

STATE FIRE PREVENTION COMMISSION
MINUTES
June 8, 2020

Members Present: Edward S. Tochterman, Chairman
 Kevin Simmons, Vice Chairman
 Douglas Alexander
 Charles D. Davis
 Emily Devan
 Michael Faust
 Stacy Welch

Members Absent: Mark Bilger
 K.C. Harrington

The Fire Prevention Commission held a virtual meeting on June 8, 2020, at 9:00 a.m. Chairman Tochterman called the meeting to order by conducting a roll call. The Pledge of Allegiance was recited.

PUBLIC HEARING COMAR 29.06.01.09

A public hearing regarding proposed amendments to COMAR 29.06.01.09 was initiated with the Chairman soliciting public comments. No public comments were presented. Secretary Ritchie advised no written public comments have been received. The proposal was published in the Maryland Register on April 24, 2020. The amendment was adopted as an emergency regulation on February 7, 2020. There being no public comments, the Commission will vote in fifteen days on proceeding with permanent adoption.

FIRE MARSHAL REPORT

Fire Marshal Brian Geraci reported the Office of the State Fire Marshal (OSFM) currently has four sworn vacancies which are in the process of being filled through lateral transfers. Background checks are being completed. These applicants already have law enforcement certification so they will not be required to attend a police academy. Five civilian vacancies have been frozen by the Department of Budget and Management (DBM) and cannot be filled at this time. Five Deputy Fire Marshals (DFMs) are candidates for promotion to Deputy Chief Fire Marshal (DCFM). That selection will be made in the next few weeks.

There have been thirteen confirmed fire fatalities to date in 2020, a 66% reduction for the same period last year. Eleven fatalities are pending the medical examiner's cause of death determination, mainly vehicle collisions that also involved fire. Residential sprinkler and smoke alarm activations are resulting in lives being saved. Sprinkler and alarm saves can be reported on the OSFM blog site: <https://mdosfm.wixsite.com/blog>.

Fire Marshal Geraci reported on the status of the following legislation:

- HB153 altering the time, from 18 months to 36 months after issuance, within which the Maryland Department of Labor is required to adopt each subsequent version of the Maryland Building Performance Standards failed in committee.

- HB175 to allow the Fire Marshal to deny an explosive license if the explosives are intended to be used for inappropriate purposes and to regulate what times blasting operations may take place did not get a vote in committee.
- HB408 to require any new gas service regulator to be installed on the exterior of an occupied building and to move all interior installations in multi-family structures to the exterior passed with amendments.
- HB823/SB746 allowing the State Fire Marshal to enforce residential sprinkler requirements for one- and two-family dwellings passed and will be effective October 1, 2020. Local jurisdictions will no longer be able to opt out of residential sprinkler requirements.
- HB1548 to modify requirements for consumer and display fireworks did not get a vote in committee.

The OSFM investigated 221 incidents in the 2020 first quarter, 187 were fire related with ten cases closed with the arrest of 23 persons. A total of 2,335 inspections were conducted and 475 plans were reviewed.

The State of Maryland is transitioning to a new payment collection system. The current fee schedule for fire prevention services as adopted under COMAR 29.06.04 will not be compatible with the new system. Fire Marshal Geraci requested the Commission work with OSFM staff to develop flat rate fees for inspections and plan reviews based on the type of occupancy and fire protection systems. Chairman Tochtermann will confer with the Fire Marshal as things progress.

OSFM staff continues to work remotely with limited visitations to the offices. DBM will make the determination when state offices will fully re-open. To date two OSFM employees have been isolated due to family exposure but none have contracted COVID-19.

The OSFM has implemented guidelines to conduct virtual inspections by having a field representative walk the facility with a telephone or laptop to virtually stream the video to the inspector. The inspection results are then documented both electronically and with normal paperwork for the files with a caveat that the OSFM may still conduct an in-person inspection if deemed necessary. Limited in-person inspections are also being scheduled with proper personal protective equipment and social distancing. Fire alarm and sprinkler installations are submitting self-certification for tests.

