

STATE FIRE PREVENTION COMMISSION
MINUTES
April 21, 2022

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

Members Absent: None

The Fire Prevention Commission held a public meeting April 21, 2022, at 9:30 a.m. at the Materials Acquisition Center in Glen Burnie, Anne Arundel County.

Chairman Tochterman called the meeting to order. The Pledge of Allegiance was recited.

The Chairman recognized the Baltimore/Washington International Airport Fire Department and Chief Lawrence. Originally the meeting was to be held at the fire station but with three appeals having been filed, the fire department spent great effort to obtain and set up the room at the Acquisition Center and unfortunately all three appeals have been withdrawn. The Commission is very thankful to the department for accommodating the Commission.

Chief Lawrence thanked the Commission and proceeded to brief everyone on the facility's safety procedures by pointing out the exits, identifying persons knowing CPR, where to assemble outside in the event of an evacuation, and the accountability checkpoint. He then briefed everyone on the BWI Airport which is a 24-hour airport, the Executive Director and CEO is Ricky Smith, the Fire Chief is Victor Ferreira, the airport sits on 360 square acres and has three major runways. The major airline is Southwest Airlines and the major cargo hauler is Amazon. Spirit, American, Delta, United, Alaska, Frontier, and JetBlue airlines also operate at the airport. Cargo has increased almost 1,000% with Amazon at the facility but FedEx, UPS, and DHL also still operate. Prior to the pandemic, around 27 million passengers move through the airport annually. 60,000 persons come daily to the facilities which does not include the workers that support the airlines, airport, and infrastructure. There are some major construction projections occurring at the airport. Southwest is building a hangar to do depot level first echelon of maintenance. This will be the first hangar for a commercial carrier at the airport. There is terminal expansion on the A and B pier connection at a cost of about \$400 million. The restrooms throughout the terminal are being enhanced and upgraded at a cost of about \$55 million. The restrooms are the first thing passengers see when they arrive at the airport. The terminal HVAC system is being revamped at a cost of about \$20 million. The BWI fire department is specialized in aircraft rescue firefighting, maintaining a full staff 24 hours. They work 24 hours on and then are off 72 hours. There is a minimum of 16 firefighters on duty every day. The department has regular apparatus as any typical community—fire trucks, ladder trucks, two advanced life support medic units, and three aircraft rescue firefighting (ARFF) vehicles. The department not only supports the airport but also provides mutual aid to Anne Arundel, Baltimore and Howard counties as well as Baltimore City. It takes a chief to release the ARFFs for mutual aid. The fire department employees are State of Maryland employees, working under the Department of Transportation. The airport has its own fire marshal's office that oversees all of the construction. Chief Lawrence thanked the Commission for its time and Chairman Tochterman thanked the Chief for providing the overview.

The Chairman recognized Terin Hopkins, public fire protection specialist with the National Fire Sprinkler Association. Mr. Hopkins expressed appreciation for what the Commission does and to have the opportunity to come to a meeting.

Chairman Tochterman reported that all three appeals have been officially withdrawn. As such, the issue with vacation rental homes is not resolved. In response to an inquiry from Commissioner Welch, the Chairman explained persons were purchasing homes through realtors, especially in Garrett County, and after purchasing and wanting to rent them to vacationers, they run afoul with the State Fire Prevention Code depending on the particular design, rescue windows in bedrooms, sprinkler systems, and fire alarm systems. These homes are existing and many do not have sprinkler systems so the Western Region does not approve them for lodging/rooming house use and so the appeals were filed. The three appeals were based on the same type of issue because they lacked one or more of the required fire protection features. This has been going on for some time and once in 2009 the Commission heard an appeal on a similar issue and denied it. Garrett County realtors and Garrett County government are aware of the problem but neither want to address the issue. With Assistant Attorney General Baron's guidance, subpoenas were issued to the executive director of the Maryland Real Estate Commission to testify at the appeals. That is the Commission that controls the Maryland real estate industry. As late as 6:30 this morning the Attorney General Counsel for the Real Estate Commission inquired to this Commission's secretary if the subpoenas were still valid, which they were not since the appeals were withdrawn. However, Secretary Ritchie was instructed to advise that this Commission would still like Mr. Kasnic to attend to discuss the issue. Obviously he is not in attendance. He inquired what questions the Commission had and the Chairman provided the six questions he had but other Commissioners may have had additional questions they would like entertained. Mr. Kasnic offered to attend the next meeting. So eventually if another appeal is filed on a similar issue, the Chairman intends to subpoena Mr. Kasnic again.

The Commission continued with regular business, calling on Fire Marshal Geraci to provide his report.

FIRE MARSHAL REPORT

With the recent notification that the three Baltimore City firefighter deaths will be classified as fire deaths as the result of thermal injuries, the total fire deaths to date this year is 27—23 associated with residential fires and four in other settings. There have been no vehicle collision fire deaths. Two of the residential fires had multiple fire fatalities. ATF has classified the Stricker Street fire as incendiary with the three Baltimore City firefighter deaths being classified as homicide. The case remains under investigation.

