

STATE FIRE PREVENTION COMMISSION
MINUTES
October 21, 2021

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

Members Absent: Emily Devan
Michael Faust

The Fire Prevention Commission held a public meeting October 21, 2021 at 10:00 a.m. at the Odenton Volunteer Fire Company, 1425 Annapolis Road, Odenton, Anne Arundel County.

Chairman Tochterman called the meeting to order. The Pledge of Allegiance was recited. He thanked Commissioner Sanger as well as the Odenton Volunteer Fire Company for use of their facilities, and Commissioner Alexander for making the arrangements. He welcomed Mischelle VanReusel with the Department of Labor, Licensing and Regulation and thanked her and her department for their interest in the Commission's activities.

FIRE MARSHAL REPORT

Fire Marshal Brian Geraci is out-of-state and Chief Fire Protection Engineer, as the Acting State Fire Marshal, delivered his report.

To date for 2021 there have been forty-three fatalities associated with residential fires and eight due to vehicle collisions involving fires. There have been five residential multiple-fatal fires. CFPE Bush was unsure if the multiple-fatal fires were in single-family dwellings or other types of residential structures. More information can be found at the Fire Marshal's website <http://mdsp.maryland.gov/firemarshal>. Fire fatalities and sprinkler and smoke alarm saves can be reported at <http://mdosm.wixsite.com/blog>.

The Cumberland city fire department suffered a line of duty death. Firefighter Kelly Frye passed away on September 29, 2021, from COVID. He was 53 years old and a 25-year veteran of the department.

Contractual Fire Safety Inspector Angela Hummer was recently hired and is assigned to the Western Region. Teresa Ann Crisman has also recently been hired as the agency's Community Risk Reduction/Community Outreach Specialist. She has extensive experience having served many years in a similar position with the Prince George's County Fire Department. Her main charge will be to bring public awareness to fire prevention activities through the OSFM, such as smoke alarm and sprinkler issues, fire prevention and safety, etc. The agency's Public Information Officer will continue to issue press releases on fire and explosion investigations, arrests, fatalities, and other topics.

An interview was conducted last week for the Southern Region's Fire Protection Engineer (FPE) position. The applicant is a University of Maryland graduate who works at the Cove Point nuclear power plant and is looking for a different position. He lives in southern Maryland and has family there. He received high marks for the interview and has been extended a conditional offer of employment. The agency is awaiting his response. The engineering staff has received their salary increase and that may have attracted the one and only applicant for the Southern Region position.

The agency conducted 199 investigations during the third quarter, of which 146 were fire related. Fourteen criminal cases were closed with the arrest of 20 persons. 3,189 inspections were conducted and 1,436 plans were reviewed. Commission Bilger inquired as to how this relates to the fourteen

criminal cases that were closed. CFPE Bush did not have information on how many of the 146 fires were incendiary but he can obtain it.

Commissioner Bilger inquired that if the OSFM is required to conduct more inspections in the future, is the Fire Marshal considering assigning Deputies to do inspections again if more inspectors will not be hired. It is Commissioner Bilger's understanding that Deputies are no longer doing any inspections. CFPE Bush responded that is something that cannot really be answered until the number of potential inspections is determined. As it relates to school construction and renovation, someone will have to inspect them and approve occupancy. The OSFM is currently conducting these inspections in jurisdictions under its authority, but if the Stadium Authority expands the State authority in other jurisdictions such as Baltimore County and Anne Arundel County, and if the Memorandum of Understanding states the State Fire Marshal is responsible, then personnel will be needed to pick up those additional inspections.

The agency is working with the Maryland Fire Service Legislative Work Group to address the problem with corrugated stainless steel tubing (CSST) used for gas piping in residential houses. It is suspected that CSST was a contributing factor to two firefighter fatalities, one several years ago in Howard County and one more recently in Frederick County. In both cases the fires which were caused by lightning strikes, were fed by LP gas as a result of the failures of CSST being used. Different tubing is available on the market today that could eliminate this problem. In response to an inquiry from Commissioner Alexander regarding metal chimneys not being properly grounded, CFPE advised that is part of the same issue. The thin wall that is used in CSST to supply the gas fails when lightning strikes, allowing gas to escape into the house. Legislation is being introduced to pass a State law to enhance protection. It currently has no sponsors. The Work Group is still in the planning process for the next session, having had only one virtual meeting to date.

