

STATE FIRE PREVENTION COMMISSION
MINUTES
June 23, 2015

Members Present: Charles D. Davis, Chairman
Mark F. Hubbard, Vice Chairman
Timothy F. Dayton
K.C. Harrington
Martin J. LePore
Anthony J. Spencer
Richard L. Yinger

Members Absent: Stacy Welch

Chairman Davis called the meeting to order at the Roland E. Powell Convention Center in Ocean City, Maryland.

FIRE MARSHAL REPORT

Fire Marshal Brian S. Geraci reported three Deputy State Fire Marshals (DSFM) began employment with the agency on May 13, 2015: Christopher McIntyre, assigned to the Lower Eastern Shore; Carl Witmer, assigned to the Western Region; and Brandon Sheppard, assigned to HQ until completion of his law enforcement training academy. DSFMs McIntyre and Witmer are already certified law enforcement officers. DSFM Chris Fenzel, assigned to the Upper Eastern Shore, began employment June 10, 2015. He also is a certified law enforcement officer. Three additional DSFMs will be hired in July to fill all vacant DSFM positions. DSFM Paul Schlotterbeck, Upper Eastern Shore, retired from the agency at the end of May to become an emergency responder with the Maryland Department of the Environment.

DSFM Sander Cohen received a unit citation from the Prince George's County Fire Chief for his assistance in the regional bottle bomb explosion cases that occurred last year in several jurisdictions.

Several DSFMs and the agency's Fire Investigations Unit assisted Baltimore City during the recent period of civil unrest. DSFMs responded to thirteen fire incidents, nine of which were incendiary in nature. The Bureau of Alcohol, Tobacco and Firearms is investigating seven of the larger fires. Follow-up investigation activity is on-going. Two arrests have been made in the Rite-Aid fire.

Commissioner Spencer reported his church has requested local law enforcement provide a security safety orientation program and he encouraged others to become involved in their communities.

Fire Marshal Geraci distributed updated information on fire fatalities. Penny Doty in the Easton office has taken over the fire fatality reporting duties and has been doing a great job. Eighteen lives were lost in non-sprinklered homes with working smoke alarms. There is no specific data on the type of alarms, locations, or whether they were interconnected. Smoking continues to be a leading cause of fire related deaths. Many victims were on oxygen. It is unknown whether the cigarettes involved were low ignition propensity, but Maryland and most states now only sell this type. Commissioner Dayton commented on how many homes still have non-functioning or no smoke alarms—noting how difficult it is to educate the public of the importance of installing and maintaining working alarms. Chief Fire Protection Engineer (CFPE) Larry Iseminger stated the newer law to require sealed long-life battery alarms hopefully will have an impact on reducing fatalities. Since the law does not prohibit the sale of 9-volt battery alarms, most uninformed consumers tend to purchase the cheaper models that do not meet the specifications of the new law. Legislation was proposed last year to prohibit such sales but it did not pass.

The Maryland Emergency Services Life Safety Task Force presented "Firefighter Life Safety Initiative 14 & 15" at the Kent Island Fire Department on May 16th. The training dealt with public education, code enforcement, and sprinkler systems as they pertain to firefighter safety.

The annual fireworks media day was held June 16th at the Maryland Fire and Rescue Institute in College Park. The Prince George's County Bomb Squad conducted the display operations.

The Maryland Fire and Life Safety Information Exchange Program website, www.md lifesafety.org, continues to be updated on a routine basis.

The agency Facebook page, <http://facebook.com/MarylandStateFireMarshal>, is updated monthly with news releases and educational information.

CHIEF ENGINEER REPORT

CFPE Iseminger reported July 1, 2015, will be a historic date in Maryland. With very few exceptions, all new homes will be required to have fire sprinkler protection. CFPE Iseminger and Jay Livingston—former Commission Chairman and owner of Livingston Fire Protection—recently gave a presentation in Garrett County to familiarize citizens, contractors, and code officials about residential fire sprinklers. There is speculation that some jurisdictions may not adopt the 2015 International Residential Code as required by the Department of Housing and Community Development (DHCD). If they fail to do so, it will be DHCD's decision on how to deal with these jurisdictions. Modular homes have been required to be sprinklered for several years and DHCD has attempted to monitor installations carefully; however, some jurisdictions are still issuing building permits and occupancy approvals without the required system. There is a pending lawsuit in New York based on standard of care/substandard code construction of homes without sprinklers. New York does not have a State requirement for homes to be sprinklered. Commissioner LePore questioned how insurance carriers will deal with losses and liability issues for homes in jurisdictions that are non-compliant. Chairman Davis recommended a letter be written to the Maryland Insurance Commissioner with a copy to the State Attorney General addressing the Commission's concerns regarding non-compliance and the failure of local jurisdictions to adopt updated building codes as mandated by law. The Commission members unanimously agreed.

CFPE Iseminger reported the Western Regional Office recently received a hand-drawn floor plan for a 70x30 foot building appearing to contain a commercial kitchen and public assembly/dining area. The building was constructed without a building permit or inspections and the Garrett County Department of Permits became aware and advised the owner to contact the State Fire Marshal's Office. The plan was accompanied by a letter from the owner stating he has no intention of complying with any fire code requirements and "I'm out for blood and I plan to get it. Weather it's mine or your's [sic] ". The Garrett County State's Attorney Office was contacted but they did not feel any legal charges for threats should be filed. The writer is known to local authorities as anti-government.

