

**STATE FIRE PREVENTION COMMISSION  
MINUTES  
(NO QUORUM)  
December 21, 2023**

**Sworn Members present:** Edward S. Tochterman, Chairman  
Emily Devan  
Mark Hopkins  
Daniel Stevens, Vice Chairman Pro Tem

**Unsworn Members Present:** Jerred Johnson  
Carol Spriggs  
Aleazor Taylor

**Members Absent:** Mark Bilger (excused)  
Randy Sanger (excused)

The Fire Prevention Commission held a public meeting on December 21 2023, at 10:00 a.m. at the Maryland State Police Headquarters in Pikesville, Baltimore 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 several guests present at the meeting:  
Mischelle Vanreusel, Deputy Commissioner Division of Labor and Industry  
Robert Emard, Director Building Codes Administration  
Andrew Friel, Policy Analyst Division of Labor and Industry  
Terin Hopkins, National Fire Sprinkler Association  
Betty Weiderhold, Commission Secretary prior to Heidi Ritchie  
John Bender, former Chief Fire Protection Engineer  
James Hock, Deputy Chief of Staff Maryland State Police  
Teresa Crisman, Office of the State Fire Marshal

Several other employees of the OSFM were also present.

Mr. Emard offered his availability to anyone with questions, concerns, or issues. As a member of the Maryland Building Officials Administration, he has worked with Chief Fire Protection Engineer (CFPE) Ken Bush. He apologized for having to leave early to attend another meeting.

Chairman Tochterman appointed existing Commissioner Daniel Stevens as Vice Chairman Pro Tem until such time an official election can be held. As such, in the absence of the Chairman, Vice Chairman will be capable of handling any official duties.

**FIRE MARSHAL REPORT**

Fire Marshal Brian Geraci introduced the command staff of the OSFM:  
Jason Mowbray, Chief Deputy State Fire Marshal.  
Matthew Stevens, Deputy Chief Lower Eastern Shore Region  
Dexter Hodges, Deputy Chief Northeast Region  
John Nelson, Deputy Chief Southern Region  
Ken Bush, Chief Fire Protection Engineer

With the retirement of Fire Marshal Geraci, Chief Mowbray will assume the duties of Acting State Fire Marshal effective 3:00 p.m. today.

With several new Commission members attending their first meeting and with the Fire Marshal retiring and attending his last as Fire Marshal, everyone will be starting fresh and hopefully the new Fire Marshal and Commission can get lots of things accomplished and save lives.

Unfortunately, 70 fire deaths have been confirmed for 2023 and twelve are pending cause of death by the Chief Medical Examiner. The number will most likely exceed 80 which is the highest since 2007. Fifty-one occurred in residential occupancies, nine associated with vehicle fires, and ten in other settings. Most could have been prevented so there is a lot of work to do to spread the word about working smoke detectors and fire prevention safety.

During the 3<sup>rd</sup> quarter 2023, the OSFM staff conducted 199 investigations—133 fires, 48 explosive incidents, and 18 others. Thirteen individuals were arrested for criminal cases. Staff conducted approximately 2,900 inspections and 905 plan reviews.

The OSFM welcomed a second new K-9 this year. K-9 Blondie from ATF graduated November 9<sup>th</sup> and is assigned to Master Deputy Oliver Alkire in the Northeast Region. The agency now has four accelerant detection K-9s and two explosive detection K-9s. The agency has a strong relationship with the ATF Baltimore and Front Royal offices. Deputy Chief Nelson who was introduced earlier, oversees the OSFM K-9 program and has done an outstanding job.

Community Risk Weekend takes place twice yearly, once in the spring and once in the fall. Fire Departments and OSFM staff reach out to their communities to check and install smoke detectors. This fall, 197 smoke alarms were installed in homes across the State. Hopefully the program will continue along with the great partnership with Delmarva Power which donates smoke alarms for installation in homes. They have done so for over 20 years and this year they donated 1,900 smoke alarms. Pepco provides smoke and carbon monoxide alarms for installations in Montgomery and Prince George's Counties.

The OSFM assisted Baltimore City and ATF with a fatal fire that took the lives of two Baltimore City firefighters.

On December 8, 2023, a dedication sign was installed along Interstate 270 in Montgomery County for Deputy Chief State Fire Marshal Sander Cohen who died in the line of duty six years ago on December 8<sup>th</sup>. It was installed at the location where he was struck and killed. Sander was a Captain with the Rockville Fire Department and turnout was great for the dedication.

Fire Marshal Geraci thanked the Commission for all the years of service and support it has given to him and the OSFM. Commissioner Hopkins likewise thanked the Fire Marshal for his years of service to Maryland and all the wonderful things that have been accomplished.

