

**STATE FIRE PREVENTION COMMISSION
MINUTES
February 21, 2019**

Members Present: Charles D. Davis, Chairman
Mark Bilger, Vice Chairman
Douglas Alexander
Emily Devan
K.C. Harrington
Kevin Simmons
Edward Tochterman, Jr.
Stacy Welch

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

FIRE MARSHAL REPORT

Chief Deputy State Fire Marshal (CDSFM) Gregory Der presented the report for Fire Marshal Geraci who was absent to attend a funeral.

The Office the State Fire Marshal (OSFM) currently has five sworn and six civilian vacancies. Fire Safety Inspector Martin Keefe was recently hired and is assigned to the Upper Shore Region. He has previous fire service experience in Virginia. Eight applicants applied for the Public Information Office position. Interviews were conducted in January and the hiring process is ongoing. The salary may be an issue for the top candidate who has previous experience.

Confirmed fire fatalities for 2018 stands at 71 which is the same number as in 2017. To date for 2019, there have been 15 confirmed fire fatalities. Baltimore City, Baltimore County, and Anne Arundel County have experienced the most so far with 4, 3, and 2 respectively. Additional information can be found at the website mdsp.maryland.gov/firemarshal. Fire Fatality, sprinkler saves, and smoke alarms saves should be reported on the OSFM blog site mdosfm.wixsite.com/blog.

The OSFM Bomb Squad Unit played a lead role in assisting with security and potential explosive threats during Governor Hogan's inauguration ceremony. Annapolis City and other jurisdictions also were present for security.

The OSFM investigated 844 incidents in 2018—652 fire related and 152 explosive related. Forty-seven criminal cases were closed with a total of 88 persons arrested. The closure rated for arson cases was 24.6%. The national average is 20%. In the OSFM jurisdictions throughout the state, fires determined to be arson were reduced by 32.3%. 11,736 inspections were performed; 1,740 plans were received; 1,342 plans were reviewed, leaving a backlog of 398 as of January 1, 2019. A total of 1,022 permits and licenses, both new and renewal, were processed by administrative staff.

The OSFM is following several legislative bills. The Fire/EMS Coalition is back this session to hear bills associated with or having an impact on the fire service. There are some rumors that legislation may be drafted to allow counties to opt out of residential sprinkler requirements. Worcester and Allegany Counties do not favor the current law that prohibits counties from reducing residential sprinkler requirements. CDSFM Der was unsure of the status of legislation regarding a residential sprinkler tax credit program to be overseen by the OSFM.

- HB90/SB117 proposes to change smoke alarm violations from a criminal to a civil offense.
- HB70 proposes to correct requirements pertaining to carbon monoxide detectors in rental units.
- HB223/SB160 proposes to add bladder, kidney, and renal cell cancers to the current medical presumptions.
- HB1186/SB465 proposes a change in the minimum number of fire drills in public schools.
- HB945 proposes to require the OSFM to oversee a residential sprinkler tax credit program.

The Maryland Smoke Alarm Technology Task Force has been re-established and is being chaired by Jim Resnick from Montgomery County. The group is looking at the new requirements in UL217 and UL268 so Maryland can stay ahead with new technology. Its draft report will be sent to the Fire Marshal and Commission members.

Several OSFM personnel participated in the Maryland State Police Polar Bear Plunge for Special Olympics. The OSFM team "Fire and Ice" were able to raise \$3,800.

The OSFM blog <http://mdosfm.wixsite.com/blog> and Fire and Life Safety Information Exchange www.md lifesafety.org sites continue to be updated frequently.

The Maryland Fire and Explosive Investigation Advisory Workgroup has been assembled. Representatives will include Fire Marshal Brian Geraci, Commissioner Douglas Alexander (as appointed by Chairman Davis), University of Maryland Professor Peter Sunderland, Maryland State Police Forensic Scientist Supervisor Joseph Harant, Maryland Police and Correctional Training Commissions Deputy Director Albert Liebno, Maryland Fire and Rescue Training Instructor Maxim Saunders, and Maryland Fire and Explosive Investigators Association public sector representatives Brian Mayers and Aaron Taylor, and private sector representatives Tim Hattwick and Mike Newberry.

CHAIRMAN REPORT

Regarding Appeal 18-01, the Maryland School for the Deaf filed a petition for a judicial review of the Commission's decision in Baltimore City Circuit Court. The school has since withdrawn its petition so the Commission's decision stands as issued.

