

STATE FIRE PREVENTION COMMISSION
MINUTES
October 15, 2020

Members Present: Edward S. Tochterman, Chairman
 Kevin Simmons, Vice Chairman
 Douglas Alexander
 Mark Bilger
 Daniel Stevens
 Stacy Welch

Members Absent: Emily Devan
 Michael Faust
 K.C. Harrington

The Fire Prevention Commission held a public meeting on October 15, 2020, at 9:30 a.m. at the Eastport Fire Station, 914 Bay Ridge Avenue, Annapolis, Anne Arundel County. Chairman Tochterman called the meeting to order. The Pledge of Allegiance was recited.

Chairman Tochterman welcomed newly appointed Commissioner Daniel Stevens representing the Southern Maryland Volunteer Fire Service. Commissioner Stevens stated it is an honor and pleasure to serve on the Commission. He has been in the fire service 58 years, is a Navy veteran, and has a Master's degree in Agricultural Economics from Texas A&M with a minor in Finance/Statistics. After resettling in Southern Maryland, he worked for the U.S. Department of Agricultural and joined the Waldorf Fire Department, serving as Chief for 22 years. He is active with the Maryland State Fireman's Association (MSFA) and was also an instructor for the Maryland Fire and Rescue Institute, running the Southern Maryland Regional Training Center for six years. His family members have fire service backgrounds also.

FIRE MARSHAL REPORT

Fire Marshal Brian Geraci also welcomed Commissioner Stevens.

He reported the Office of the State Fire Marshal (OSFM) hired four new Deputy State Fire Marshals in August. Three lateral transfers have been assigned to regional offices on the Eastern Shore and Western Maryland. The fourth has started her law enforcement academy with the Carroll County Sheriff's Office. She is the first Latina to join the OSFM and has a forensic degree background which will be a great asset once she completes the academy. This brings sworn staff to full strength of 44. There currently are five civilian vacancies which are under a hiring freeze.

An exemption has been requested to hire an engineer but there has been no response. An annual salary review package will be submitted with the Fiscal Year 2022 budget request. The salary has been one reason for difficulty in getting qualified engineer applicants. There currently are two full-time engineer vacancies. Chairman Tochterman reported the Commission has brought its concerns about the engineer positions to the attention of the Maryland State Police Colonel. Chief Fire Protection Engineer (CFPE) Ken Bush added that the hours for the two part-time contract engineers have been cut by 35 percent. One has already maxed out his hours for the calendar year, leaving only one part-time engineer in the Western Region to handle the workload. Additionally the Maryland Stadium Authority has been charged with the review and management of school construction projects. In the next couple years they expect up to 32 new schools to be built just in Baltimore City which means the OSFM will be heavily

involved as the fire protection liaison. At this point it is not known what this will encompass on a statewide basis. The OSFM and Stadium Authority are discussing various options.

Fire Fatalities: Year to date for 2020 there has been 36 confirmed fire fatalities across the state compared to 50 for this period last year. Twenty-one of the confirmed fire deaths have occurred in residential properties. The only child was a two-year old in Baltimore City. This year has seen more vehicle crash fires, about twelve fatalities so far. There are four fatalities pending cause of death from the Medical Examiner. The 2019 fire fatality report has been completed and has been distributed. More information about fire deaths in Maryland can be found at the OSFM website at <http://mdsp.maryland.gov/firemarshal>. Please report fire fatality data and any sprinkler and smoke alarm saves to the OSFM blog site: <http://mdosfm.wixsite.com/blog>

During the third quarter the OSFM conducted 175 investigations, 122 were fire related. Ten criminal cases were closed by arrest with a total of 26 individuals being charged. A total of 1,670 inspections were completed. A total of 1,255 plans were reviewed by the engineering staff. The OSFM staff are doing a tremendous job keeping up with things during the COVID emergency.

Fire Prevention Week was successful through social media platforms to get this year's theme of kitchen safety out. These platforms continue to be used to get fire safety messages and information out on a regular basis. Twitter, Facebook and Instagram are the three major platforms used. The OSFM also has a blog site <http://mdosfm.wixsite.com/blog>.

As a reminder, the Maryland Fire and Life Safety Information Exchange Program website is www.md lifesafety.org.

The OSFM Fiscal Year 2022 budget is being cut by over \$600,000. \$300,000 allocated for vehicle purchases has been cut, overtime reduced by \$210,000, and the turnover rate has been increased to 11 percent (about \$123,000). With that turnover rate it is very unlikely there will be any new hiring. A budget meeting with the Department of Budget and Management is scheduled for November so things can still change. The OSFM senior staff and regional commanders will discuss how to reduce overtime, which is mainly associated with emergency call out responses. With sworn staff now being at full strength, the Fire Marshal is looking to send two deputies on major incidents for safety purposes. The majority of call outs are in areas served by volunteer fire departments who normally leave the scene once the fire is extinguished, which can leave a single field deputy vulnerable.

With the upcoming election and the potential for civil unrest, several state and local authorities are meeting and conducting drills in preparation for disturbances. The Fire Marshal reported the OSFM is not directly involved with planning preparations.

