

STATE FIRE PREVENTION COMMISSION
MINUTES
June 20, 2023

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

Members Absent: Mark Bilger
Emily Devan
Stacy Welch

The Fire Prevention Commission held a public meeting on June 20, 2023, at 11:00 a.m. at the Roland E. Powell Convention Center in Ocean City, Worcester County.

Chairman Tochterman called the meeting to order.

The Chairman recognized Celeste Simmons, wife of Vice Chairman Simmons; former State Fire Marshal William Barnard; and Ryan Washington with the Apartment and Office Building Association (AOBA).

FIRE MARSHAL REPORT

Chief Deputy State Fire Marshal (CDSFM) Jason Mowbray presented the Fire Marshal Report.

Fire fatalities to date in 2023 are 38—30 in residential structures, 6 associated with vehicle fires, and 2 in other settings. There are currently 14 deaths pending cause of death by the Chief Medical Examiner. There were no residential fire deaths in the month of April.

Fire Marshal Geraci issued an open letter to all Marylanders focusing on the five pillars of fire safety. The Office of the State Fire Marshal (OSFM) coordinated with local fire services to spread the message during the Community Risk Reduction (CCR) Weekend. OSFM personnel inspected and visited over 100 homes and installed 352 smoke alarms.

In addition to the CCR weekend, OSFM employees also participated in several other events during the month of May—Home Fire Sprinkler Week, Arson Awareness Week, Safe Boating Week, and the Maryland State Police Memorial Service.

In 2022, Maryland fire departments reported a total of 13,413 fires of which 4,183 were residential structures. There were 62 civilian injuries, 70 civilian fire deaths, 75 fire service injuries, and 9 fire service deaths. Three deaths were on the fire ground, four medical emergencies, and two as the result of COVID. The total estimated dollar loss was \$268 million. Smoke alarms were present in 929 incidents. Residential sprinklers were present in 154 incidents. All these statistics represent an increase over 2021. There was however a 16% decrease in fire incidents that were incendiary in nature. In a response to an inquiry from Commissioner Stevens, Fire Marshal Geraci reported they did not go back prior years to reclassify if any deaths were COVID related.

During yesterday's Fire Marshal report to the Maryland State Firemen's Association (MSFA), the OSFM Deputy of the Year was recognized. As in past years, each regional commander and the bomb

squad commander nominated a Deputy from their unit. The nominees are evaluated by an Awards Review Committee who makes the final selection, a difficult decision since all the nominees each year are quality employees. This year's nominees were the following:

Timothy McDonald – Lower Eastern Shore Region
John Grothe – Upper Eastern Shore Region
Helys Valles – Southern Region
William Pennock – Northeast Region
Adam Rounds – Western Region
Michael Redding – Bomb Squad Unit

The combined group has a total of 22 years experience which is a young group of nominees. Five Deputies have less than five years and one has less than ten years. This is considered an accomplishment for the agency's recruitment efforts to hire quality applicants. Deputy Helys Valles was selected to receive the James C. Robinson Award for Deputy State Fire Marshal of the Year. Unfortunately she was unable to attend the ceremony to accept the award since she was out of the country on a pre-planned vacation. Fire Marshal Geraci did congratulate her prior to her trip and will present the award to her in person at a ceremony in the Southern Region.

This concluded the Fire Marshal Report.

Fire Marshal Geraci asked if he should prepare a report for the July meeting in Pikesville since there is only one month between meetings. Chairman Tochtermann would like a report even if it will be minimal.

CHIEF FIRE PROTECTION ENGINEER REPORT

Chief Fire Protection Engineer (CFPE) Ken Bush reported a full-time FPE for the Western Region will begin employment July 11th. He is a resident of Frederick County and has experience in both the private and public sector. He was an FPE in Montgomery County for a while. Additionally an intern has also started working part time during the summer in the Western Region through an MSFA grant. He is in the fire protection engineering curriculum at the University of Maryland. The Eastern Shore engineer is still on care and nurturing leave and should return mid-July. This will leave the FPE staff with one part-time contractual position to fill.

CFPE Bush reported there has been nothing published as of last Friday's Maryland Register regarding adoption of the 2021 codes. NFPA is meeting this week in Las Vegas and a vote on the 2024 editions of NFPA 1 Fire Code and NFPA 101 Life Safety Code will take place Thursday. Both codes have been well referenced as part of the State Fire Prevention Code for many years. The International Fire Marshal's Association has submitted a certified amended motion to address the valet trash issue. There are several proposals to be introduced Thursday from an outright ban on valet trash to special protection features, particularly in existing buildings where valet trash services are now being used. For the 2021 code cycle (which have not been adopted), Maryland proposed an amendment to ban valet trash.

