

**STATE FIRE PREVENTION COMMISSION  
MINUTES  
July 20, 2023**

**Members present:** Edward S. Tochterman, Chairman  
Mark Bilger  
Michael Faust  
Randy Sanger  
Daniel Stevens  
Emily Devan  
Stacy Welch

**Members Absent:** Kevin Simmons, Vice Chairman

The Fire Prevention Commission held a public meeting on July 20, 2023 at 10:00 a.m. at the Pikesville Volunteer Fire Department in Pikesville, Baltimore County.

The Pledge of Allegiance was recited.

Chairman Tochterman called the meeting to order.

The Chairman recognized Mischelle Vanreusel with the Division of Labor and Industry and expressed appreciation for her attending the meetings when she is available.

Thanks were extended to the Pikesville Volunteer Fire Department for use of its facility.

The Chairman reported Vice Chairman Simmons and his wife are out of the country on vacation and therefore he was not in attendance. The Chairman reported on some recent events of Commissioner Alexander, who resigned July 1, 2023, due to health issues.

**FIRE MARSHAL REPORT**

Fire Marshal Brian Geraci reported there are 46 confirmed fire fatalities across the State with 16 pending cause of death by the Medical Examiner.

Condolences were extended to the family of Firefighter Brice Trossbach of the Pax River Fire Department, St. Mary's County. He was conducting interior firefighting in a house fire in Leonardtown on June 27<sup>th</sup> and was trapped when the structure collapsed. To clarify an inquiry from Commissioner Welch, the Fire Marshal advised there was an initial fire crew inside who backed out because of the heat. Firefighter Trossbach was acting in an officer's position out of Pax River, took the crew inside for a second time, and as they crossed the threshold, the floor collapsed. The two other firefighters were able to self-rescue. Firefighter Trossbach fell through the floor and then the second floor collapsed on top of him. The crew was unable to reach him until after the fire was extinguished. The cause of the fire has not yet been determined. The owners were able to escape the fire. There was no CSST (corrugated stainless steel tubing) used for gas piping in the house.

The Office of the State Fire Marshal (OSFM) was busy during the 4<sup>th</sup> of July holiday. During a two-week period, sixteen firework-related events occurred resulting in five reported injuries and an estimated \$1.8 million in loss. Maryland's first fireworks fatality occurred in Charles County when a 20-year old male held an illegal fireworks mortar tube against his chest when it exploded. Two major dollar losses occurred from fireworks in Montgomery County. \$400,000 damage occurred to a house where two juveniles were working with fireworks powder in the garage. One juvenile suffered burns and the other

ear drum damage. \$1 million damage was caused to a house when improperly discarded used fireworks were stored on the backside of the house.

Two new employees will be hired for the Western Region in the upcoming month. An Allegany County Sheriff's Deputy will be a lateral transfer for a Deputy Fire Marshal position and a new full-time Fire Protection Engineer (FPE) will be starting in early August. The new Fire Safety Inspector positions will be advertised in the near future. The part-time contractual FPE will continue to work in the Western Region.

In response to inquiries from some Commissioners, the Fire Marshal reported the Maryland Fire Incident Reporting System (MFIRS) will be replaced by the end of the year with a new system developed by the Underwriter's Laboratory (U.L.) Fire Safety Institute. It will affect the entire country. It will be a hand-held type app with vendors no longer being needed to collect and process the data. It is unclear how this will affect the 508 funding for the counties. The OSFM will still have access to the collected data. It is unknown how U.L. will roll out the system for beta testing.

This concluded the Fire Marshal Report.

### **CHIEF FIRE PROTECTION ENGINEER REPORT**

Chief Fire Protection Engineer (CFPE) Ken Bush noted that as the Fire Marshal reported, a full-time FPE has been hired for the Western Region. Christopher Koch is a resident of Frederick County and has prior experience in both the public and private sector. He has a Professional Engineering license, is experienced, and hopefully will acclimate quickly. The current part-time contractual FPE will remain in the Western Region and the second part-time FPE for the Western Region continues to be advertised. Depending on applications received, that position may be assigned to another region. There is also currently an intern doing some minor work in the Western Region for ten hours a week. With Garrett County fire code enforcement reverting back to the OSFM, the Western Region is busy. The Eastern Shore FPE will be returning from maternity leave next week.

The Maryland Fire Marshals Committee elected a new Vice Chair. Donna McGuire from Anne Arundel County will fill the position that departed Baltimore City Chief Ready held. The Committee also has applied for approval as a chapter of the International Fire Marshal Association through NFPA. To do so they had to rewrite some bylaws and establish some new positions. The application has already been approved at several levels. The final step is the approval of the NFPA Board of Directors which should be voted on at the August meeting.

