

STATE FIRE PREVENTION COMMISSION
MINUTES
April 16, 2015

Members Present: Mark F. Hubbard, Vice Chairman
K.C. Harrington
Martin J. LePore
Anthony J. Spencer
Stacy Welch
Richard L. Yinger

Members Absent: Charles D. Davis, Chairman
Timothy F. Dayton

Vice Chairman Hubbard called the meeting to order at the Laurel Municipal Center in Laurel, Prince George's County.

A moment of silence was observed in memory of Deputy U.S. Fire Administrator Glenn Gaines who passed away April 12, 2015.

Motion by Commissioner Yinger, second by Commissioner Harrington, and unanimously carried to approve the February 19, 2015, minutes.

FIRE MARSHAL REPORT

Fire Marshal Brian Geraci reviewed some legislative bills of interest for the 2015 legislative session.

- The bill to impose a 10 year criminal penalty for those who assault a firefighter or emergency responder passed.
- The bill to require multiple-line telephone systems to allow dialing 911 without first dialing a prefix number passed.
- The bill to repeal the termination date for ambulance fees and require health insurers to pay ambulance service providers directly passed.
- The bill to allow certain Eastern Shore counties to be exempt from adopting requirements for residential sprinklers did not get out of Rules. Several counties are still on the offensive regarding residential sprinkler requirements. Efforts to educate local legislators on sprinkler costs and benefits will continue.
- The bill to allow Washington County to implement a six-year building code adoption cycle (instead of three years) failed.
- The bill to allow modification of energy requirements passed without making changes to residential sprinkler requirements.
- The bill to require hotels/motels to install carbon monoxide detectors passed.

The Maryland State Firemen's Association's Legislative Committee Chairman Stephan Cox and Vice Chairman Richard Smith did a great job of tracking bills and representing the fire service. The Maryland Police Chiefs Association also had a good session. The emergency services community did a good job of coming together.

The Office of the State Fire Marshal (OSFM) currently has 14 vacant positions—5 sworn, 7 civilian, and 2 contractual. Fire Safety Inspector (FSI) Steve Blevins (Western Region) retired March 1st. FSI Richard Hall (Northeast Region) and Chief Deputy Doug Hanson will be leaving at the end of this month. Three Deputy State Fire Marshal (DSFM) applicants will be receiving letters of employment this week.

Two are already Maryland Police Training Commission certified and will be assigned to the Western Region and Lower Eastern Shore. The third will begin police academy training in May.

Currently the 2015 fire fatalities stand at 22 compared to 28 for this period last year. Additional information can be found at the OSFM website www.mdsp.org/firemarshal.

The OSFM is working with Kidde and other entities to distribute carbon monoxide detectors in Princess Anne.

Fire Marshal Geraci reviewed the results of the Christmas tree test at the ATF lab. Three 15 foot trees of the same species and from the same grower as the tree in the multiple-fatality house fire in Annapolis were purchased. The trees were kept for 65 days (same time period as in house fire). One was watered constantly. The other two were watered once a week (same as in house fire). Ignition was initiated using standard testing procedures. The constantly watered tree took 6-8 minutes to ignite. It ignited in the center and burned upward and outward in 10 minutes. The two other trees were completely consumed in 2-1/2 minutes, releasing 23 kilowatts of heat—a tremendous amount. A video of the test is anticipated to be available.

The Public Educator and Life Safety Seminar was held at Maryland Fire and Rescue Institute College Park on March 28th. It was attended by over 90 participants and was a great success in providing current information on community risk reduction. A statewide CPR weekend will be held May 16-17, 2015.

The first full week of May is designated Arson Awareness Week. This year's theme is "Accelerant Detection Canines" and the important role they play in the fight against arson crimes.

The OSFM has placed a PowerPoint presentation on the website for the fire service to review. The presentation provides an overview of when a Fire Marshal is needed to conduct an investigation.

The Maryland Fire and Life Safety Information Exchange Program is updated on a regular basis. The website is www.mdlifesafety.org.

While enroute to a suspicious package incident at a MARC train station in Howard County, the nearest Bomb Technician's vehicle broke down which resulted in a delayed response waiting for other technicians to arrive at the scene. The high mileage on the vehicles is becoming critical. The bomb squad robot also broke down on the call. It is 12 years old and finding replacement parts is becoming difficult. A new robot costs approximately \$300,000. Colonel Pallozzi will discuss the situation with MEMA. The Fire Marshal also spoke to Colonel Pallozzi about vehicles but unfortunately there is no money in the budget to replace them. Four vehicles for the bomb squad will be purchased with grant funding but this won't help the other field personnel whose vehicles need replaced. He requested the Commission send a letter to the Colonel expressing concern on the vehicle status. The Commissioners recommended it also be sent to the Governor's Homeland Security Advisor Thomas Hutchins. Motion by Commissioner Yinger, second by Commissioner Harrington, and unanimously carried to send letter. A discussion of alternative funding sources ensued.

Fire Marshal Geraci requested the Commission consider repealing the collection of fees for plan reviews and inspections. Processing the invoices is a lot of work and the Fee Program Coordinator's position remains vacant since her retirement. Fees are currently being processed by a contractual employee. The computer system used to process invoices is outdated and there are no funds for upgrades. The fees collected go into the State's general fund so the Fire Marshal's Office gets no benefit from the more than \$1 million collected each fiscal year. The Fire Marshal would also like to suspend the \$75 testing fee for residential sprinklers effective July 1st. Vice Chairman Hubbard noted that the collection of fees is mandated by law and to stop collecting fees would require legislative action. The Fire Marshal acknowledged this. He did not request the Commission take immediate action but to consider the proposal. Vice Chairman Hubbard requested he submit a written proposal for the Commission's

consideration. The Fire Marshal stated he will discuss the residential sprinkler fees further with Chief Fire Protection Engineer (CFPE) Iseminger.