A postponement request for Appeal 18-02 Blackwater Distilling was received. The Chairman granted a postponement until the April meeting.

Appeal 18-03 regarding the Fire Marshal's denial of a fireworks shooters license has been withdrawn. After further research, the Attorney General's Office determined there is no requirement to conduct criminal background checks for fireworks shooters and the existence of a criminal record is not grounds to deny a license. Subsequently the license has now been issued. DCSFM Der stated the Fire Marshal is looking at options and procedures for fireworks shooters licenses and may report back to the Commission on this matter.

Members were reminded to file their annual financial disclosure statements.

With Vice Chairman Scheffey's resignation due to his moving to Florida, Chairman Davis entertained motions to elect a new Vice Chairman. Motion by Commissioner Tochterman to nominate Commissioner Bilger as Vice Chairman, seconded, and unanimously carried. Vice Chairman Bilger thanked the members for their support.

Fire Marshal Geraci is due for reappointment in August and he has expressed interest to serve another term. After speaking with several people, it is the Chairman's understanding the Commission can send a letter nominating Fire Marshal Geraci since it is a reappointment and not a new appointment which would require three names be submitted for consideration. Chairman Davis entertained motions to nominate Fire Marshal Geraci to a second term. Motion, second, and unanimously carried.

OTHER BUSINESS

Motion, second, and unanimously carried to approve the December minutes.

Vice Chairman Bilger reported the Mid-Atlantic Life Safety Conference will be September 24, 2019, at the Johns Hopkins Applied Physics Laboratory in Laurel. Regarding the Conference Steering Committee, OSFM Fire Protection Engineer C.J. Giblin has stepped down. He handled the minutes and email notices. The OSFM is planning to hire a public information officer and it is believed that person may serve on the committee. Karen Hayes of MFRI who handled registration is also leaving MFRI and the committee. The committee meets monthly to coordinate conference arrangements and critique the event after the conference. Financially the conference is in a good position this year and the committee will begin to solicit speakers. \$25,000 was received last year

and a similar amount is anticipated again this year. Anyone wishing to serve or speak is welcome to contact Vice Chairman Bilger. Being the 60th year of the conference, the committee hopes to make it special and will also invite Governor Hogan.

High-Rise Task Force

Former Vice Chairman Scheffey joined the meeting via telephone to discuss the High-Rise Task Force's report dated February 7, 2019. Participants of the work group can be found on Page 29 of the report. The report was distributed to Commission members prior to the meeting and provides more in-depth information on proposals as discussed at the Commission's December 2018 meeting. Mr. Scheffey fielded questions.

Regarding Option 3:

- UL300A outlines requirements to test residential range top extinguisher units and it is Mr. Scheffey's understanding such units are available. He was unsure if the State Fire Marshal or local jurisdictions have approved the use of or if the small magnetic cans of extinguishing agent that can be placed above range tops would meet the UL300A requirements.
- The ignition prevention system refers to products that turn cooking appliances off. He is only aware of one such system being listed at this time for electric stoves. Gas appliances are more challenging.
- Commissioner Alexander commented that the proposal for sounding a general evacuation alarm throughout the building upon activate of any detector or suppression system may result in numerous nuisance alarms which may cause occupants to start ignoring them and will generate unnecessary fire department responses. The committee had similar concerns. The proposal could be modified so that only corridor detector or manual pull station activation would sound the general evacuation alarm.
- Items 6 and 7 dealing with protection of vertical openings and protection of hazardous areas (such as laundry and boiler rooms) were included to verify existing buildings meet requirements. These requirements have been in the code for a very long time so it is presumed buildings would already comply. They are included in the proposal as a means to verify this.
- Mr. Scheffey was unsure if Item 10 pertaining to audible and visual notification throughout the building was intended to include individual units or only common areas.
- Commissioner Alexander wasn't sure if Item 11g is even achievable. It proposes that not less than one elevator serving all floors be available with standby power transferrable to any elevator. Mr. Scheffey stated it was the intent that at least one elevator that serves all floors have standby power. The transferability to any elevator may not be practical.

Regarding Option 4:

- Commissioner Alexander had similar concerns regarding UL300A extinguishing systems and the location of fire alarm devices that would generate an evacuation alarm throughout the building. Based on the current wording, Commissioner Welch had a similar understanding this would include devices in individual units. Mr. Scheffey stated in Option 4 the intent was the general evacuation alarm would only sound when a pull station is manually activated. It was not the intent to retrofit alarms in individual units if the existing system is sufficient.