CHIEF FIRE PROTECTION ENGINEER REPORT

CFPE Bush reported the 2021 editions of NFPA 1 Fire Code and NFPA 101 Life Safety Code have been published. They are offered for sale at the NFPA website but are not listed on the subscription service yet which means the electronic copies are not yet available. He can check with the NFPA regional representative Greg Cade to determine when that may occur. He inquired whether the Commission wishes to start the code update review process to formalize the review committee and contact NFPA about their involvement and available resources for code books and training. The meetings may have to be conducted virtually due to the current

COVID restrictions. There were approximately 35 persons on the last committee three years ago. For those new to the process, CFPE Bush explained that the State Fire Prevention Code has a number of amendments to the basic model NFPA codes. The committee looks at these amendments to determine if they are still valid and should be retained, if they should be changed or eliminated, or if any new amendments will be needed. Chairman Tochterman reported he and Commissioner Welch served on the previous committee and he encouraged all members to participate when possible. Chairman Tochterman and Commissioner Welch intend to serve again. Commissioner Welch felt the Commission should proceed with starting the process and other members agreed. Ken will have Commission Secretary Ritchie contact the previous committee members to ascertain their interest and he will contact NFPA about the codes.

In response to an inquiry from Commissioner Alexander, CFPE clarified that sprinkler contractors are not allowed to subcontract sprinkler work out to unlicensed contractors. This helps to eliminate any substandard work.

In response to an inquiry from Chairman Tochterman, CFPE advised that the new schools in Baltimore City will fall under the State Fire Prevention Code Requirements. Most likely due to the size they will be protected with sprinklers but until the designs are submitted he cannot confirm this will be the case for all of them. The advantages are high to install sprinkler versus other construction design features.

In response to an inquiry from Commissioner Welch, CFPE reported that the engineering staff are basically working from home as they have access to state cell phones and the internet. A lot of submittals are electronic and correspondence is being emailed. They go into the office on a minimal basis to pick up any hard copy submissions. So far, they have been doing a good job with keeping things moving along.

CHAIRMAN REPORT

Chairman Tochterman inquired if Fire Marshal Geraci has been officially reappointed. He has not.

There is no mention of the Commission's requested line item budget in the OSFM budget.

The audit of the OSFM by Maryland State Police is still ongoing. The Fire Marshal reported the auditor has returned to his out-of-country home for about six weeks so it currently is on hold.

Regarding the fee schedule and changes to processing invoices, the Fire Marshal reported that changeover has not started yet.

At the last meeting the Commission discussed its concern with unsprinklered dormitories at colleges and universities and unanimously agreed the Fire Marshal should send letters to each college and university involved. There are about 20 to 30 such buildings. Commissioner Welch will redistribute a list that was previously developed by the Fire Marshal. The Fire Marshal reported there are about 15 campuses with two or three buildings and some off-site lodging facilities that are not sprinklered. His office is in the process of getting names and addresses together to send the letters out.

With the law change effective October 1, 2020, giving the OSFM authority to enforce one- and two-family dwelling residential sprinkler requirements which was previously enforced by the Department of Labor, Licensing and Regulation, the Fire Marshal reported he is not aware of

any enforcement issues yet. Allegany County was previously not been enforcing the requirements and Worcester County unsuccessfully attempted to make it an option. The Western Regional Commander sent a letter to the Allegany County Permits Department advising them of the sprinkler requirement and the new enforcement authority. They were advised to notify the regional office of any new one- and two-family dwelling permits so that it can ensure sprinkler plans are submitted for review. The Fire Marshal advised it would be a violation of the State Fire Prevention Code not to comply, subject to fines and possible imprisonment, although that would be unlikely. CFPE Bush reported there is nothing in the law allowing for permits to be revoked.

Chairman Tochterman reported Commissioner Harrington's at-large building contractor seat still needs replaced. Commissioner Harrington has served more than two years beyond his 10 year term limit and has increasingly not been able to attend meetings. Finding a pro-fire protection building contractor has been difficult. It was suggested that perhaps the Commission should reach out to the Maryland Building Industry Association to see if there may be someone interested, but that idea was not greeted favorably. It is unfair to Commissioner Harrington as well as to the general public interest to not have a building industry representative. It was suggested that maybe the MSFA can put the word out to their membership to see if there is a building contractor that may be interested. The members thought this was a good idea and Commissioner Alexander (an MSFA member) stated he would get something put up on the MSFA website and be the contact for persons that may have any questions. Interested persons would have to apply through the Governor's Appointment Office.

OTHER BUSINESS

Vice Chairman Simmons suggested that with the COVID pandemic starting to subside and hopefully Commission meetings being scheduled at various locations throughout the state, the Commission should invite difference departments and fire service organizations to attend to hear some of their priorities, innovations, and challenges. Commissioner Bilger suggested inviting code enforcement officials to hear their perspective on things. Several members also thought it was a good idea to expand on the location of meetings to include outlying areas of the state. Commissioners Alexander and Stevens will work on locations for Western and Southern Maryland meetings and get a projected 2021 schedule together, typically the 3rd Thursday of each month. The June meeting usually is in Ocean City during the MSFA Convention.

Commissioner Alexander complimented the Fire Marshal and his staff for their hard work. In the past months he has had numerous contacts with staff and they are always positive and responsive.

Commissioner Bilger said the MSFA will start working on the 2021 Fire laws book once the legislative session ends. He will be reaching out to the OSFM to update information.

Chairman Tochterman questioned whether the last line on page 3 of the August minutes pertaining to valet trash in corridors should read "blocking exit access" instead of "blocking access". CFPE Bush stated that would help clarify it pertains to maintaining a clear width for the egress corridor. Motion by Commissioner Alexander to approve the August minutes with correction as noted; second by Vice Chairman Simmons, and unanimously carried.

The next meeting is to be determined. Commissioner Alexander will work on a location.

There being no further business, the meeting was adjourned.

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


Heidi Ritchie, Secretary