Fire Marshal Geraci updated the Commission on action he has taken regarding the tent at the Wisp Resort. The Commission heard the appeal at the last meeting and upheld the requirements of the State Fire Prevention Code that the tent is considered a permanent structure and must be provided with approved fire suppression and fire alarm systems. Subsequent to the Commission's decision, the Fire Marshal met with representatives of the Wisp Resort and its contractors and issued a two-page letter outlining alternative measures which include allowing the tent to remain in place year-round, used only from May 1st to November 1st each year, no use of open flames, automatic shut-down of band equipment upon fire alarm activation, and other items. He has already received one telephone call from a family inquiring why candles could not be used at a wedding in August. The Fire Marshal stated he personally signed the use and occupancy approval. The Commission's legal counsel, Susan Baron, questioned under what authority the Fire Marshal had advised the Wisp Resort that it was not required to comply with fire code requirements, given the Commission's finding that the tent was a permanent structure and its determination that the Wisp Resort was therefore required to comply with fire code requirements. Fire Marshal Geraci stated that as Fire Marshal he felt he had the authority and also stated he did not discuss the matter with the Fire Marshal's legal counsel, Mark Bowen, prior to the meeting and issuing the letter. When asked why he felt the need to take such action, he responded that he wanted people to stay in business, he succeeded in killing a legislative bill that would exempt tents from being sprinklered, and that this helped make friends with two State legislators. He stated that the Wisp Resort plans to explore alternative suppression systems. The Commission asked the Fire Marshal to keep the Commission updated, and requested a copy of the letter, which the Fire Marshal stated he would provide.

CHIEF ENGINEER REPORT

CFPE Iseminger reported the State is at a historic point in requiring single-family homes to be provided with automatic sprinkler protection. The Department of Housing and Community Development (DHCD) adopted the 2015 edition of the International Residential Code effective January 1, 2015. This means that all local jurisdictions must adopt the Code by July 1, 2015, and are prohibited by law to eliminate the sprinkler requirements. Some jurisdictions have already given indications they do not intend to comply. Enforcement falls under DHCD but the OSFM has a vested interest. Since the International Code Council now allows members to vote remotely ten days after the code update hearing, there may be more votes to remove the sprinkler requirement from the 2018 edition.

CFPE Iseminger was contacted by former Commission Chairman Jay Livingston. Mr. Livingston owns a vacation home in Garrett County and he was approached to give a talk to local contractors on residential sprinklers. CFPE Iseminger provided him with some historical information for fire deaths in Garrett County.

The Code Update Committee has concluded its review of the 2015 editions of NFPA 1 Fire Code and NFPA 101 Life Safety Code as well as the current COMAR regulations. There are no major changes. The committee tried to make as few revisions as practical. The proposal includes extracted text from the 2012 NFPA 1 code pertaining to fireworks. NFPA has granted copyright permission to do so. NFPA no longer publishes NFPA 1124, the code pertaining to fireworks, because they have not gotten cooperation from the fireworks industry to assure quality control and establish industry standards. NFPA does not believe in consumer fireworks and therefore just decided to discontinue publishing the standard. However, since Maryland allows the sale and use of ground-based sparkling devices, it is necessary to retain code requirements. It seemed that the easiest solution was to simply extract the code requirements from 2012 NFPA 1, Section 65.10 and adopt them as regulation. From an enforcement standpoint, the requirements aren't changing from what was previously in place. The committee also agreed to reduce the number of fire drills in schools based on the Fire Marshal's previous agreement with the Department of Education. In these changing times, schools are now required to conduct more drills for a variety of scenarios and it seemed reasonable to reduce the number of fire exit drills. The committee also discussed

whether to require existing high-rise buildings to be retroactively fitted with automatic sprinkler protection. Although the committee members support the idea that all high-rises should be sprinklered, it felt a retroactive requirement would be met with too many obstacles. CFPE Iseminger distributed a copy of the proposed amendments and the 2015 code books for the Commission's review and consideration. Commissioners Welch and Spencer were on the Code Update Committee and thanked CFPE Iseminger and Secretary Ritchie for their efforts with the smooth review and update process.

VICE CHAIRMAN REPORT

Vice Chairman Hubbard reported that all members have filed the required financial disclosure statements.

The Governor's Appointments Office has advised it has started to process applications to appoint two members to fill the current vacant positions on the Commission. Commissioner Spencer's application seeking re-appointment to a second term was resubmitted.

Secretary Ritchie has submitted her letter of resignation as Commission Secretary effective January 1, 2016. She will continue to perform her duties as the secretary to the Western Regional Office of the State Fire Marshal. The Commission and Fire Marshal will work to find a replacement.

Vice Chairman Hubbard thanked Fire Marshal Geraci for his recent visit to the Baltimore County Fire Department.

OTHER BUSINESS

There was no other business and the meeting was adjourned.

MEETING SCHEDULED

The next meeting has been scheduled for

Tuesday, June 23, 2015 11:30 a.m.
Roland E. Powell Convention Center
4001 Coastal Highway
Mezzanine Board Room #201
Ocean City, Maryland

Respectfully submitted,



Heidi Ritchie, Secretary