

STATE FIRE PREVENTION COMMISSION
MINUTES
April 20, 2023

Members present: Edward S. Tochterman, Chairman
Kevin Simmons, Vice Chairman
Douglas Alexander

Member Absent: Mark Bilger (excused)
Emily Devan
Michael Faust
Randy Sanger (excused)
Daniel Stevens
Stacy Welch (excused)

The Fire Prevention Commission held a public meeting on April 20, 2023, at 10:00 a.m. at the Aberdeen Fire Department in Aberdeen, Harford County.

Chairman Tochterman called the meeting to order. Due to a lack of a quorum, no official business took place. The Pledge of Allegiance was recited.

The Chairman recognized Mischelle Vanreusel with the Maryland Department of Labor and Industry, Terin Hopkins with the National Fire Sprinkler Association, and Ryan Washington with the Apartment and Office Building Association.

The Chairman also recognized John Bender with the Aberdeen Fire Department and thanked the department for hosting the meeting and making its facilities available to the Commission. Mr. Bender was proud to report the facility received two awards, the Architect Award through *Firehouse Magazine* which is the top award for a volunteer fire station and North Point Builders, the contractor, won the top award for a project under \$10 million from the Architect Builders and Contractors Association of Baltimore. Mr. Bender introduced a 38-year member of the department, Gordon Biscomb. Mr. Biscomb is a retired Major from the Aberdeen Proving Grounds who continues to serve his community.

FIRE MARSHAL REPORT

Fire Marshal Brian Geraci reported that the final 2022 fire fatality count will be 70—49 in residential fires, 12 in vehicle fires, and 7 in other settings, with 2 causes of death still pending the medical examiner's determination. Sadly for the first quarter of 2023 there were an unprecedented number of fire deaths. There have been 31 confirmed fire deaths with 12 causes of death pending the medical examiner's determination. There have been eight multi-fatality fires (2 or more victims) in 2023. The increase in fire deaths is a dynamic that is being seen across the country. Fire Marshal Geraci issued a letter directed at all Marylanders to educate themselves on fire safety and prevention and to make sure all smoke alarms are in proper working order. He also encouraged the Metro Fire Chiefs to step up their community outreach programs. Personnel with the Office of the State Fire Marshal (OSFM) will participate in community outreach events May 20-21 and October 21-22, checking and installing smoke alarms. The Fire Marshal has reached out to the Department of Emergency Management to help partner with communities to address fire issues. The Lower Shore is collaborating with the Wicomico Department of Social Services to inspect homes and provide smoke alarms.

Two Deputy State Fire Marshals (DSFM) will be promoted. Brandon Beall will be promoted to Deputy Chief State Fire Marshal (DCSFM), commanding the Western Region. Joseph Walters will be promoted to DCSFM and will be assigned to Headquarters as the executive officer. He also has been

and will continue serving as the administrative chief. Due to retirements and promotions, the OSFM will also be filling other various positions. Additionally, the OSFM will also get ten inspector positions July 1, 2023.

The legislative session has ended. The departmental bill dealing with probations, promotions, and pay increases passed and will be signed Monday by Governor Moore. Chief Jason Mowbray did a great job with the bill and testifying. Chief Engineer Ken Bush and the Fire Marshal worked on a bill regarding fire and smoke damper inspections. The bill did not make it out of committee. The OSFM also worked with a delegate on a bill to retrofit residential high-rise buildings with sprinklers. It passed the senate but did not pass the house. It will be re-introduced next year.

All 2022 Maryland Fire Incident Reports have been received. That data will be shared at the June meeting.

For the first quarter 2023, the OSFM investigated 475 incidents—193 fires, 266 explosive, and 16 other; six criminal cases were closed by arrest; 2,578 inspections were conducted; and 331 plans were reviewed.

Chief Mowbray will be the acting Fire Marshal through May 8 while the Fire Marshal is out of the country. He will then go to Austin, Texas, to receive the 2023 Leadership in Public Safety Award from the National Fire Sprinkler Association.

CHIEF FIRE PROTECTION ENGINEER REPORT

Chief Bush reported an applicant to fill the full-time Fire Protection Engineer (FPE) position in Western Maryland has been interviewed. A conditional employment offer has been made and a polygraph exam was done April 13 but the results have not been received. The background check is moving forward. The applicant seems very interested in the position. The part-time contractual engineer in the Western Region has been filling the void and he is doing a good job. A senior at the University of Maryland currently in the Fire Protection Program is interested in being an intern during the summer months, so they will help alleviate some of the backlog. There is also a part-time engineer position that is still being advertised but there have been no applicants.

