committee members for their hard work.

There being no further discussion, motion by Commissioner Faust, second by Commissioner Sanger, and unanimously carried to adjourn the hearing.

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



Heidi Ritchie, Secretary

Post-hearing footnote: Following the hearing, Secretary Ritchie advised the Chairman that due to the 15-day post-hearing vote time-frame and final notice publication deadlines for the *Maryland Register*, and a legally imposed 10-day delay from date of final notice publication to adopt, there was insufficient time to adopt the amendments effective October 1, 2022. It was further learned that due to upgrades to the *Maryland Register* electronic submission system, it would not be accepting any notices for publication until the upgrades are completed and implemented later in September. Having informed the Commission members of this information, an electronic motion was made by Commissioner Bilger, seconded by Vice Chairman Simmons, and unanimously carried to adopt the amendments as published in the *Maryland Register* effective December 1, 2022. This will allow sufficient time to meet the legal timeframes and publication deadlines.