CHAIRMAN REPORT

Chairman Tochtermann concurred that CFPE Bush was correct in his report of the Maryland Register and the 2021 code adoption status. The Chairman left a message for 1st Sergeant Gosnell on June 2nd requesting that he contact the Maryland Register to determine when the code update amendments would be published. On June 5th, 1st Sgt. Gosnell acknowledged he would "call his contacts in Annapolis to try to get answers to my questions" and get back to me by the end of the week. Having heard nothing the Chairman asked Vice Chairman Simmons to stop by the Maryland Register's Office the

following week, which he did. Thanks were extended to Vice Chairman Simmons for his efforts. However, he was turned away by the guard since he did not have a prior appointment. As a result of being turned away, Mary McDonald, the Senior Editor for the Maryland Register, contacted Secretary Ritchie to inquire as to what Vice Chairman Simmons wanted. Secretary Ritchie and Ms. McDonald typically are in contact with each other regarding items that need published in the Maryland Register. Secretary Ritchie prepared the long history of the submission and it being withdrawn by Colonel Jones. Ms. McDonald advised she would search the Maryland Register as well as contact the AELR Committee directly. As of June 13th Ms. McDonald advised no recent resubmittals or any revised economic impact statement were received for review or publication and that the last review conducted by the AELR Committee was the Commission's original submittal in May 2022, and the Commission's submittal to publish the proposed action to amend the State Fire Prevention Code, which ultimately was then withdrawn by Colonel Jones after the Commission held its public hearing and requested Maryland State Police publish the final notice of adoption. Having inquired to Secretary Ritchie if she could recall any such conflict between the Commission and State Police, she replied no. The 2021 code adoption process has been totally derailed, and in the Chairman's personal opinion he believes it has to do with the AOBA and the high-rise retrofitting sprinkler controversy.

Commissioner Alexander eloquently voiced his opinion about the matter at the April meeting. Previously, Commissioner Bilger advised the MSFA has no intention of publishing the Fire Laws of Maryland book since the 2021 codes have not been adopted and the 2024 editions will be coming out this fall. CFPE Bush reported the code books are typically distributed at the August NFPA Standards Council meeting and should be published in October or November. It may only be the electronic version at that time. The Chairman entertained a motion, should the Commission desire, that on behalf of the entire Commission he notify the Maryland State Police that the Commission is no longer interested in the adoption of the 2021 codes and will pursue adoption of the 2024 codes instead. All the Commissioners agreed. Motion by Vice Chairman Simmons to take the action recommended by the Chairman, second by Commissioner Alexander, and carried unanimously. Chairman Tochtermann stated he would send all the Commissioners a draft of the letter for comment before sending it to Colonel Butler.

In consideration of adopting the 2024 editions, Chairman Tochtermann advised he intends to send a letter to the 2021 Code Update Review Committee members advising them of the 2021 status and invite them to again participate in the review of the 2024 codes. CFPE Bush recommended that due to retirements some new participants may be interested so he suggested putting something in the letter that if anyone knows someone who may be interested, they should contact the Commission. Secretary Ritchie should have a record of the 2021 participants

Chairman Tochtermann inquired as to the status of fire code enforcement in Garrett County. The Fire Marshal advised that with the Garrett County Fire Marshal's resignation, the State has rescinded the Memorandum of Understanding (MOU) with the county. The OSFM is again conducting inspections and plan reviews and will continue to do so until a new county fire marshal is hired and a new MOU is signed. CDSFM Mowbray advised they have not advertised the position yet. The Garrett County Director of Emergency Services, the county fire marshal's direct supervisor, will be retiring at the end of the year. His position has been advertised and interviews conducted. It is assumed they intend to also fill the position of the fire marshal. The Western Region personnel and secretary are doing a very good job working with the county and new Western Regional Commander Beall at sorting through all the permits. There apparently was little communication between the county fire marshal and the county permits office so the situation has been very confusing.

The Chairman inquired as to the status of hiring the ten new inspectors. Fire Marshal advised all the requirements are in place and will be advertised in July. CDSFM Mowbray reported he was not completely up to speed with the process but it is truly historical to be able to hire ten additional inspectors.

When he first started, Deputies were doing both inspections and investigations, so unexpected fires always interfered with scheduling.

Regarding the Commission membership, the Chairman reported that Vice Chairman Simmons is not seeking a second term due to other commitments to the Governor's Office. Commissioner Alexander also will not be seeking a second term. When Commissioner Faust was asked if he was seeking a second term, he advised he is willing to serve until replaced and he has been contacted by a person who may be interested. Commissioner Faust's term expired June 30, 2022. Chairman Tochtermann reminded him that regardless of what he decides, he needs to either formally apply for a second term or send notice to the Governor's Appointment Office that he will not be seeking a second term. Commissioner Sanger will seek a second term. Commissioner Welch's second term expired in June 2022 and she will try to continue to serve until replaced. In June 2024, Commissioners Bilger's and Devan's second terms will expire. The Commission is getting to a position where it may be difficult to attain a quorum. The Chairman will ask Secretary Ritchie to contact the Governor's Appointment Office to ascertain the status of appointments and re-appointments.

