

STATE FIRE PREVENTION COMMISSION
MINUTES
April 26, 2018

Members Present: Charles D. Davis, Chairman
Joseph L. Scheffey, Vice Chairman
Mark A. Bilger
Edward Tochterman, Jr.
Stacy Welch

Members Absent: Mark F. Hubbard
K.C. Harrington

Chairman Davis called the meeting to order at the Laurel Municipal Building in Laurel, Prince George's County.

FIRE MARSHAL REPORT

Fire Marshal Brian Geraci reported there are currently five sworn and four civilian vacancies in the agency. Fire Protection Engineer (FPE) Amaryllis Linero has been hired for the Lower Eastern Shore Region. Former Chief FPE Larry Iseminger has been re-hired as a contractual FPE for the Western Region.

There are 26 fire fatalities for 2018 compared to 32 for the same period last year. Four recently occurred in Anne Arundel County. Three are pending the medical examiner's report.

May will be a busy month. Arson Awareness Week is May 6-12 with the theme of securing vacant buildings. May 19 will be Home Fire Sprinkler Day. Thirty states are participating in the promotion of residential sprinklers. An event is scheduled at MFRI College Park. Community Risk Reduction is May 19-20 for departments to canvas their communities to check and install smoke alarms. Six memorial services will be held in May for Deputy Chief Sander Cohen. One will be May 11 at MSP Headquarters at 11:00 a.m.

Engineers received 346 plans in the first quarter, reviewed 208 plans, and performed 13 inspections. Sworn personnel conducted 258 investigations of which 187 were fire related. Seven criminal cases were closed with the arrest of 12 persons. A total of 2,699 inspections were conducted in the first quarter.

The agency will partner with Preservation Maryland President Nicholas Redding regarding the conversion of barns throughout the state. Some education videos, workshops and podcasts will be developed to educate persons regarding the use of barns for public venues.

A Public Fire Safety Educators Seminar was held March 24 at MFRI College Park. Topics included the opioid crisis in Maryland, mascots, and NFPA resources. It was attended by over 80 persons.

As of October 1st any battery smoke alarms sold in Maryland must be the 10-year sealed type.

The International Association of Arson Investigators has named Deputy Fire Marshal Dexter Hodges from the Upper Eastern Shore Region as its fire investigator of the year. Assigned as a task force officer with ATF, DFM Hodges helped solve several arson for profit cases in Maryland and also Pennsylvania. The four year investigation lead to the conviction and incarceration of the property owner and the hired arsonist. This is the second Maryland DFM to receive this award.

In response to inquiries from commissioners, Fire Marshal Geraci also reported on the following:

- The Department of Labor Licensing and Regulation will be taking over the enforcement and adoption of the Maryland building codes from the Department of Housing and Community Development.
- A conference call with OSFM staff and statewide fire investigation unit commanders will take place this afternoon to discuss moving ahead with the science advisory workgroup for investigation case reviews. The Commission and University of Maryland will be involved as this moves forward. Other groups are already in place to review fire code enforcement issues.
- In response to the Fuse 47 apartment building fire and regarding requirements of NFPA 241 for buildings under construction or demolition, a grant has been obtained to develop a construction fire safety course which should be available by the end of the year. This may also be a good work session for the Mid-Atlantic Life Safety Conference.
- The fully-sprinklered condominium that burned to the ground in Perryville started on the outside of the building from discarded smoking material in a potted plant on a third floor balcony. The fire extended into the unsprinklered attic space of the top floor. The sprinklers saved the life of a 93 year old female by holding the fire in check until she could be rescued. Access was an issue as it was a wind-driven fire off the river side with two fire boats utilized to help extinguish the blaze.
- Talks are still ongoing with the National Association of State Fire Marshals to develop a building fire safety evaluation rating system.

CHIEF FIRE PROTECTION ENGINEER REPORT

CFPE Ken Bush introduced FPE Amaryllis Linero who is assigned to the Salisbury Office but also will work out of the Easton Office. She is a recent University of Maryland graduate and former employee/intern of Koffel Associates. She has been doing a great job during her first few weeks. He also reported FPE Iseminger will be working two days a week in Hagerstown to assist with handling plan reviews. A permanent full-time FPE has not yet been hired for the Western Region with it being difficult to find qualified applicants in that area. The position is being continually advertised for anyone who may be interested in applying.

CFPE Bush noted that the amendments to the sprinkler contractor licensing regulations have gone into effect which will allow for the acceptance of digital signatures on plans, making it easier for electronic plan submission. The other amendment clarifies that persons performing work on specialized equipment, such as fire pumps, do not need to have a separate license as long as they are working under the authority of a licensed sprinkler contractor.