A question has arisen from Frederick County about residential sprinklers in attached garage. With the increased use of electrical vehicles (EV) and home charging stations, some homeowners are installing sprinklers in the garages mainly for early warning by flow switch activation. EV fires are very difficult to extinguish and a typical 13D water system most likely would not put out the fire. The code currently does not require sprinkler protection in attached garages. The International Code Council in the newest edition of the International Residential Code is requiring some type of detection in the garage, most likely heat detectors to avoid unnecessary false alarms. Tim Diehl, Howard County, is heading up a sub-committee of the Fire Marshals Committee to look into the issue and will be reporting on any recommendations. Commissioner Bilger commented that with the new Governor wanting to see an increase in EV use in Maryland, the issue will need to be addressed eventually.

Based on the previous timeline of NFPA approving the final 2021 editions in August 2020, it is anticipated the 2024 editions will be approved at the end of August or early September. One appeal on valet trash will go to the Standards Council. During the technical committee session June, it was voted that valet trash would only be permitted in sprinklered buildings. The wording was not exactly clear so it went back to the committee and the International Fire Marshals Association filed an appeal to the Council

to edit the wording. That may delay a final vote on the 2024 editions. All new apartment buildings are required to be sprinklered, so the issue is for existing non-sprinklered buildings.

As a follow-up to Fire Marshal Geraci's mention of CSST, CFPE Bush stated there is not a lot of data on CSST in relation to being the cause of or contribution to fires since it is fairly new technology. The same with lithium ion batteries. Both are new technologies that will need to be looked at more closely regarding code requirements. Chief Deputy Fire Marshal Mowbray added that is one reason the OSFM is tracking lithium ion fires separately because there currently is no specific way for fire departments to report them in MFIRS. The OSFM is also getting reports that after an EV accident, when it was thought the fire was out and the vehicle towed, the fire re-ignites on the tow truck or at the storage yard. Another issue is the runoff of benzene so the Maryland Department of Environment has advised fire departments to just step back and watch the EV burn instead of trying to extinguish it with water. Commissioner Welch, who works for Marriott Hotels, said the hotel industry is also looking closely at EVs and charging stations. Typically they are in an outside parking lot, but in urban areas outdoor space is limited. Commissioner Bilger is aware of parking garages in Maryland that have charging stations within the facility. There is also an issue with people not using charging stations or batteries recommended by the manufacturer. The E-bike industry is a good example of frequent fires. It is already Maryland law that unlisted batteries cannot be sold but that doesn't prevent people from buying them on-line, so enforcement is an issue. Fire Marshal Geraci noted that all the vehicle fire deaths this year have been in gasoline-powered cars.

The International Code Council is already working vigorously on the 2027 editions and have formed several working groups

## **CHAIRMAN REPORT**

Chairman Tochtermann reported letters have been sent to previous Code Update Committee members advising them that the Commission has abandoned trying to adopt the 2021 NFPA codes. After receiving the letter, Ocean City Fire Marshal Josh Bunting inquired if the Commission intends to use the same review process. The Chairman read Fire Marshal Bunting's inquiry. The Chairman feels the process has worked wonderfully in all the past update cycles and would like to see it continue. Commissioner Bilger felt Fire Marshal Bunting made some very good points and Commissioner Bilger also voiced concern that the Maryland State Police's (MSP) actions moved the State backwards and that if they do the same for 2024 it would be a waste of everyone's time and effort. Commissioner Devan agreed. The Chairman noted he has invited Secretary Butler to come to the meetings and also expressed his desire to meet with him but to date he has not responded or attended a meeting. Fire Marshal Geraci felt the 2021 adoption was an anomaly because of the letter a lawyer sent on behalf of high-rise owners and MSP felt the department might get sued. MSP wanted a fiscal impact statement which the Fire Marshal and Chief Engineer Bush provided but no further action was taken and the Fire Marshal received no feedback on it. He feels MSP is aware of the 2021 adoption mess because the Commission, the Fire Marshal, and others have expressed their disappointment to them. He feels the 2024 adoption process will go more smoothly and it is important to include the fiscal impact statement. The Fire Marshal said the fiscal impact statement was basically that the Commission was going to identify issues that need to be addressed under the inimicable hazard ruling and that may cause fiscal impact. There is no way to provide any type of accurate dollar figure. The Commission did not receive a copy of the revised economic impact statement. The sprinkler retrofit issue was presented during the 2023 legislation session and will arise again in 2024. The high-rise owners are aware the retrofitting requirements will inevitably be implemented either by law or regulation. They were well aware this was coming since 2017 when the Fire Marshal met with some of them and gave a PowerPoint presentation. This year there was a high-rise death and 200 people were displaced. It could have been a lot more tragic if the fire occurred overnight instead of 6:00 a.m. The Chairman will respond to Fire Marshal Bunting's inquiry advising that the review process will remain the same as in the past. The Chairman entertained a motion as to who

should chair the review committee. Motion by Commissioner Faust to have CFPE Bush chair the committee, second by Commissioner Sanger, and unanimously carried.

