

STATE FIRE PREVENTION COMMISSION
MINUTES
February 16, 2012

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

Members Absent: Mark F. Hubbard

Chairperson Dayton called the meeting to order at the Taylor Avenue Fire Station in Annapolis, Anne Arundel County. The Commission welcomed Bernard Foster, Chief of Staff, Office of the Superintendent, Department of State Police.

FIRE MARSHAL REPORT

Fire Marshal William Barnard reported the Office of the State Fire Marshal (OSFM) currently has four vacant full time positions: three Deputy State Fire Marshal (DSFM) positions and one Fire Safety Inspector (FSI). A background investigation is currently in progress for a candidate to fill the FSI position in the Southern Region. It is anticipated this position can be filled in early March. The contractual inspector position in the Southern Region has also recently become vacant. Applications are being accepted through March 9th to fill this position. DSFM Keith Van Zant, Eastern Regional Office, retired on February 1st. He had been on restrictive duty for some time and has assisted with the administrative work since the retirement of Administrative Aide Donna Towers. It is hoped approval can be obtained to use a vacant DSFM pin number to fill the Administrative Aide position.

The Fire Marshal distributed a detailed 2011 Maryland Fire Death Report. Sixty-seven persons died in 56 fatal fires in 2011, representing a 6% decrease compared to 71 deaths in 50 fires in 2010. A higher number than usual (8) were suicide by arson. Careless smoking fatalities went down from 18 in 2010 to nine in 2011. The majority of the 2011 victims (44) involved persons age 45 or older. As in past years, this age group has been the most affected. Nine counties—Calvert, Caroline, Cecil, Dorchester, Garrett, Kent, St. Mary's, Somerset, and Talbot—experienced no fire fatalities. Baltimore City reported a record low number of 17 fire deaths. Prince George's County reported an increase with 16 fire fatalities compared to seven in 2010. As of February 15th there have been eight reported fire deaths, compared to 12 for this period in 2010. This morning, a 79 year old Baltimore City resident passed away from a fire that occurred last night, bringing the year-to-date total to nine.

Only one major jurisdiction has not sent in MFIRS reports. When the Fire Marshal attends the Maryland State Firemen's Association (MSFA) executive meeting this weekend, he will push to get all 2011 reports submitted in time for Maryland to submit as complete information as possible to the National Fire Administration by the July 1st deadline.

The Fire Marshal reviewed items of interest in this year's Legislation Session. No departmental bills were submitted this year but the OSFM and fire service are following several bills closely.

- HB 2/SB 173 Public School Buildings-Carbon Monoxide Detection and Warning Equipment: This legislation will require all new schools or those being renovated to install carbon monoxide detectors and warning equipment. Although not required by the Life Safety Code, the OSFM's Chief Fire Protection Engineer testified at both hearings in support of the bills. Since this would be a costly requirement the chances of it getting passed are unlikely.
- HB 366/SB 602 Public Safety-Building Performance Standards-Fire and Life Safety: This legislation seeks to prohibit a local jurisdiction from adopting local amendments to weaken the fire and life safety provisions contained in the Maryland Building Performance Standards. The House will hear the bill this afternoon with Chairperson Dayton, the Fire Marshal, the MSFA President, the former U.S. Fire Administrator, representatives from NFPA, the Maryland Fire Chief's Association, and several other organizations attending to testify. The insurance industry

intends to support the bill. The Senate hearing is scheduled for March 6th. Chairperson Dayton has drafted a letter of support which he reviewed with the Commission members. Motion by Commissioner Yinger, Second by Commissioner LePore, and unanimously carried to approve the letter of support for presentation at today's hearing.

- SB 331 Manufactured Homes-Sprinkler System Requirement-Opt Out Provisions for Local Jurisdictions: This legislation seeks to allow local jurisdictions to opt out of the provisions to require residential sprinklers in manufactured (modular) homes. The insurance industry opposed the bill at last week's hearing.
- SB 421/HB 875 Public Safety-Explosives-Package of Components: Similar to a departmental bill last year, this legislation seeks to change 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. Since last year several retail stores in Maryland have begun selling these products so it is no longer just available on-line. The bills have different sponsors this year and hopefully it will pass.
- The novelty lighter legislation that was unsuccessful in the past two years has not been resubmitted. Until there are changes in the Judiciary Committee members it is unlikely such legislation will reach the floor for a vote.

The Maryland Department of State Police (MDSP) have launched a new and improved website. The OSFM tab directs you to its current website which now has a Facebook page link. Media releases are being posted on the Facebook page along with updates on OSFM activities. The new OSFM website is currently under construction at <http://www.mdsp.org/firemarshal>.