CHIEF FIRE PROTECTION ENGINEER REPORT

Chief Fire Protection Engineer (CFPE) Ken Bush reported that he and Secretary Ritchie have been working with NFPA staff to incorporate Maryland Fire Prevention Code amendments to NFPA 1 and NFPA 101 into publicly available NFPA code books. The publications should be available in the near future.

NFPA has cancelled the 2021 cycle meetings. Virtual debates will occur online from June 8-19, 2020, with results posted at 5:00 p.m. on comments received. Vote results will be available June 29th. Not many certifying motions have been made. CFPE reviewed some of the major issues:

- The NFPA 1 2021 Edition Technical Committee amended an existing requirement that reduced the maximum distance from approved fire department access to any point on the perimeter of a building which is provided with automatic sprinkler

protection in accordance with NFPA 13R from 450 feet to 300 feet. Jeffrey Hugo, representing the National Fire Sprinkler Association, submitted a Notice of Intent to Make a Motion (NITMAM) to return the language to the current requirement as stated in NFPA 1 2018 edition. The NITMAM was approved as a certified amending motion.

- NFPA 1 prohibits valet trash pickup in residential hallways but NFPA 101 allows it with restrictions. The committees are debating the requirements. Various State Fire Marshals have expressed pro and con opinions.
- There have been motions on the number of locking devices to be allowed on existing school doors. Maryland intends to allow two devices.
- There is a motion to require Fire Marshals to be responsible for maintaining sprinkler records in addition to the building owners being required to do so.

CFPE Bush reported the engineering staff is working remotely to review plans and keep up with the workload electronically and telephonically.

CHAIRMAN REPORT

Chairman Tochterman reported that after having the court stenographer check the December meeting recording, there was no discussion on a line item budget. As such, the minutes are correct as distributed. Secretary Ritchie solicited an email vote in March and the December 19, 2019, minutes were unanimously approved.

Motion by Commissioner Davis, second by Commissioner Welch, and unanimously carried to approve the February 20, 2020, minutes.

The June meeting in Ocean City has been cancelled. The next meeting is scheduled for August 20, 2020 in Annapolis, although at this time it is unclear whether this will take place in-person. Being required to hold six meetings per year, today's meeting makes up for the cancelled April meeting. However, the Commission still needs to hold a meeting to make up for the cancelled June meeting. Chairman Tochterman will check with legal counsel to ascertain if there may be an exemption to six meetings due to current circumstances with COVID-19.

OTHER BUSINESS

Commissioner Davis reported his second term expires June 30, 2020. Secretary Ritchie will check with the Governor's Appointments Office to determine if there are any potential replacements. He will continue to serve until replaced pending any health issues that may arise.

Vice Chairman Simmons thanked Chairman Tochterman for attending and testifying at an Annapolis City hearing regarding a proposal to retrofit existing buildings with fire sprinkler systems. Due to the current economic circumstances with the COVID-19 shutdowns, the proposal will not be moving forward at this time.

Vice Chairman Simmons suggested the Commission send a congratulatory letter to the recently appointed Howard County Department of Fire and Rescue Chief Bill Anuszewski.

Vice Chairman Simmons expressed his thanks to all first line responders, police, and law enforcement personnel during the current state of emergency and as the country seeks to pursue equality, liberty, and justice for all.

At this point, Vice Chairman Simmons departed the meeting.

Commissioner Faust reported his term as the Maryland State Firemen's Association President expires at the end of June. The new President will be Chuck Walker. He thanked the Commission for its support during his tenure.

There being no further business, the meeting was adjourned.

Next meeting tentatively scheduled for
August 20, 2020 - 9:30 a.m.
Taylor Avenue Fire Station
620 Taylor Avenue, Upper Level Classroom
Annapolis, Anne Arundel County

Respectfully Submitted,



Heidi Ritchie
Secretary

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