There is no further information on the status of the 2021 NFPA code adoptions. Each issue of the *Maryland Register* is checked to see if any notice has been published. Chairman Tochtermann spoke with Chief of Staff Hock who advised the 2021 code adoption is with the *Maryland Register* which is what they have been saying for months. Commissioner Alexander expressed great concern on the lack of progress with adoption after the Code Update Committee worked very hard to get things reviewed and submitted as quickly as possible. It will be time to review the 2024 codes before any progress will apparently be made and it seems that there should be more answers forthcoming than what the Commission is receiving. Fire Marshal stated the OSFM received a letter from an attorney regarding the high-rise sprinkler mandates and the high-rise association wanted a fiscal note added. That is why Maryland State Police (MSP) Secretary Jones withdrew the regulations. The Fire Marshal and Chief Bush provided MSP with a fiscal note. It is not believed they changed any of the regulations, but just added a fiscal note. They then wanted to redo it as emergency legislation, but that did not happen. It was also noted that the proposed high-rise sprinkler legislation got a late start and did not pass during this year's legislative session. It will be re-introduced next year.

The NFPA annual meeting will be the third week of June in Las Vegas. During the technical session there will be an update on the 2024 editions. There have been no notices of intention to make a motion (NITMAM) to revise NFPA 1 this year so that process should move forward quickly. There have

been some NITMAMs for NFPA 101. At its August meeting, it is anticipated the standards council will review any revisions made and probably adopt the 2024 editions sometime in the Fall.

Regarding the OSFM fee schedule, Chief Bush spoke with the fee coordinator Allison Nicodemus and at this time there does not appear to be any need to make any adjustments in the fees or the collection/payment process.

Chief Bush introduced FPE Harry Bradley who works with the Stadium Authority on school construction projects. FPE Bradley reported the 29 original new millennium school projects have been completed with the exception of one elementary school, Cross Country in Baltimore City. All new school construction involves state funding so it has some relationship with the Stadium Authority, but who actually administers the project depends on where it is and reaching an understanding with the local authorities. For instance, the next project is a new high school in Montgomery County that the Stadium Authority will administer, so the OSFM will be the fire authority. There is more work to come on high schools and preserving major historic high schools in Baltimore City, such as Frederick Douglass High. In response to an inquiry from Vice Chairman Simmons regarding the progress status of Frederick Douglass High (his alma mater). FPE Bradley advised they have selected the architect but have not held a first meeting. The design should be done this calendar year and will probably take 18 to 24 months to complete.

There will be some projects for State colleges that will involve the Headquarters FPE. Morgan State has grown rapidly with 23 brand new academic buildings over the years. FPE Bradley handled many of their projects. They are very pro-active with sprinkler installations, even in buildings that would not require a sprinkler. They are also totally replacing their fire alarm system that has been patch worked over the years.

A separate Stadium Authority group that works on the stadium projects want to update the venues at the stadium to look a bit like Atlanta and build some additional buildings. This resulted from the teams resigning their lease or agreement to use and stay at the location to modernize those buildings. They will start with initial work at the M&T Bank Stadium.

CHAIRMAN REPORT

Chairman Tochtermann reported the expenses for the Commission's first 2023 quarter totaled \$713.87.

The Chairman invited the Montgomery County Fire and Rescue Service to have a representative at today's meeting to answer some questions about the February 18 high-rise fire. The Chairman received a call early Tuesday saying they would not be able to have anyone present. Via Secretary Ritchie this morning, the operations chief forwarded some information that the Chairman shared. Fire Marshal Geraci added the first 911 call was from the resident in the apartment above seeing smoke outside the balcony. The fire migrated from the 7th floor fire origin up to the 9th and 11th floors through the stairwell. One stairwell door was slightly propped open and the stairwell was not pressurized. About 20 people were injured and several self-transported to the hospital. Three firefighters sustained minor injuries. The cause is undetermined and will remain so. There were numerous potential causes in the area of origin in the living room—electrical, smoking material, open flame candles. Chairman Tochtermann advised this same building had a previous fire about 44 years ago, which Fire Marshal Geraci confirmed.

The Chairman inquired about any issues in Garrett County with its local Fire Marshal. Fire Marshal Geraci reported the Garrett County Fire Marshal is leaving at the end of May. It is anticipated the State will again pick up fire code enforcement in Garrett County. Chief Mowbray advised the Garrett County Fire Marshal was contacted and did confirm he would be leaving some time in May. A transition

plan was requested as there is concern, since they have been doing plan reviews and third party reviews for permits outside the OSFM purview for the last 10 months, with the OSFM not being involved with the reviews or inspections of unfinished projects. Garrett County officials have not communicated with the OSFM. OSFM Staff have been instructed to prepare for a transition. Fortunately, OSFM code enforcement staff have remained active in Garrett County with the lingering permits they have been involved with prior to the Garrett County Fire Marshal being hired.