The MSFA Fire Prevention Committee is making \$50,000 available in matching funds this year to organizations applying for assistance with fire prevention materials and activities. As part of their program, the MSFA has also provided the OSFM regional offices with kits containing computers, video screens, and other equipment for fire prevention programs and presentations. Additionally, the MSFA, with the support of the OSFM, is sponsoring a Fire and Life Safety Information Exchange Program which was initiated in January. Megan Hiltz, current MSFA Miss Fire Prevention First Runner Up, has been selected as the student intern responsible for creating a new website that will consolidate a collection of fire and life safety programs and practices from around the state as well as nationally. The internship is for a 12 month period. The website will provide access to a wide variety of fire and life safety items, interactive games, and links to additional resources. Although currently under construction the web address is www.mdlifesafety.org. The MSFA Fire Prevention Committee is moving away from billboards and handouts to new technology and the internet.

Effective April 15th, the Federal Bureau of Investigation will discontinue processing inked fingerprint cards. The OSFM is reviewing the impact of this change and will establish revised procedures for the processing of fire department and rescue squad criminal history checks. MDSP has some live scan devices on order. Information on the new procedures will be provided to agencies as soon as developed.

On February 1st local media representatives attended a news conference in response to several fire fatalities in Allegany County from December 2010 through January 2011 involving multiple fire related deaths in dwellings without working smoke alarms. The Cumberland Fire Department has a smoke alarm installation program in place going door-to-door installing free smoke alarms for those in need. The program was bolstered by the President of Local Firefighters Union 175 with a presentation of 60 battery operated smoke alarms at the event. The Cumberland Fire Department also received a \$500 grant for the purchase of 30 ten-year lithium battery smoke alarms through Safe Kids Maryland. The Allegany County Commissioners have committed to providing 60 smoke alarms to the OSFM to disperse to Allegany County volunteer fire companies for distribution in their communities. As a direct result of the news conference, the Warrior Run Power Generating Station owned by AES Corporation has pledged a \$10,000 cash donation for the purchase of smoke alarms, carbon monoxide detectors, and other necessary fire prevention items throughout Allegany County. Additionally, the OSFM has partnered with the Allegany County Health Department and the Department of Social Services to identify homes visited by their staff that may not have working smoke alarms. These two agencies have opportunities to visit clients and homes and discuss the need for working smoke alarms. Chairperson Dayton, Deputy Chief State Fire Marshal Jason Mowbray, and OSFM Public Information Officer (PIO) Bruce Bouche attended the event. Chairperson Dayton expressed his appreciation to PIO Bouche who was in attendance at today's meeting, for his attendance and assistance at the news conference. There has been a lot of positive response from the news conference and the local radio stations are running various clips on the value of working smoke alarms. Commissioner Spencer recommended also contacting the local television cable companies to run public service announcements.

The Maryland Fire and Rescue Institute will present a Public Fire and Life Safety Educator Seminar on March 31st at their College Park Headquarters. The program is in cooperation with the OSFM, the MSFA and Ladies Auxiliary, the Maryland Institute for Emergency Medical Services System, and the Emergency Medical Services for Children. The keynote address will be "Fire Deaths in Maryland – What, Where, How, and Who." Various other workshops will include fire prevention grants, grant writing, and new technology for smoke alarms for the hearing impaired. Advanced registration closes March 15th with seating limited to 100.

The OSFM has issued several news releases in the last couple months, including winter heating safety and carbon monoxide safety.

CHAIRPERSON REPORT

Chairperson Dayton reported Appeal 12-01 filed by BMGM Architects on behalf of the Boonsboro Restaurant located in Boonsboro, Washington County, has been withdrawn. The issue regarding sprinklering the second floor existing apartments located above a public assembly occupancy has been mutually resolved with the appellant and OSFM.

In conjunction with the launch of the new MDSP and OSFM websites, the Commission will also have a new website <http://www.mdsp.org/sfpc>. The web designer has inquired if the Commission members would like to place their photos on the website. The members were agreeable to the photos being used and Secretary Ritchie will check to see if the photos used on the digital identification cards are obtainable. The photos can be changed in the future if the Commission decides a group photo would be more appropriate.

The Commission received an inquiry from the Mid-Atlantic Life Safety Conference Steering Committee Chairman Ken Bush regarding the solicitation of sponsor donations for the conference of which the Commission is a co-sponsor. An inquiry was made to the State Ethics Commission who advised Commission members should refrain from soliciting or accepting gifts or donations from entities who may come before the Commission or who may be regulated by the Commission. The State Ethics Commission response was forwarded to Chairman Bush.