Seven candidates were interviewed for the Chief Deputy position. The interview panel consisted of persons from Delaware, District of Columbia, and the Virginia Fire Marshal's Office. The selected external applicant unfortunately had to drop out. The other two highest scoring candidates are both internal applicants who the Fire Marshal will interview next week. A selection will be made in the upcoming weeks. In response to an inquiry from Commissioner Bilger, the Fire Marshal reported that the external applicant did not drop out because of the salary, it was an issue unrelated to the State Fire Marshal's Office. In response to an inquiry from Vice Chairman Simmons, the Fire Marshal reported he spoke with Colonel Jones about the two internal candidates and it was felt that there is no need to re-advertise the position.

During the first quarter of 2022, the engineers reviewed 466 plans and had a backlog of 110 plans at the end of the quarter. There were 205 investigations—172 fires, 23 explosives and 13 others. Twelve criminal cases were closed with the arrest of 18 individuals. A total of 2,491 inspections were conducted.

For the first time in a while, the major incident response team (MIRT) was called to assist Montgomery County with the apartment building fire and explosion in early March. The cause was human error with a maintenance staff mistakenly cutting a gas pipe instead of a plumbing drain line in the basement. After going back upstairs not knowing of the error, the escaping gas caused a flash fire in an apartment. He and the occupant escaped to a stairwell and then the explosion occurred. Had they not been able to escape to the stairwell they most likely would have been killed by the explosion. Fourteen individuals were transported, one in critical condition. Everyone was eventually released. The Fire Marshal explained that all jurisdictions are familiar with the State Fire Marshal's MIRT. There are three

10-person teams on a rotating schedule consisting of certified fire investigators, bomb technicians, accelerant detection canines, and a fire protection engineer. One of the agency's response vehicles is also utilized on the team. The Deputy Chief who is on-call when the team is requested is in charge of liaison between the team and the local jurisdiction. The FARO, 3D scanner, and drone are also utilized. So there is a lot of expertise and equipment that can be helpful to local jurisdictions. Team members come from all areas of the state and can usually be at the scene in two to three hours. In most cases the team responds the day after the incident.

Sparky's 71st birthday was celebrated in the Maryland Senate Chambers on March 18th. The agency canines attended the event. The senate issued a resolution recognizing Sparky for his many years of providing public fire safety education and senators spoke highly of the fire service.

The General Assembly session is over. The corrugated stainless steel tubing (CSST) for gas piping passed and was signed by the Governor. The bill will require all new installations for natural gas and propane service to be non-arc jacketed CSST. The per- and poly- fluoroalkyl substances (PFAS) bill also passed and was signed today. There will no longer be any foam with PFAS. The bill also identifies some other banned materials but the foam was the biggest. The Department of Environment is handling how it will be disposed. Another bill that passed and will be signed is for the state to pick up expenses for retired canines.

Fire Marshal Geraci provided a list of companies that have not submitted all their MFIRS reports for 2021, which includes Marydel, Hooper's Island, Rock Hall, West Side, Bishopville, Annapolis, and Sudlersville. Howard County is having a vendor software issue which is getting resolved. The Chairman has been in touch with Howard County and explained the 508 funding issue. They were aware of the software issue but didn't realize the potential consequences of not submitting reports on time. The Chairman also spoke with Joel McCrea, the president of the Maryland State Firemen's Association (MSFA). If reports are still delinquent in June, the Commissioners will have to discuss what action to take. Annapolis and Anne Arundel County were also having issues with the same vendor but they got it resolved and are submitting reports. During the course of the meeting Commissioner Faust, a member of Sudlersville, contacted the Fire Chief who advised the reports will be turned in this evening. When the Chairman receives the updated list of delinquent companies, Secretary Ritchie will forward it to all the members. Fire Marshal Geraci stated he is required by statute to send a letter in July to the director of the Maryland Department of Emergency Management (MDEM) as to what departments are delinquent. If one company in a county is delinquent, then that makes the entire county delinquent. MDEM distributes the 508 funding. This will be the first fiscal year that MDEM is handling the distribution of funds since it was transferred from the finance division. Chairman Tochterman read the statute with Assistant Attorney General Baron providing input. The Fire Marshal is required to provide notice of compliance to the director by July 1st. The Fire Marshal advised he has a policy as required by statute to determine compliance and that policy is if any company in a county is delinquent, then the county is considered delinquent, and that is how he reports it. The MFIRS reports are submitted to Allison Nicodemus who is responsible for processing the reports and she provides the Fire Marshal with the status of companies submitting reports. The director distributes the 508 funds to compliant counties who then distribute it to the various companies. The director does not have the authority to overrule the statute and give the 508 funds to counties that have been reported delinquent by the Fire Marshal.