The Governor declared Fire Prevention Week October 3-9, 2021. There was a good turnout of fire service representatives prior to the Board of Public Works making the declaration in Annapolis. This year's theme was "Learn the Sounds of Fire Safety".

On October 10th, the Office of the State Fire Marshal (OSFM) was requested to conduct an origin and cause investigation into a dwelling fire in Harford County which resulted from an explosion. One male occupant was transported to a local hospital in critical but stable condition. By witness accounts, the homeowner was replacing the kitchen's gas stove. The gas line was disconnected from the stove but the valve was in the open position. At some point a candle was lit, causing the explosion. The home was a complete loss. Two pets were rescued and were assisted by animal control.

Delmarva Power once again donated 1,900 smoke alarms for distribution to local communities on the Eastern Shore. The OSFM is responsible for receiving and distributing the alarms to various community organizations and fire departments.

As reminders, the Fire and Life Safety Information Exchange Program website is www.mdflifesafety.org and the OSFM blog site is <http://mdosfm.wixsite.com/blog>.

CODE UPDATE PRESENTATION BY CFPE BUSH

The amendments to the State Fire Prevention Code are still in the hands of the Maryland Department of State Police (MSP) and have not been forwarded to the Division of State Documents for submission to the Administrative, Executive, and Legislative Review Committee (AELR). MSP has been working mostly on regulations dealing with the new police reform laws. The AELR must review and approve the proposal before a public hearing can be scheduled. Chairman Tochterman will address the AELR issue under his report.

CHIEF FIRE PROTECTION ENGINEER REPORT

CFPE Bush reported the Maryland Fire Marshal's Committee met recently and information provided by Montgomery County indicates they are working on sprinkler retro-fits for high-rise buildings. There are 78 non-fully sprinklered high-rises in Montgomery County. They have initiated a public

outreach program to get the buildings fully sprinklered prior to the 2033 NFPA code deadline.

As an update on the Maryland Stadium Authority managing the school construction program in Baltimore City, CFPE Bush reported that FPE Harry Bradley, who initially was assigned to that program, identified 26 school projects with either new construction or major renovation work that had taken place or is being planned in Baltimore City. The OSFM has been involved with both the plan review process and the inspection process for these school projects which originally was handled by two engineers, one of which was former FPE C.J. Giblin. FPE Bradley has picked up the plan review workload and the inspections are being done by personnel from the Northeast region. So far, FPE Bradley and Northeast regional personnel have been keeping up with the workload and the Stadium Authority is pleased.

The Stadium Authority is in the process of developing a Memorandum of Understanding to implement the same management program throughout all State of Maryland jurisdictions. At this stage it is not known if local jurisdictions will be given an option to participate or not participate. If jurisdictions receive funding they will have to comply with regulations established by the State. So there is a possibility that the State will get more involved with school construction. Manpower-wise and time-wise, CFPE Bush thinks it is better for locals to handle it but for uniform application of the codes and regulations, it would be better if the State does it. Further details are being discussed.

CHAIRMAN REPORT

Chairman Tochterman reported that the Commission's expenses for the first quarter of Fiscal Year 2022 totaled \$1,405.29 of which \$470.30 was from Hunt Reporting for the June meeting. Technically the services were provided in fiscal year 2021 but the invoice was not received until after July 1, 2021.

In response to the Chairman's inquiry, CFPE Bush advised nothing has changed with the collection of fees and agency personnel still need to follow-up with people who have past due invoices.

The 69-page final Internal Audit Report of the State Fire Marshal's Office has been received and is available for anyone wishing to peruse it.

As mentioned previously by CFPE Bush, the State Fire Prevention Code amendments have not been submitted to the AELR committee and at this point adoption is falling behind intended schedule. Chairman Tochterman placed a phone call to Colonel Jones' Chief of Staff, Jim Hock, but he was on vacation. He will be contacted next week to discuss the delay. It appears unlikely the required public hearing notice can be published and public comments can be received and reviewed in time for adoption January 1, 2022, as was originally intended. Once the 2022 legislation begins, the AELR committee does not accept proposed amendments for review, delaying it even further after the session ends in April.

