

**STATE FIRE PREVENTION COMMISSION
MINUTES
June 21, 2022**

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

Members Absent: Mark Bilger
Emily Devan

The Fire Prevention Commission held a public meeting June 21, 2022, at 11:30 a.m. at the Roland E. Powell Convention Center in Ocean City, Worcester County.

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

The Chairman recognized former Chief Fire Protection Engineer John Bender, Mrs. Celeste Simmons, wife of Vice Chairman Simmons, recently promoted Chief Deputy State Fire Marshal Jason Mowbray, and former State Fire Marshal William Barnard.

FIRE MARSHAL REPORT

Fire deaths to date total 33—27 in residential structures, one due to a vehicle collision with fire, and five in other settings. Four causes of deaths are pending with the Medical Examiner's Office. There have been three residential multiple fatality fires.

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. The 2021 Fire Fatality Report was distributed to the members. There were a total of 63 deaths in 2021.

After 27 years of service, Fire Safety Inspector Bill Jiles of the Northeast Region has retired. During his service he performed over 40,000 inspections. Fire Marshal Geraci extended him well wishes in his retirement.

Jason Mowbray, the former Western Region Commander, has accepted the position of Chief Deputy State Fire Marshal. During his first few weeks as Chief he has done a great job and the Fire Marshal is happy to have him on the senior management team. Congratulations were extended to Chief Mowbray.

The following deputies were recognized as the Regional Deputy State Fire Marshal of the Year:

Robert "Rocky" Reed – Western Region
Kirby Travers – Lower Eastern Shore Region
Josh Matthews – Southern Region
Pete Raia – Northeast Region
Brad Childress – Upper Eastern Shore Region
Dale Ednock – Bomb Squad Unit

Deputy Reed was this year's recipient of the James C. Robertson Award for the Deputy State Fire Marshal of the Year. He retired as a Lieutenant from the Cumberland Police Department and has been with the Office of the State Fire Marshal (OSFM) for four years.

The OSFM partnered with the Delaware State Fire Marshal's Office and the National Fire Sprinkler Association as part of the Community Risk Reduction project at the NASCAR race at Dover International Speedway in Delaware. Attendance at the race is usually around 100,000 so a lot of people were able to get various fire and life safety information. The OSFM was present with its newly updated "Pit Box".

The "Pit Box" is present today on the first floor of the convention center. The OSFM has also partnered with the Fire and Burn Safety Coalition of Maryland to have a booth at the convention center. Mr. and Mrs. Cohen, parents of Deputy Chief State Fire Marshal Sander Cohen who was killed in the line of duty, are present at the booth promoting the Sander Scholarship Foundation. Commission members are encouraged to visit both displays.

May was a busy month with community outreach projects with Arson Awareness Week, Home Fire Sprinkler Week, National Police Week, and National EOD Day.

Prince George's County has reported they have a total of 58 high-rise structures. Nineteen are fully sprinklered, 29 are partially protected, and 10 have no sprinkler protection. They continue efforts to get all the structures fully sprinklered.

The Fire and Explosion Investigation Advisory Workgroup met in May. They continue to work on certifications and curriculums for a fire investigation academy. Drafts should be available at the end of the year for the Commission's review and comment.

Total reported fires for 2021 was 12,324 of which 5,067 were structure fires. The estimated property loss was \$129,658,617. Civilian fire injuries were down 20% from 2020 with 87 injuries reported in 2021 and 109 reported in 2020. Fire service injuries for 2021 was 63. There were six line of duty deaths—five were COVID related and one occurred on the fire grounds. Based on MFIRS data, smoke alarms operated in 561 incidents alerting the occupants in 428 events. Sprinklers were present and operated in 169 incidents and were effective in 50 of the incidents. The MFIRS numbers are incomplete as Baltimore City has not yet submitted its last quarterly report and Howard County has submitted no reports for 2021. They are still having vendor programming issues. There are a few companies from the Eastern Shore area that also have not submitted all of their reports. Both Chairman Tochtermann and Commissioner Faust have reached out to the Chief of Rock Hall and Commissioner Faust will contact him again about delinquent reports.