The Chairman plans to attend the next Maryland State Firemen's Association Executive Committee meeting in Libertytown on August 26<sup>th</sup>. He will bring them up to date with the Commission's decision to abandon the 2021 codes and to move forward with the 2024 editions. Commissioner Bilger confirmed the Chairman was on the committee's agenda.

The Commission's annual report is due to the Governor by September 30<sup>th</sup>. The Chairman entertained any suggestions on what to include. Commissioner Bilger suggested including what occurred with the 2021 adoption process. He also suggested including Fire Marshal Geraci's upcoming retirement and formally thank him for his dedicated service.

### **OTHER BUSINESS**

Motion by Commissioner Bilger to approve the June 20<sup>th</sup> minutes. Second by Commissioner Devan and unanimously carried.

Commissioner Bilger reported the Mid-Atlantic Life Safety Conference steering committee continues to work on the final arrangements for the 2023 conference. The registration and flyer has been sent out and the Commissioners are encouraged to attend.

On a personal note, Commissioner Devan advised she has a special event due in October and will be unable to attend the October meeting. Congratulations were extended.

Commissioner Faust who chairs the MSFA Gala Committee reminded everyone of the upcoming line of duty death memorial event in Annapolis on September 23<sup>rd</sup>.

Commissioner Welch inquired if there was any news on her replacement. She is currently serving beyond her second term. Chairman Tochtermann recognized the importance of replacing those serving beyond their terms as well as upcoming vacancies in the next year or two. He provided a spreadsheet to MSP regarding all the Commissioners' terms and has not received any feedback. Secretary Ritchie has also be in contact with the Governor's Appointment Office and has not gotten any news. Commissioner Bilger reported he had heard someone had just been appointed. The Commission has not received any such notification.

Mischelle Vanruesel, Acting Deputy Commissioner for the Division of Labor and Industry (L&I) in the Department of Labor (MDL) briefly reviewed what the Division is involved with: elevators, boilers, OSHA/MOSH, building codes, amusement rides, railroads, wage laws, etc. She reported former L&I Commissioner Matt Helminiak has left State service and will be teaching at Loyola University. He extended greetings to the Commission and wished it luck with future endeavors. The new Commissioner is Devki Virk, an attorney from Montgomery County with experience in fire service personnel through the District of Columbia. She hopes to attend a future meeting to meet the Commission. A new employee from Harford County is being brought on contractually to assist with the Building Codes unit which has a great deal of crossover with the Fire Marshal regulations so will be beneficial. The Division will also be working towards increased efforts to reduce injuries and illnesses in public sector employment and is exploring legislation or regulations to collect existing injury data on an annual basis. The residential elevators legislation passed last year so it will be a challenge to ensure they all receive timely inspections as now residential elevators are required to be inspected upon installation. L&I is working with the industry on how best to resolve getting inspections on time to avoid citations in commercial elevator installations. The Division is also currently working with the health department on adopting new pool regulations, she will keep us updated on the progress and coordinate for related fire codes. She

understands the complexity of regulating hazards associated with EV charging stations as the building codes unit is facing challenges from accessibility requirements/parking spaces. Regarding firefighters re-entering burning structures, L&I/MOSH is not yet involved on the most recent firefighter fatality in St. Mary's County. Fire organizations can be held accountable under a general duty requirement to protect employees from recognized hazards. The foundation for recognizing this hazard was spelled out in the shared letter from the Baltimore City fire that claimed the lives of three firefighters. A discussion ensued about how the culture and mindset of entering and re-entering empty burning structures to save property, and not life, needs to change. Maybe the Commission could include this issue in its annual report and consider creating rules or regulations to help break the culture of unnecessarily dangerous actions taken by firefighters when entering empty structures.

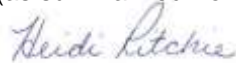
Ryan Washington with the Apartment and Office Building Association arrived late to the meeting and had no comments.

**Next Meeting: Thursday August 17, 2023 — 10:00 am.**  
**Location: Laurel Municipal Building**  
**Council Chambers**  
**8103 Sandy Spring Road**  
**Laurel, Prince George's County**

The October meeting will be at the Kent Island Volunteer Fire Company in Chester at 10:00 a.m.

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