Commissioner Bilger remarked that the publication of the updated Fire Laws book has been on hold pending adoption of the new NFPA codes and State amendments. With this delay in adoption, the Maryland State Firemen's Association (MSFA) may not want to continue delaying publication of the book. The cost of publication is nearly \$40,000 and the books are provided to every Maryland volunteer fire corporation and legislator; the MSFA leadership, committee chairs, trustees, and past presidents; the OSFM offices; the Maryland Institute for Emergency Medical Services Systems (MIEMMS) legal staff; and the Maryland Fire and Rescue Institute (MFRI). To save on costs, the books were produced on compact discs one year but people prefer the printed version instead. An electronic version is posted on the MSFA website for members only due to publication rights. The printing costs are paid from the \$350,000 the MSFA is allotted from the State of Maryland.

During the past several meetings the Commission has discussed frequency of fire prevention inspections for existing buildings. As part of the OSFM internal audit analysis, Public Safety Article, Title 6-307, Paragraph A was cited, stating "The State Fire Marshal shall inspect for fire exits and reasonable safety standards all institutions owned by the State, or a county, or municipal corporation, and all schools, theaters, churches, and other places of public assembly." The report further states "The IAS," (the internal audit section crew) "neither found an ordinance, rule, or regulation that established inspection frequencies for the Office of the State Fire Marshal to follow nor did the Office of the State Fire Marshal

establish internal written guidelines for inspection frequency for its employees to follow.” The IAS was informed that most inspections completed by the OSFM “were based on other agencies or building owner’s requests. However, the following undocumented guidelines were communicated to the IAS by the State Fire Marshal”. The report then lists about six items. The report contains the following recommendation: “The IAS recommends that the Office of the State Fire Marshal establish a periodic inspection schedule for properties within its jurisdiction. Such a schedule should be based on risk assessment of the facility’s susceptibility to fire and the extent of a potential loss of life or property due to fire in each type of occupancy. Example, industry hospitals.” The OSFM responded, “The Office of the State Fire Marshal has identified assembly occupancies as a high-risk occupancy to initiate this process of identifying and inspecting target hazards. Inspections of these properties will commence within the second quarter of this year. However, an automatic system is necessary in order to organize and maintain a valid inspection schedule. Even with such inspection schedule, additional fire safety inspectors are needed to conduct the required inspections.” (see pages 27-29 of the final audit report)

Chairman Tochterman distributed a page from *NFPA 1730 Standard on Organization and Deployment of Fire Prevention Inspection and Code Enforcement, Plan Review, Investigation, and Public Education Operations*. *NFPA 1 Life Safety Code* has a small table giving very basic guidance on inspection frequencies. *NFPA 1730* follows the same order but gives a little more guidance. Having given this topic more thought, the Chairman views it as a two-fold problem: One at the State Fire Marshal level and the other at the local jurisdictional level. The Chairman sent Fire Marshal Geraci a letter proposing he discuss the establishment of a frequency of inspection schedule with his staff and give it consideration. More inspectors would be needed, presumably at least two for each of the five regions, as well as a data entry system to track inspections and maintain records. The Fire Marshal replied to the letter saying he welcomed the Commission’s support and he also suggested to ask for all ten positions. He suggested the letter be sent directly to the Secretary of the Department of Budget and Management David R. Brinkley. He also said the data entry program (like the one being used by Louisiana) is already in the upcoming budget request. Commissioner Bilger questioned whether the letter should go directly to Secretary Brinkley instead of Secretary Jones since the Commission is under the Department of State Police. Commissioner Bilger also questioned if the OSFM inspects all state-owned and state-leased properties, to which CFPE Bush replied most likely not. The point being as far as staffing levels, the OSFM is not even able to inspect Maryland’s own buildings where employees work. Upon inquiry from Chairman Tochterman, Ms. VanReusel said her agency would typically request additional positions through the Department Secretary and then the Department would make a formal request to Secretary Brinkley’s office during the budget cycle. When the Chairman calls Chief of Staff Hock next week he will ask for guidance and send the letter based on his advice. The Commissioners felt the idea should be discussed with the Colonel’s Office. In response to an inquiry from Commissioner Welch as to how it was determined ten inspectors would be enough, the Chairman stated that was suggested by the Fire Marshal since there are five regional offices and two for each region would be a start to establishing a minimum frequency inspection schedule for existing buildings following the guidelines of *NFPA 1* and *NFPA 1730*. He also suggested asking for all ten inspectors up front instead of a few one fiscal year and some more the next fiscal year, etc. It must also be remembered that the budget will also have to consider the cost of purchasing vehicles and equipment for the new inspectors. Commissioner Welch suggested the letter mention the lack of a minimum inspection frequency schedule was something the internal audit revealed. The Colonel’s office most likely is already aware of the audit findings but Secretary Brinkley may not be. Commissioner Alexander is an acquaintance of Secretary Brinkley but Chairman Tochterman asked that he not mention it to him until the Commission gets further direction from the Colonel’s office. Commissioner Alexander remarked that Secretary Brinkley is a very approachable person and when given options he will make attempts to reach a solution. Commissioner Bilger motioned that with amendments to the letter discussed—mentioning the internal audit and the need to inspect state-owned and state-leased facilities—and after getting guidance from the Colonel’s Office that a letter be sent supporting the need for additional inspectors for the OSFM. Second by Vice Chairman Simmons.