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

CHIEF FIRE PROTECTION ENGINEER REPORT

Chief Fire Protection Engineer Kenneth Bush introduced the Western Regional Contract Fire Protection Engineer (FPE) Dan Hoang who came to the meeting to testify for the appeals that are now withdrawn. Since the retirement of the other part-time Western FPE Iseminger, FPE Hoang is picking up a good deal more work. The full-time Western FPE position remains vacant even after being advertised for several years now. It is hoped the other part-time FPE position can be advertised in the near future. The Southern Region recently was assigned a new engineer. The Western Region is the only region without full-time engineering staff.

Secretary Ritchie has been in contact with Sgt. Gosnell, the State Police Legislative Coordinator, who has been in contact with Ms. MacDonald with the Division of State Documents. The proposed amendments to the State Fire Prevention Code should be published in the Maryland Register on May 6th. If for some reason they miss the deadline, it will be published in the next edition. It is published every two weeks. Once published there will be a 30-day written public comment period. A public hearing will need to be scheduled at which any written public comments can be discussed as well as any presented at the public hearing. The Commission must wait 15 days after the hearing to vote on the final proposal. The final notice will then be published in the Maryland Register with an effective date 10 days after publication or a date established by the Commission thereafter. Once adopted, CFPE Bush will contact NFPA to arrange for virtual training sessions for the local and state fire authorities. Delaware has asked to be included in the virtual training. The training will cover updates on the 2021 editions of NFPA 1 and 101 as well as the Maryland amendments. After that the next step would be to get a Maryland version of NFPA 1 and 101 published.

FPE Bradley, Northeast Region, has been working with the Maryland Stadium Authority (MSA) on the school construction review and inspection process. He has not received any official updates as to the MOUs that the MSA are working on with local fire and code officials. Once that is resolved the Fire Marshal's Office will have a better idea of the impact it will have on the office. CFPE Bush says the issue hasn't been discussed with the fire marshal subcommittee local jurisdiction members because until the MOUs are finalized it is unsure who will be doing the inspections. They are aware the MOU process is ongoing.

FPE Hoang addressed the Commission with a brief background. He worked for the State Fire Marshal's Office as a fire protection engineer and then retired. He came back as a part-time contractual FPE working two days a week. He received his engineering degree from the University of Maryland. He also has a doctorate degree from the Catholic University of America and teaches biblical studies to ministers.

CHAIRMAN'S REPORT

Chairman Tochterman reported the tracking of third quarter Commission expenses totaled \$508.95.

Responding to an inquiry regarding Prince George's County progress on high-rise sprinklers, Fire Marshal Geraci stated the county is moving forward.

Responding to an inquiry regarding the new budget and the Fire Marshal's request for ten new fire safety inspectors, Fire Marshal Geraci stated he has not heard anything further.

OTHER BUSINESS

Commissioner Bilger provided an update on the Mid-Atlantic Life Safety Conference. It is still scheduled for the Johns Hopkins facility on September 20th. Howard County will provide the honor guard. MFRI will print the flyers which should be available in June. He is working with MIEMSS to establish continuing education credits. Cynthia Wright-Johnson with MIEMSS is on the conference steering committee. Teresa Crisman with the State Fire Marshal's Office is now the co-chair of the committee. Regarding the status of the past committee members who were to be recognized at the conference, Karen Haje has moved to Georgia and most likely will not be attending; Jim Brown doesn't feel there is a need for him to be recognized; and Commissioner Bilger has not received a response from Becky Spicer. Everything else is moving forward for the conference.

Commissioner Alexander will be contacting the National Fire Sprinkler Association for use of its conference room for the October meeting. The June meeting will be Tuesday June 21st in Ocean City. Commissioner Alexander will be involved with the MSFA awards ceremony that morning. The Commission meeting will start at 11:30 to assist with scheduling conflicts. The August meeting will be at the Savage Volunteer Fire Department in Howard County. The December meeting most likely will be in Pikesville.

Commissioner Faust reported that several years ago he and the MSFA President Joel McCrea were discussing the need to address PTSD and suicide prevention for volunteers and fire service personnel in general. The MSFA established a task force that is chaired by Teresa Crisman. Commissioner Faust's wife serves on the task force. Suicide is becoming a leading cause of death in the fire service. While this is not directly a topic for the Commission, it is an important issue.

Motion by Commissioner Bilger, second by Commissioner Faust, and unanimously carried to approve the February 17, 2022, minutes.

Next Meeting: Tuesday June 21, 2022 — 11:30 am.
Location: Roland E. Powell Conference Center
Mezzanine Board Room
4001 Coastal Highway
Ocean City, Worcester County

There being no further business, motion by Vice Chairman Simmons, second by Commissioner Sanger, and unanimously carried to adjourn the meeting.

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

A handwritten signature in blue ink that reads "Heidi Ritchie". The signature is written in a cursive, flowing style.

Heidi Ritchie, Secretary