CHAIRMAN REPORT

Chairman Davis inquired on the progress of finding a replacement secretary for the Commission. The Fire Marshal reported there is no progress. Secretary Ritchie intends to resign her Commission duties January 1, 2016.

OTHER BUSINESS

Former Chief Fire Protection Engineer John Bender requested a few moments of the Commission's time to discuss the Office of the State Fire Marshal (OSFM) budget status. Having the highest regard for Fire Marshal Geraci, former Fire Marshal William Barnard, and the Commission, he stated his comments should in no way reflect on their leadership or the Commission members. His main concern is the OSFM's

budget and the apparent lack of action to improve it, despite efforts by the Fire Marshal and the Commission to bring budgetary concerns to the attention of the previous and current Department Secretaries. He bases his concerns on his previous experience as an agency employee, his observations, and discussions with several current OSFM staff who he has encountered at various meetings and at fire scenes as an active member of the Aberdeen Fire Department. The OSFM has always struggled with budgetary shortfalls but in recent years it has gotten much worse, perhaps even critical. Lack of an adequate budget leads to low morale, internal bickering, personnel problems, recruitment and retention problems, non-competitive salaries, lack of training, and lack of funds to attend critical meetings and conferences to learn and address emerging trends and issues. The high-mileage vehicle situation is critical and there apparently is no concerted departmental effort to seek funding for replacements. Adequate vehicle maintenance and replacement is crucial for OSFM employees to conduct mandated inspections, respond to incidents, conduct proper investigations, and it is a safety concern. Commissioner Dayton noted that federal grants have been received for vehicles and equipment for the bomb squad division, but the vehicles and equipment must be maintained for many years after the initial grants. Federal grants are not available for inspectors, engineers, or the non-bomb squad fire investigators.

Most importantly, the ultimate concern is for the safety of the public and Maryland citizens, which is clearly the responsibility of State government and the Governor. Mr. Bender has discussed his concerns with Fire Marshal Geraci and former Fire Marshal Barnard who are generally supportive of his efforts to bring these concerns to the attention of higher level officials. He would like to see a renewed and more assertive approach and believes the Maryland State Firemen's Association (MSFA) could exert its considerable political influence directly to the Governor and legislative leaders. The MSFA was very instrumental in the formative years of the OSFM and was directly responsible for establishing the State Fire Prevention Code. When the transfer from the Department of Public Safety to the Department of State Police (DSP) occurred, it was announced at the MSFA convention. The MSFA has always been a strong advocate for the OSFM. He also has spoken briefly with the MSFA Legislative Committee Chairman Steve Cox, and feels that the MSFA would be supportive in making this a priority agenda item with incoming MSFA President Johnie Roth. Several MSFA Past Presidents are also supportive. The OSFM has seen improvements under the DSP, but the budgetary problems still prevail. One suggestion would be to request the approximately \$1 million annual fees collected by the OSFM that currently go to the general fund be earmarked as special funding for the OSFM, apart from the appropriated regular budget. Commissioner Dayton noted that the law states the fees collected should cover the cost of administering plan reviews and conducting inspections. Fire Marshal Geraci stated he has little input on the budget except for items that would be extraordinary, such as vehicles. The OSFM's budget is currently 3% of the DSP budget but this percentage is not fixed.

Unfortunately, Mr. Bender believes the current trend in Maryland parallels the situation in the State of Rhode Island leading up to the Station Night Club fire several years ago: gradual budget cuts, lack of staff, lack of training, lack of oversight, and reactive instead of proactive code enforcement. After the fire and ensuing lawsuits, Rhode Island increased funding and staff for the Fire Marshal, but over the years the improvements began to gradually regress. Mr. Bender knew the Rhode Island Fire Marshal at the time of the fire and the succeeding Fire Marshal, and it was an extremely difficult time. Such fires and loss of lives should have and could have been prevented. Maryland has been very fortunate not to have experienced such a tragedy.

Chairman Davis and the members thanked Mr. Bender for his input and are sympathetic to his concern. Working through the MSFA Legislative Committee could prove beneficial. These concerns should be brought to the attention of State legislators and leaders. Suggesting that the OSFM be moved to a different department or be privatized most likely will not offer any significant improvements and the agency is not large enough to be a department of its own. The suggestion by Commissioner Spencer to get the media involved should be a last resort. Other organizations such as the International Association of Firefighters may also be supportive. Assertive action and discussions with the Department Secretary, the legislators, and the Governor's Office need to occur. Motion by Commissioner Dayton, second by Commissioner Spencer and unanimously carried that Chairman Davis and Vice Chairman Hubbard meet

with Fire Marshal Geraci and then the leadership of the MSFA to discuss these concerns and appropriate action. Mr. Bender thanked the Commission for their time and input.

Motion by Commissioner Spencer, second by Commissioner Dayton, and unanimously carried to accept the 2015 Code Update Committee proposal to amend the State Fire Prevention Code and to proceed with the official adoption process. Secretary Ritchie will submit the proposed amendments to the Department of State Police legislative coordinator. There will be a 30-day public comment period after it is published in the *Maryland Register*. A public hearing will be scheduled.

Motion by Commissioner Dayton, second by Commissioner Harrington, and unanimously carried to approve the minutes of the April meeting.

Being no further business, the meeting was adjourned.

MEETING SCHEDULED

The next meeting has been scheduled for

Thursday August 20, 2015 9:30 a.m.
Laurel Municipal Center, Council Chambers
8103 Sandy Spring Road
Laurel, Prince George's County

Respectfully submitted,



Heidi Ritchie, Secretary