Commissioner Simmons inquired if the group contacted Baltimore City, which probably has a significant number of non-sprinklered high rise residential structures. Per the fatality report, the city experienced 43 fire deaths in the past two years. Mr. Scheffey estimates there are approximately 30 or so non-sprinklered residential high rises. Since State law exempts Baltimore City from the provisions of the State Fire Prevention Code, the group did not pursue contact.

Commissioner Tochtermann, who served on the task force, thanked Mr. Scheffey for chairing the group and the excellent job he did in compiling the report. Commissioner Tochtermann and Mr. Scheffey disagree on Options 3 and 4. To Commissioner Tochtermann's knowledge, when a fire in a high rise penetrates the exit access corridor it basically prevents anyone on that floor from safely exiting the building and they have to shelter in place until rescued or the fire is extinguished. Option 3 gives the building owner a choice as to whether they can put smoke detectors in the exit access corridor or install a row of sprinklers. Commissioner Tochtermann does not agree with the option to only install detectors as they do not provide a means to keep the fire in check and give the occupants of that floor a chance to escape. Option 4 does not mention sprinklers in exit access corridors. As such, he does not support Options 3 or 4.

Chairman Davis stated if the Commission realistically wants to implement any of the proposed options it most likely will have to be done through legislation and he doesn't feel there would be support for retrofit sprinkler

requirements. If the building undergoes a major renovation it may be easier to require retrofit sprinklers. Currently requirements for residential sprinklers is only for new construction, including one- and two-family dwellings. To require retrofit sprinklers in existing residential high-rise buildings may raise the question if such a requirement will be proposed for one- and two-family dwellings. Commissioner Alexander agreed he does not think it would pass legislation. A combination of options may be possible such as sprinklers in corridors and protection of cooking equipment. Since kitchen fires are the number one hazard in residential occupancies, Mr. Scheffey agreed that focusing in on kitchen protection along with an aggressive educational campaign on fire hazards may be more appropriate and achievable. The question then arises as to what is an acceptable means to protect the kitchen.

Ron Wineholt with the Apartment and Office Building Association of Metropolitan Washington thanked the Commission for allowing him to serve on the task force and Mr. Scheffey's outstanding job in his efforts to help the group reach a consensus. Mr. Wineholt agrees with the Commission to focus on kitchens. The magnetic fire suppression products is something that he feels would be supported, compared to other more expensive options of chemical hood or misting systems. Commissioner Alexander feels some sort of automatic appliance shut off is also an important component to eliminate the heat source. Mr. Wineholt pledged his organization's efforts to support an educational program and feels his counterparts in the Baltimore area and the Maryland Multi-Housing Association would cooperate with an educational program. He will be happy to continue working with the Commission on these efforts

Commissioner Welch would like to see smoke detectors in corridors if they do not already exist and some type of alarm sequencing to provide a more rapid evacuation notice in non-sprinklered buildings. She suggested the task force work on highlighting two or three items that would realistically improve safety at reasonable cost. The Commission was unanimously in favor of Commissioner Welch's suggestion. Chairman Davis recommended the task force select a new chairman since Mr. Scheffey has moved to Florida. Mr. Scheffey stated he could still assist when possible or if questions arise.

Maryland Building Codes

Chairman Davis welcomed Mr. Norman Wang, the Director of Building Code Administration under DLLR. As a follow-up to Commissioner of Labor and Industry Matt Helminiak's letter of request to the Commission, Mr. Wang inquired if the Commission would nominate a member to serve on the Maryland Building Code Rehabilitation Council. Commissioner Tochterman volunteered to serve on the Council.

Mr. Wang reported that it is anticipated Worcester County will be sending DLLR a letter requesting to opt out of the residential sprinkler requirements. The letter has not yet been received. Regarding Allegany County, it is still using the 2009 building code although state law requires jurisdictions to adopt the code adopted by the State, which currently is the 2015 edition. DLLR has not made a decision on what action will be taken. He will keep the Fire Marshal and Commission informed of developments.

MEETING SCHEDULED

Commissioner Alexander will be unable to attend the April meeting which is scheduled for
Thursday April 18, 2019 – 9:30 a.m.
Laurel Municipal Building, Council Chambers
8103 Sandy Spring Road
Laurel, Prince George's County

There being no further business, the meeting was adjourned.

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


Heidi Ritchie, Secretary