OTHER BUSINESS

Vice Chairman Simmons thanked Fire Marshal Geraci for his proactive work to reduce fire deaths. He also thanked Chief Mowbray for his legislative work.

Vice Chairman Simmons questioned who has the authority to issue a burning ban and if the Fire Marshal would be sending out any media releases. Fire Marshal Geraci stated he does not have that authority and believes the Maryland Department of Environment issues the ban. He will reach out to them. Typically, there is a burning ban between June 1 and September 30 each year. Regarding the upcoming dry season, there will surely be wild fires like the one in Randallstown. Fire Marshal Geraci reported the OSFM is working with Baltimore County and the Department of Natural Resources on the investigation and have questioned a potential suspect.

Vice Chairman Simmons reported his first term expired last year and he will not be seeking a second term as he has another opportunity on an advisory commission for the Governor. He will continue to serve until replaced.

Commissioner Alexander reported that Fire Marshal Geraci was inducted into the Maryland Fire Chiefs Association's Hall of Fame, for which he is very deserving.

Due to a lack of a quorum, no vote to approve the February minutes was taken.

Chairman Tochtermann invited the guests to speak.

Mr. Washington commented today's discussions have been good. He represents the Apartment Office Building Association of Metropolitan Washington (AOBA), particularly the landlords throughout Montgomery and Prince George's Counties. The AOBA represents a couple thousand rental units throughout suburban Maryland, the District of Columbia, and northern Virginia. The letter from the lawyer came in response to the Commission establishing the mandate to retrofit all existing high-rise buildings. In 1974 Maryland passed a law that requires newly constructed high-rise buildings to be sprinklered. Buildings built prior to 1974 were grandfathered unless it was individually assessed and determined to be a hazard. It is Mr. Washington's understanding that the Commission had not done that. However, in recent years the Commission has ruled that all unsprinklered residential high-rise buildings are a hazard. That ruling resulted in last year's letter being sent. Mr. Geraci corrected Mr. Washington, stating that the fire code does not have any grandfather clause nor did the legislation. The fire code and national consensus standards say these existing buildings need to be sprinklered so it does not matter if there was a grandfather clause or not. The Fire Marshal has reached out to the AOBA on numerous occasions to no avail, but feels the issue is really about money. Mr. Washington disagreed it was just about money. Fire Marshal Geraci stated when he worked for Montgomery County in the 1980's the county was able to get high-rise office buildings retrofitted but unfortunately the county executive and council did not want to go further in pursuing the retrofitting of residential buildings. Mr. Washington went on to explain that the AOBA does care about fire safety and want their paying tenants to feel safe where they live. Each individual building was not assessed as it should have been and AOBA members did not have any input on the drafting of the code. Mr. Geraci disagreed, advising he gave a PowerPoint presentation in 2017 about where the retrofitting issue was headed and he spoke to many apartment