The annual fireworks press conference was held June 13th at 10:00 a.m. at the Howard County Training Academy. The press conference was previously held at Oregon Ridge in Baltimore County under previous Fire Marshals. The Bomb Squad will be involved with the presentation.

In response to an inquiry from Chairman Tochtermann, Fire Marshal Geraci reported there are no updates to the lodging and rooming house situation in Garrett County. The three appeals were withdrawn. The former regional commander has reached out to the owners advising them of the need to comply.

Garrett County has hired its own Fire Marshal and a Memorandum of Understanding between the OSFM and county will be in place. The county will be doing plan reviews and fire code enforcement. The State will still be responsible for plan reviews and inspections of state-owned buildings, schools, daycare/foster care, nursing homes, and ambulatory health care facilities. The State will also still handle fire and explosive investigations as well as fireworks displays. The Fire Marshal has prepared and will send a letter making it clear that they cannot change the State Fire Prevention Code or interpret it differently than interpreted by the State. The Garrett County Fire Marshal is a competent individual with years of service in Virginia, Maryland, and the Washington Airport Authority.

In response to an inquiry from Chairman Tochtermann, Fire Marshal Geraci reported he has not received any update on the request to hire ten additional inspectors.

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

CHIEF FIRE PROTECTION ENGINEER REPORT

Chief Fire Protection Engineer (CFPE) Kenneth Bush reported only one comment was received on the proposed amendments to the State Fire Prevention Code. The comment pertained to elevators. Chairman Tochterman advised he forwarded the comment to the Department of Labor and Industry which enforces the State elevator code. The written comment period ended June 6th. The public hearing is scheduled for August 18th in Savage.

Training for the 2021 NFPA codes and State amendments are being coordinated with NFPA's Mid-Atlantic Regional Representative Robby Dawson. They are working on a training program for the NFPA codes and CFPE Bush will present training on the State amendments. The training will be an on-line format to reach as many people as possible. It will be possible to track who attends and issue continuing education credits and certificates. Two sessions will be offered and spread out to accommodate attendee schedules. Delaware has requested and its personnel will be offered the opportunity to be included in the training sessions. Hopefully the sessions can be scheduled before the effective date of the adopted amendments. A code update workshop will also be offered at the Mid-Atlantic Life Safety Conference.

The OSFM recently had a question about the certification process for testing labs and agencies that handle the certification process. Prior to 2013 the OSFM maintained a list of approved labs. The list was replaced with a list of agencies that actually certify the labs and is posted on the OSFM's website. An agency wanted to be added to the list but no one in the OSFM was able to provide any information on how that process took place. CFPE Bush contacted retired CFPE Iseminger who also chaired the State Fire Prevention Code Review Committee at the time the change took place. He advised there was no formal process and the OSFM accepted applications from the various certification agencies and reviewed their background, technical training for various staff members and the acceptance of that agency by other governmental jurisdictions. The recent request was from the American National Standards Institute. They were requested to provide the OSFM with their background information for consideration.

CFPE Bush recently attended the NFPA annual meeting in Boston. He presided over two different technical sessions. One was for NFPA 70 National Electrical Code which does not have a lot of bearing on the OSFM. The other was for NFPA 25, the sprinkler testing standard. There were no significant motions or changes.

In response to an inquiry from Chairman Tochterman, CFPE Bush advised there have been no changes on the fee collection process.

In response to an inquiry from Chairman Tochterman, CPFE Bush advised the Stadium Authority is still working on the Memorandums of Understanding for school construction projects. From his understanding the MOUs may vary depending on how each county wants to handle things.