OTHER BUSINESS

The Chair recognized Mr. Foster and thanked him for taking the time to come to the meeting to meet the members. Mr. Foster extended greetings from Superintendent Marcus Brown. Colonel Brown hopes to come to some meetings in the future and takes great interest in the work of the OSFM and Fire Prevention Commission. Mr. Foster keeps the Colonel apprised of current news through the daily reports submitted by the Fire Marshal.

Mr. Foster reported the media communications staff has partnered with the Maryland Insurance Automobile Fund on an awareness program to increase safety for emergency responders and construction workers along Maryland roadways with its "Move Over" campaign. The various message boards are also a good way to convey public safety information and the OSFM has used them in the past. On behalf of Colonel Brown, Mr. Foster extended the department's support to the Commission and invited members to contact him should any needs arise.

Chief Fire Protection Engineer (CFPE) A. Larry Iseminger, Jr. reported on the progress of the Smoke Alarm Task Force. The task force is reviewing the Maryland laws on smoke alarms which have been implemented piece-meal over the last few decades. The committee is looking at new technologies and rewriting the laws to be more comprehensive and easy to understand. In the course of its review the task force is reviewing the history of fire deaths in Maryland. Statistical data is readily available from 1975 to present but prior to 1975 CFPE Iseminger has been unable to find any data. This information will be valuable to ascertain the effectiveness of the smoke alarm laws in reducing fire deaths. If anyone has suggestions on where such information might be available, please let him know. Fire Marshal Barnard will check with the MSFA Secretary to see if they may have some older statistical data.

PIO Bruce Bouch expressed his pleasure in working with Commission members at various news conferences and he continues to strive to get information out to the public on fire prevention and safety issues.

Principal Counsel Stuart Nathan, attending in the absence of Assistant Attorney General Susan Baron, reported the Baltimore City Mayor in her State of the City address commended the Fire Chief for the low fatality rate this year. The Mayor supports the efforts to decrease the fire fatality rate in the city. During a recent trip Mr. Nathan met with the New York City Fire Chief whose efforts to adopt requirements for residential sprinklers in one- and two-family dwellings continue to meet with opposition. Another issue developing in the city are "boutique" hotels of 50 to 60 rooms in renovated old warehouses. The fire service tactics have been developed to fight fires in larger hotels and they are not use to these smaller warehouse type arrangements. At the Fallen Heroes Ceremony held at Delaney Valley, it was announced a scholarship fund has been established in memory of the Armiger family. The scholarships are available to persons interested in attending a Maryland college and pursuing a career in law enforcement or the fire service.

COMAR 29.06.04 FEES FOR FIRE PREVENTION SERVICES

Fire Marshal Barnard reported the final notice of adoption for the revised fees was published in the Maryland Register on January 13th. The effective date for changes is April 1, 2012. Appropriate revisions have been made to the various forms which are currently in the process of being printed. The software vendor has been provided with the revised fee schedule to update the invoice processing software.

COMAR 29.06.01 STATE FIRE PREVENTION CODE

CFPE Iseminger reported the Code Update Review Committee has completed its review of the 2012 NFPA 101 Life Safety Code and are approximately halfway through the 2012 NFPA 1 Fire Code. The review is on schedule to present a proposal on amendments to the Commission at its June meeting and have the public hearing this fall with final adoption anticipated for January 1, 2013.

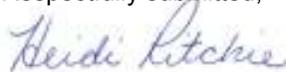
COMAR 29.06.07 GROUND BASED SPARKLING DEVICES

In the course of reviewing the State Fire Prevention Code it has been brought to CFPE Iseminger's attention that several of the State regulations for ground based sparkling devices are now in NFPA 1124 Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles (2006 edition) and can be eliminated. Since the Commission originally did not designate COMAR 29.06.07 in the scope of review for the COMAR 29.06.01 Code Update Review Committee, CFPE Iseminger requested the Commission allow the committee to review COMAR 29.06.07 also. It will be more timely and cost effective to conduct the review and to publish the public notice and have the public hearings on both chapters at the same time. Motion by Commissioner Yinger, second by Commissioner Davis, and unanimously carried to have the committee review both COMAR chapters.

MEETING SCHEDULED

The next meeting is scheduled for Thursday, April 19, 2012, 9:30 a.m.at the Laurel Municipal Building, 8103 Sandy Spring Road, Laurel.

Respectfully submitted,



Heidi Ritchie, Secretary