Chairman Tochterman solicited comments from CFPE Bush who remarked that he thought it would be better to mention the anticipated increase in overall workload rather than two more inspectors per region. Some regions may have greater workloads than others. In anticipation of the effects of the school construction program shifting to the Stadium Authority, metropolitan regions most likely will see a greater increase in needed inspections. Metropolitan areas typically also have more state-leased office space. Chairman Tochterman did not disagree and was basing the request on the Fire Marshal’s

suggestion of ten additional inspectors and the inspection data software program. The Fire Marshal would be free to assign personnel as he deems needed to accomplish the purpose. Commissioner Welch suggested to just request ten additional inspectors and not reference the regions. Commissioner Alexander suggested "Fire Marshal Geraci has apparently repeatedly requested additional inspection personnel be added to his budget. "His office operates five regional offices each of which requires two additional inspectors for even the minimal required inspection frequency to be established." He thought Ken's point was important to meet requirements for anticipated school projects and the Fire Marshal having the option to place personnel where needed. Chairman Tochtermann advised he will communicate with Chief of Staff Hock and readjust the letter as needed and distribute to the Commission members before sending. The motion to send a letter to either Colonel Jones or Secretary Brinkley requesting ten additional inspectors was unanimously carried.

Chairman Tochtermann reported that Secretary Ritchie received a public information request from a prominent attorney representing the Apartment and Office Building Association of Metropolitan Washington (AOBA). He is requesting copies of all documents pertaining to the High-Rise Safety Task Force actions, the Commission's actions, the report of the Task Force to the Commission, and the Commission's vote on identifying unsprinklered high-rise residential buildings as inimical hazards. For the benefit of new commissioners, Chairman Tochtermann provided a history of the development of the Task Force which included former Vice Chairman Joseph Scheffey, then Commissioner Tochtermann, CFPE Bush, Ron Weinholt who represented the AOBA, and Joe Felton who represented Montgomery County, which has many unsprinklered high-rise buildings. Other individuals also participated in some of the Task Force meetings and/or provided information to the Task Force. The Maryland law that all newly constructed high-rise buildings be sprinklered became effective July 1, 1974. There are well over 100 high-rise buildings constructed prior to that which are not sprinklered, not including those in Baltimore City. Baltimore County has already enacted its own local legislation and today only has three or four unsprinklered high-rise buildings. Montgomery County and Prince George's County took no local actions. The Task Force put forth a report giving several options to identify fire protection problems and sources of ignition which primarily addressed kitchen fires. The Commission in April 2018, even before receiving the Task Force's final report, decided and voted to identify unsprinklered residential high-rise buildings as identified by the Maryland law as inimical hazards. Former Vice Chairman Scheffey did not support the motion but it passed with a majority. The Commission received the Task Force's final report but took no further action. The 2021 *NFPA 101 Life Safety Code* identifies unsprinklered high-rise apartment buildings and sets a due date of 2033 for them to be sprinklered. Apparently the AOBA has discovered this requirement. The 2021 *NFPA 1 Fire Code* will require unsprinklered high-rise buildings to post signs at all the entrances indicating they are not sprinklered. Secretary Ritchie has estimated it will take at least forty hours of her labor to pull all the information. So presently she is working on that project with guidance from Assistant Attorney General Susan Baron. It is expected that once the AOBA receives all this information it will exert its influence on the State legislature to preempt the adoption of the 2021 edition of *NFPA 101 Life Safety Code*. From a firefighting perspective, when a high-rise apartment fire penetrates the exit access corridor everyone on that floor, including the firefighters entering the corridor from the stairwell, is in serious danger. Once the exterior windows fail the risk is even greater with extension to other floors.