Regarding the new Garrett County Fire Marshal, CFPE Bush reported that when the OSFM has received plans and permits for construction of or change of use to a lodging and rooming house, the OSFM has been applying the NFPA lodging and room house requirements for any occupancy that is intended to be rented to more than five guests.

CHAIRMAN'S REPORT

Chairman Tochterman reported the tracking of fourth quarter Commission expenses will be provided at the August meeting.

Chairman Tochterman invited Chief Mowbray to give a briefing of his background and history. Chief Mowbray thanked the Commission for its welcome and he looks forward to working with the Commission. He began employment with OSFM in 2001 assigned to the Western Region. He progressed to Deputy Chief, commanding the Western Region. His career has essentially been with enforcing the State Fire Prevention Code and conducting fire investigation in Frederick County and westward. He also has a lot of experience and background with Garrett County at different levels throughout his OSFM

career. He graduated from Montgomery College with a degree in Fire Science and Fire Investigation and also has a Criminal Justice Degree from Allegany College. He is a Certified Fire Investigator. While he has never participated in the Bomb Squad or canine disciplines, he has a lot of experience working with them. In Western Maryland the deputies focus both on fire and explosive investigations as well as code enforcement. During his tenure he has also been involved with appeals to the Commission and has testified at those hearings. He was the Deputy Chief in Western Maryland for fourteen years. He commented that the Western Regional Secretary Heidi Ritchie is great to work with and taught him the ropes and keeps things moving efficiently. He is very excited about the new challenges and opportunities as Chief Deputy.

Chairman Tochtermann inquired as to Allegany County who was reluctant to embrace the residential sprinkler requirements. Chief Mowbray advised that is an ongoing work in progress. The residential sprinkler requirements are no longer an issue since the OSFM now oversees enforcement. Allegany County requires permits for all new one- and two family dwellings and forwards those applications to the OSFM. Mrs. Ritchie then sends a form letter to the owners informing them of the sprinkler requirements. The OSFM performs the plan reviews and witnessing of tests for all the 13D residential sprinkler systems. Allegany County requires very few building permits so it is a bit of a challenge to stay apprised of smaller projects, like tenant fit outs or changes of use that do not require a building permit. When a commercial permit or multi-residential permit is applied for, the county does notify the OSFM so that proper plan reviews and inspections can be conducted.

Regarding the Garrett County appeals that were withdrawn, Chief Mowbray advised the OSFM has notified them of the need to comply with the State Fire Prevention Code requirements for lodging and rooming houses. One has requested a reasonable timeline to work with contractors on getting quotes and setting up the financing. She is operating her home as a single-family with a five guest limit with the hopes of expanding to additional guests. Regarding other Garrett County dwelling permits, many are either not responding to our letters or respond back that their six- or seven-bedroom dwelling will be their private home. We believe that some have the expectation that Garrett County will be taking over code enforcement at which time they believe they can reapply and the code requirements will be different. Essentially, the Chairman of the Garrett County Board of Commissioners has said the whole purpose of hiring their own fire marshal is to apply a different interpretation of the Code. Hopefully the OSFM can work with the new fire marshal who is well credentialed and has a lot of experience. Chairman Tochtermann commented that the local interpretation is not applicable which Fire Marshal Geraci reported he has made clear to them. Speaking on his own behalf, Chairman Tochtermann stated he was disappointed that all three appeals were withdrawn. The Chairman of the State Real Estate Commission was subpoenaed to testify as it is apparent that realtors in Garrett County are part of the issue.

Chief Mowbray thanked the Commission for the opportunity to present his background and discuss the Western Maryland issues. He is humbled to have been chosen as an internal candidate for the Chief's position and looks forward to working with the Commission on code enforcement issues in the years to come. Chairman Tochtermann looks forward to the continued good relationship the OSFM and the Commission have had and he expects it will continue under Chief Mowbray's leadership.