The next Mid-Atlantic Life Safety Conference is scheduled for September 19, 2023. The Chairman plans to attend and encourages everyone to do so.

The Commission is required to review the fee schedule once a year. CFPE Bush was contacted regarding the fee program. CFPE Bush reported that the OSFM's administrator of the fee program indicated she does not see a need to recommend any changes. Motion by Commissioner Sanger that no changes in the fee schedule is needed, second by Commissioner Faust, and unanimously carried.

Since the Commission is required to meet six times per year, a meeting will be held July 20th at 10:00 a.m. at the Pikesville Volunteer Fire Department to make up for the non-quorum April meeting. The August 17th meeting at 10:00 a.m. will be at the Laurel Municipal Building. Commissioner Faust mentioned the Kent Island Fire Station just about 2 miles from the Bay Bridge may be suitable to host the October 19th meeting. Commissioner Faust will contact the Station to make arrangements.

The Commission's annual report to the Governor will be due in September. Anyone with any suggestions on what to include should contact the Chairman or Secretary Ritchie.

OTHER BUSINESS

Vice Chairman Simmons congratulated Commissioner Stevens on his award from the Maryland State Firemen's Association. Commissioner Faust also extended congratulations to Commissioner Stevens who received the Gladhill-Thompson Award from the MSFA. It is the highest honor the Association presents each year. Commissioner Stevens is a member of the Waldorf Volunteer Fire Department and the award is given to the person who has made outstanding contributions to the Maryland State Firemen's Association.

Vice Chairman Simmons inquired to Fire Marshal Geraci if the recent dismissal of Baltimore City Fire Marshal Ready and the rotation of acting Chiefs was affecting the OSFM, to which the Fire Marshal responded it had minimal affect since the OSFM is not requested to provide much assistance to Baltimore City. The OSFM Bomb Squad continues handle all bomb squad issues in Baltimore City while city personnel work on getting recertified. They are scheduled to attend the Hazardous Devices School and should complete recertification in 12 to 18 months.

Commissioner Alexander will not be seeking a second term and today is his last Commission meeting. With the upcoming retirement of Fire Marshal Geraci, Commissioner Alexander thanked him for his support and cooperation. Having worked with him since 1979, and with the Fire Marshal's experience

working for various organizations, he has demonstrated his competence and will be missed greatly. Maryland has had great Fire Marshals throughout its history and hopefully that will continue.

Commissioner Alexander thanked everyone and expressed his appreciation for the consideration he has received. He was pleased to serve on the Commission and sends best wishes to everyone moving forward. He will still be available to lend any assistance or guidance if needed.

On the last page of the February minutes, a correction is needed to Commissioner of Labor and Industry Helminiak's statement about the building codes. The amendments were published for public comment but the 2021 building codes were not at that time officially adopted. Motion by Commissioner Faust to correct the minutes, second by Commissioner Stevens, and unanimously carried.

On the last page of the April minutes, a correction is needed that CDSFM Jason Mowbray, not Fire Marshal Geraci, is the person who recognized the Northeast Region Fire Protection Engineer Harry Bradley. Motion by Commissioner Alexander to correct the minutes, second by Vice Chairman Simmons, and unanimously carried.

Vice Chairman Simmons expressed that although he will not be seeking a second term, he is dedicated to serving until replaced. He plans to attend the Mid-Atlantic Conference in September.

Vice Chairman Simmons recognized Terry Thompson for all he has done for the Maryland Fire Service. Mr. Thompson was a fire service professional with over 50 years experience. He passed away a few weeks ago and condolences were extended.

Former Fire Marshal Barnard expressed his pleasure in being able to attend today's meeting. He understands the frustration the Commission has expressed on the code adoption delays. As the former Fire Marshal he is well aware of the hard work the engineering staff and committee members put into reviewing the codes and amending the regulations accordingly. It is important to continue to work on updating the codes regularly.

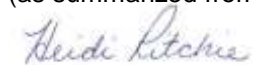
Mr. Washington reported he too is perplexed in the 2021 code adoption process as it was his understanding from the last meeting that revisions were made to the fiscal impact. Unfortunately it appears that was not the case. He plans to continue attending the Commission meetings and to provide comments the Association may have on the 2024 codes. It is important to work together to make improvements. The AOBA is providing resources in fire safety to its members for distribution to residents, especially in high-rise buildings. The AOBA is commissioning a study on the fiscal impacts of retrofitting high-rise buildings and intends to share it with the Commission. It is anticipated the study will identify the different construction types and base cost estimates on that as well as other factors.

Next Meeting: Thursday July 20, 2023 — 10:00 am.

**Location: Pikesville Volunteer Fire Department
40 E. Sudbrook Road, Conference Room
Pikesville, Baltimore County**

There being no further business, motion made and seconded to adjourn. Carried unanimously.

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



Heidi Ritchie, Secretary