owners and AOBA members. Representatives also were taken to the University of Maryland to witness a demonstration of how sprinklers work. Mr. Washington reiterated the issue is that each individual building was not assessed and it is a blanket requirement that is being imposed. Chairman Tochterman inquired if it is AOBA's position that these high-rise buildings are not going to retrofit under any condition other than voluntarily if the owner chooses to do so. Mr. Washington responded that is not the consensus. There are properties that have already begun to approach the retrofitting process. Chairman Tochterman pointed out that next year it will be 50 years since the 1974 law was passed so the owners have had half a century to consider improving fire safety in their buildings. The code the Commission will adopt gives owners until 2033 to retrofit, thus giving owners nearly 60 years. Mr. Washington stated that with the timeline, finances, rising costs, the pandemic, and historically high rent delinquencies, the apartment community is having a difficult time operating. One property in particular has \$2.9 million in rent delinquencies. Regarding the cost, Mr. Washington advised that in AOBA's testimony on Senate Bill 970, one building had an estimate from a sprinkler contractor of \$3.9 million to install a water sprinkler, including the materials, labor and testing. Regarding the issue with assessing individual buildings, Vice Chairman Simmons questioned why the fact that they are not sprinklered was not enough to be considered a hazard. Mr. Washington questioned why the lack of sprinklers should automatically make them a hazard, to which Vice Chairman Simmons responded that to have an inspector check 100's of buildings just to assess that it lacks sprinklers and is therefore a hazard would take considerable time and still result in the need to retrofit. Mr. Washington reiterated that the process in place that each individual building be assessed was not done and a blanket determination appears arbitrary. Fire Marshal Geraci and Chairman Tochterman stated it was not arbitrary and the issue of fire deaths in residential high-rise buildings throughout the country was thoroughly studied. Maryland is trying to be proactive so that people do not lose their lives and hundreds of residents are not displaced. The model codes and the National Fire Protection Association codes are finally also realizing the inherent hazard. If you look at the target date of 2033, unless NFPA changes that date, owners have ten years to comply; if they fight it for five years and the target date does not change, then there are only five years left to comply. Mr. Washington advised that owners are already planning ahead and some are contacting contractors but the whole process of retrofitting and removing occupants temporarily during the process is costly. The real issue is that the whole process to require retrofitting was not followed. Now that the national codes have incorporated the requirement and it appears inevitable that retrofitting is going to be necessary, the conversation needs to switch to how to work together to help owners find and secure resources. Fire Marshal Geraci agreed that the owners and AOBA need to focus their efforts into resources and incentives to install sprinklers instead of fighting it. There have been bills introduced in the U.S. Congress for financing that the AOBA should support. Mr. Washington advised that the national association is involved with U.S. legislation. Commissioner Alexander commented he understands the disagreements between the owners and code officials and he was pleased that Mr. Washington came to meeting to air its views. Mr. Washington thanked the Commission for the opportunity to express AOBA's views and concerns and would like to continue moving forward working together.

Terin Hopkins with the National Fire Sprinkler Association (NFSA) remarked that obviously his organization supports the installation of sprinklers as a life saving measure. The retrofitting of residential high-rise building has been in the model codes for decades and has been required in Maryland since 2018, so this is not a new issue. He reminded everyone that Maryland has required it since 2018 and the adoption of the 2021 code does not add any additional requirements other than for some signage. Mr. Hopkins appreciates the work the Commission does and it will be a big loss that Vice Chairman Simmons and Commissioner Alexander will not be seeking second terms. Maryland has been a leader just by following the minimum requirements of the national code, something other states and jurisdictions do not do. His organization looks forward to working with AOBA and any stakeholder and would like to see everyone on the same page. NFSA is willing to be a broker to help figure out best practices and meeting the design criteria that are needed for good life safety and public fire protection. It is important to make sure costs are appropriate and reflect the work that needs to be done. NFSA has reached out to AOBA regarding cost estimates which is difficult to pin down. Some of the initial really high figures in the \$5 to

\$6 million dollar range for small buildings do not appear reasonable. A lot of estimates come from third party estimators who give high estimates because contractors are leery of doing this kind of work and dealing with hundreds of individual building owners. Estimates are high because they are unsure of what they will encounter when they do the work. You also have to be cautious that other work is not included in the estimate for sprinklers, such as new roofs or parking lots. Some costs are exaggerated because they include asbestos abatement. TechnoShield is a product manufacturer that hangs materials that limit asbestos, which is a real cost savings. Total abatement does not need to be done to install the sprinkler system, just properly sealing any holes drilled in walls and things of that nature will suffice. The NFSA is working to get costs at a consistent rate throughout all Maryland jurisdictions by working with engineers, designers, contractors, etc. The Fire Marshal and local authorities are doing a phenomenal job putting time and effort talking with property owners and organizations on the issue. Once you get into the permit process the building code officials will get involved so it is important to include them in the conversations. There is no need for mass notification or fire extinguishers in each unit that would increase the costs.

Ms. Vanreusel left the meeting prior to adjournment and did not make any comments.

Before closing the meeting, which was being held in the Northeast Region, Chief Deputy State Fire Marshal Jason Mowbray recognized Fire Protection Harry Bradley of the Northeast Region. He and the Northeast field staff did a good job on the Great Wolf Lodge in Cecil County. It is probably one of the biggest hotel resort projects in Maryland and it was a very complicated phased project that involved a lot of fire protection features, sprinklers, fire alarms, and intrinsic construction techniques. Staff did an outstanding job with reviews, site inspections, and testing the fire protection systems and the project should be completed this summer.

The Northeast Region is one of the busiest regions with investigations and it encompasses Harford, Cecil, and Carroll Counties.

Mr. Bender offered to give a tour of the fire department after the meeting.

There being no further discussion, the meeting was adjourned.

Next Meeting: Tuesday June 20, 2023 — 11:00 am.
Location: Roland E. Powell Convention Center
4001 Coastal Highway
Mezzanine Board Room
Ocean City, Worcester County

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



Heidi Ritchie, Secretary