OTHER BUSINESS

Commissioner Bilger reported the Mid-Atlantic Life Safety Conference, held virtually on September 28th, had 159 attendees. It is not yet known if the attendees were from Maryland or out-of-state. For the past several years the average attendance has been between 150 and 200. The majority of the attendees have backgrounds in public/fire/emergency services, inspections, and risk management. The conference committee will meet on October 25th to discuss the 2022 conference. It will be held either on September 20 or September 27, 2022. Reservations have been made at the Johns Hopkins Applied Physics Lab facility for both dates. They have a new caterer and Commissioner Bilger has been in contact to discuss menu selections and pricing. There will probably be a 10% increase on rental and catering. Two senior conference committee members, Becky Spicer and Karen Haje, who both worked for the MFRI, have stepped down. They served on the committee for 30 years or more and have a wealth of knowledge on the conference history. The committee may invite them to the 2022 conference to acknowledge their years of service. They are in the process of being replaced. Jim Resnick from Montgomery County has been elected president of the Fire and Burn Safety Coalition of Maryland

(FABSCOM) and will serve on the committee. A representative of the Naval District of Washington is also being contacted to serve on the committee. CFPE Bush will be providing a workshop on the code updates at the conference. With the Maryland Emergency Management Agency becoming a department, Vice Chairman Simmons suggested a workshop on emergency management and public safety. Commissioner Bilger will relay that suggestion to the committee. Another topic being considered is electric vehicles and solar panels as previously suggested by Chairman Tochtermann. In the past a nursing representative served on the committee and there were workshops in that field that drew many nursing attendees. Currently there is also no law enforcement representative on the committee. The current committee consists of representatives from the MIEMSS, FABSCOM, Baltimore-Washington International Airport, the National Fire Academy, Prince George's County, and some others who do not actively participate in the meetings. The OSFM's new Community Outreach Specialist Teresa Crisman has served on the committee for years as the Prince George's County representative. Commissioner Bilger thanked OSFM Deputy Joe Walters, MSFA Chris May, and MFRI for assisting with the virtual conference technical arrangements and providing the facility.

Vice Chairman Simmons suggested the Commission send a letter of condolence to the City of Cumberland Fire Department on the duty death of firefighter Kelly Frye. He also requested the Commission send a congratulatory letter to Howard County Fire Chief Louis Winston on his appointment to Chief.

Commissioner Welch congratulated Commissioner Bilger on his work with the Mid-Atlantic Life Safety Conference and the extra efforts it took to have it virtually. Chairman Tochtermann agreed. Commissioner Bilger was grateful but remarked that it truly was a team effort and everyone involved put in a lot of time helping to organize and set everything up.

Commissioner Alexander pointed out a correction needed to the August minutes on page five, paragraph two, line seven. "more stringent state requirements" should be "more stringent town requirements". That was a comment Commissioner Alexander made in reference to the town of Mount Airy changing their local code and failing to notify the Carroll County and Maryland State plan reviewers who were not applying the more stringent town requirements. Motion by Commissioner Sanger to approve the August minutes with the noted correction. Second by Commissioner Welch and unanimously carried.

Next Meeting – December 16, 2021 9:30 a.m.
Location – Maryland State Police Headquarters
1201 Reisterstown Road
Building C, First Floor Classroom
Pikesville, Baltimore County

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



Heidi Ritchie, Secretary