Chairman Tochtermann reported the August 18th meeting will be held at the Savage Volunteer Fire Company. Commissioner Alexander had mentioned in April that he was setting up the August meeting at a facility offered by the National Fire Sprinkler Association (NFSA) who also offered to provide lunch. After consulting with Assistant Attorney General Susan Baron, it was decided this would not be a good idea. After speaking again with Commissioner Alexander, who disagreed, Chairman Tochtermann called the General Counsel of the Maryland Ethics Commission. He thanked the Chairman for being proactive by inquiring prior to making the meeting arrangements. He agreed this would not be a good idea as more than likely the NSFA was listed as a lobbying agency and there may be laws or regulations that could impact both sides. Chairman also discussed the matter with Commissioner Devan, who also is an attorney. She too was uncomfortable with such arrangements for a meeting. He then personally contacted Terin Hopkins with the NFSA and explained the issue to him. He was grateful and said he understood perfectly and it was no problem. Chairman Tochtermann provided this explanation so that everyone was aware of what transpired to change the August meeting location to Savage. He gave Commissioner Alexander an opportunity to comment.

OTHER BUSINESS

Vice Chairman Simmons had nothing to report but asked everyone to keep the family of Wicomico Deputy Sheriff Glenn Hilliard, who was tragically murdered, in their thoughts and prayers.

Commissioner Alexander advised he will be unable to attend the August meeting as he will be having knee replacement surgery the week before. The location for the October meeting has yet to be finalized. He asked everyone to also keep the family of and members of the Northeast Fire Department in their thoughts and prayers. A member of the department was run over and dragged down the Coastal Highway last night. Commissioner Alexander was unclear what the public comment about elevators was all about. Chairman Tochterman advised a representative from the Department of Labor will be attending the public hearing on the amendments in August. The elevator comments had to do with disconnecting means and documents.

Commissioner Stevens congratulated Chief Mowbray on his promotion. Commissioner Steven's son is a Deputy Chief with the OSFM and also applied for the position. His son said that a good man was picked to fill it.

Former Fire Marshal Barnard stated he was happy to see the work of the Commission continue. He has personally known several members and has worked with them over the years. Having retired as the State Fire Marshal nine years ago, he still continues working behind the scenes in various ways. Mr. Barnard recognized Commissioner Stevens from the Maryland Fire Service Professional Qualifications Board for receiving the Russell Strickland Award yesterday for his lifetime service in the area of training and qualifications. Commissioner Stevens thanked him for the recognition. Mr. Barnard also called Chief Mowbray to congratulate him on his promotion to Chief and they had a good chat. Chief Mowbray commented that he was actually the first person that former Fire Marshal Barnard hired. Mr. Barnard also commented that back in the early days when staffing was short and Rick Kosko retired, then Deputy Chief Mowbray picked up a lot the OSFM IT responsibilities in addition to all his other duties. That was very much appreciated.

Motion by Commissioner Alexander, second by Commissioner Faust, and unanimously carried to approve the April 21, 2022, minutes.

Chairman Tochterman reported that on June 30, 2022, Commissioner Welch will have completed her ten-year term on the Commission. Being an election year, the current Governor will not take any action to name a replacement so Commissioner Welch will continue to serve until the new Governor appoints a replacement. Chairman Tochterman presented a proclamation from Governor Hogan to Commissioner Welch which read, "Governor in the State of Maryland to Stacy Welch, Maryland State Fire Prevention Commission. Greetings. Be it known because of your demonstration of high integrity and ability meriting our great trust and respect, we are most pleased to award you the Governor citation in appreciation of your outstanding services to the citizens of the State." Commissioner Welch commented it has been a pleasure working with the Commission and thanked everyone, noting that she does not intend to continue on for another ten years.

Next Meeting: Thursday August 18, 2022 — 10:00 am.
Location: Savage Volunteer Fire Station
8521 Corridor Road, Upper Level
Savage, Howard County

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

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



Heidi Ritchie, Secretary