The Code Update Committee continues its review of the 2018 editions of NFPA 1 and NFPA 101. Commissioners Welch and Tochtermann serve on the committee and have been valuable assets to the review process. The committee consists of 30-35 local fire and building authorities who provide good input on various issues and concerns throughout the state. Some new requirements deal with mobile food cooking trucks, marijuana growing/extracting facilities, and buildings under construction. California recently had a \$55 million loss of a building under construction. As previously stated by Fire Marshal Geraci a training program spearheaded by former Fort Worth, Texas, Fire Marshal Jim Tidwell is being developed. Existing requirements from 2012 NFPA 1 will be retained for consumer fireworks sales since that is no longer addressed by NFPA. Fire Marshal Geraci said there are no plans to propose legislation to ban consumer fireworks as there is not enough data on significant numbers of injuries or fires to support a ban. Only certain ground-based devices and certain sparklers are legal. Commissioner Welch thanked Committee Chairman Bush and Secretary Heidi Ritchie for their work on the committee to keep things moving along.

CFPE Bush attended the recently held International Code Council (ICC) hearings in Ohio. He chaired the Fire Safety Committee for the International Building Code. The ICC General Committee passed by a 13 to 1 vote requirements for 200 foot/20 stories tall building construction. It will proceed for

public comments. Final action will be at the October meeting in Richmond. The International Association of Firefighters are somewhat in opposition.

CHAIRMAN REPORT

Commissioner Harrington's second term expires June 30, 2018. It is hoped that all member vacancies will be filled in the near future.

Chairman Davis has not yet been able to determine if any funds are available in the Commission's budget for training and seminars.

OTHER BUSINESS

Motion and second to approve the minutes of the February 2018 meeting. Unanimously carried.

Regarding the Fire Marshal's request to the Commission to consider regulatory action to retroactively sprinkler all existing non-sprinklered high-rise residential buildings, Commissioner Scheffey, Commissioner Tochterman, CFPE Bush, Mr. Ronald Wineholt who represents the Apartment & Office Building Association of Metropolitan Washington, and Battalion Chief Matthew Kerrigan from Montgomery County, have met to discuss the issue. Commissioner Scheffey, as the defacto task force chairman, reported there are approximately 120 buildings in Maryland that would be affected, about 80 of which are in Montgomery County who has the authority to invoke their own retroactive requirements. He reported on his research of various jurisdictions throughout the country and in Maryland and the task force discussions. Some of his findings are in his previously disseminated position paper. There are reasonable alternatives to sprinklers, some which Fire Marshal Geraci originally suggested, that would improve the level of life safety in non-sprinklered high-rises such as mist systems, smart kitchen appliances, and air replacement standpipes for firefighters. Some jurisdictions have a compartmentational alternative similar to old building code requirements. Chicago has a list of 13 parameters such as protection of vertical openings, fire alarms, stair locking systems, et cetera. For existing buildings in Maryland, NFPA 101 requires sprinklers unless all units have an exit directly to the outside—an approach used by Ocean City—or there's an engineered life safety analysis. Ocean City also has a list of other requirements such as fire alarm, standpipe, elevator control, et cetera, very similar to requirements in NFPA 101. Existing building requirements in NFPA 101 cannot be enforced by the OSFM unless it is determined there is an inimical hazard. Commissioner Tochterman reported Baltimore County has 199 high-rise buildings, of which four condominium type buildings are not sprinklered. It is unclear if all the 199 buildings technically meet the definition of high-rise—75 feet or higher. Baltimore County's retroactive sprinkler requirements provide an option to condominium associations to opt out by a 75% vote of its members. The last vote was in 2014. Votes occur every four years so the next one should be this year.

Commissioner Scheffey asked for input on how the Commission would like to proceed before the task force expends more time and effort into researching alternatives and recommending what would be acceptable equivalents to sprinklers. The task force has not been able to come to a consensus. He personally does not feel the Commission should issue a blanket inimical hazard through regulatory means and that mandated retrofitting should go through legislation. Commissioner Tochterman personally supports sprinklers instead of alternatives. Although retrofitting costs may be high, CFPE Bush felt the cost of some other alternatives could be just as costly. Any alternatives that may be adopted would still require a determination of inimical hazard to impose new requirements. Motion and second that unsprinklered residential high-rise buildings are an inimical hazard. Motion carried 4 to 1. Motion and second, that the task force continue to look at appropriate alternatives for the Commission's future consideration. Unanimously carried.

MEETING SCHEDULED

The next meeting has been scheduled for
Tuesday June 19, 2018 – 1:30 p.m.
Roland E. Powell Convention Center
4001 Coastal Highway
Mezzanine Board Room #201
Ocean City, Worcester County

There being no further business, the meeting was adjourned.

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



Heidi Ritchie, Secretary