Chairman Tochtermann requested the Commissioners stand, stating: *"On behalf of the entire Fire Prevention Commission we thank you for not only your 10 years of service to the citizens of the State of Maryland and the Maryland Fire Service, but we thank you sincerely for your years of service as Maryland's fourth State Fire Marshal itself for the accomplishments that you have achieved in that office and we thank you and applaud you."*

## **CHIEF FIRE PROTECTION ENGINEER REPORT**

CFPE Ken Bush welcomed the new Commission members. The currently adopted 2018 editions of NFPA 1 and NFPA 101 were distributed to the new members. Commissioners have already received or will be receiving the 2024 NFPA 1 and NFPA 101 codes which are currently under review for updates to the State Fire Prevention Code. The Code Review Committee has had three very successful meetings in Frederick attended by 35-40 individuals from across the state, from different jurisdictions, and from different fire and building code officials. NFPA 101 review has been completed thus far. The next meeting on January 3, 2024, will commence the review of NFPA 1. The goal is to complete the NFPA code reviews and the review of the other State amendments in time for presentation to the entire Commission at its February meeting.

Some other projects that are currently underway is the proposed legislation and discussions with Delegates Charkoudian (Montgomery), Boyce (Baltimore City), and Love (Montgomery) on the retrofitting of sprinklers in residential high-rise buildings and what direction to take with lithium ion batteries.

The OSFM is also working on the situation with the light rail system in Baltimore which was shut down because of issues with the rail cars and explosion hazards. The conduits that carry electrical equipment from the overhead catenaries to the motors below developed holes and there was one explosion incident. The issue is whether this will have any impacts on the new Purple line the OSFM is working on with Montgomery and Prince George's Counties. A third party reviewer, Justin Hughes, is looking into the construction of these particular vehicles.

The Maryland Stadium Authority has delegated funds for upgrades to the Ravens Stadium and Orioles Stadium. A \$130 million contract has been signed for the Ravens. The OSFM will be involved with those reviews.

Regarding lithium ion batteries, Commissioner Hopkins stated it is a concern across the country and he has done some significant project work on this issue over the years. He questioned whether the scope of the inquiries from the delegates has been for small scale batteries or the energy storage system facilities. CFPE Bush stated the delegates were inquiring about small scale batteries for personal use, such as for computers and mobility equipment. Commissioner Hopkins offered his assistance if needed.

Commissioner Devan stated she understood the issue with the light rail was because of maintenance issues. CFPE Bush stated they are trying to stay ahead of the issue to make sure construction of the right rear vehicles, if the same, could pose the same problem, and if so how to circumvent it.

## **CHAIRMAN REPORT**

As previously reported by CFPE Bush, the Code Review Committee has met three times and Chairman Tochtermann has attended the three meetings. The retrofitting of residential high-rise buildings is an on-going issue which began shortly before 2018 with a task force study group chaired by CFPE Bush. At the April 2018 meeting the Commission determined and decided that existing unsprinklered residential high-rise buildings by definition of the existing State law were an inimical hazard. It therefore put the Commission as well as the OSFM in a light to deal with correcting the hazard for not only the people living in these buildings but also the Maryland fire service which is called upon to fight these fires. The issue came up briefly during last year's legislative session and may very well rise again in the 2024 session.

Regarding the new Commission members, Commissioner Spriggs reported he took his oath of office but via a letter he received was asked to take it again. He did not have the letter with him nor could

he recall specifically who it was from. Commissioner Taylor reported she attempted to take her oath but has not been able to do so. Commissioner Johnson reported he took his oath but then was told by the Governor's Appointment Office that it was invalid due to a clerical error. Commissioner Hopkins reported he swore his oath of office yesterday. He too received a letter from the Governor and then a revise letter. He had to call the Circuit Court several times with no answers so he went to the Courthouse in person and insisted on speaking with the person in charge and was then able to take his oath. The Commission's legal counsel, Assistant Attorney General Susan Howe Baron, stated she was satisfied that Commissioner Hopkins has been satisfactorily sworn. With the other three new members being unable to take their oath, Chairman Tochtermann advised there was no quorum for today's meeting. Chairman Tochtermann introduced Assistant Attorney General Baron to the new members, explaining that she not only knows the State Fire Prevention Code but also Maryland laws quite well and keeps the Commission on track to stay within the laws of the State.

## **OTHER BUSINESS**

Chairman Tochtermann invited the guests to speak.

Chairman Tochtermann acknowledged Wayne Powell who was in the audience. Mr. Powell is a fire historian with the Heritage Center in Emmitsburg and not only works to preserve the history of Maryland and its fire service but the fire service of the United States. Mr. Powell spoke a few words regarding outgoing Fire Marshal Geraci. He and Fire Marshal Geraci were hired many years ago by the city of Silver Spring. He presented a picture of a young Firefighter Geraci receiving an award from the Chamber of Commerce of Silver Spring. Brian Geraci served in many ways and in many roles across the State as well as in Virginia. He has been a key supporter and ally of the U.S. Fire Administration, the National Fire Academy, and the National Association of State Fire Marshals. Looking back about 40 years on this young man's journey, he wished the Fire Marshal his best in retirement.

Chairman Tochtermann acknowledged Mischelle Vanreusel and introduced her to the new members. The Commission works closely with the Department of Labor and Industry that among other things handles elevators throughout the State. Typically when questions arise regarding elevator functions related to fire service issues, the Commission consults with her. Ms. Vanreusel welcomed the new Commissioners. She gave a brief review of some areas her division deals with—elevators, boilers, amusement rides, railroads, the wage program, and occupational safety and health.

The first time she met Fire Marshal Geraci, Andrew Friel who is the divisions policy analyst was transitioning to their MOSH program dealing with occupational safety and health. She spent most of her career in the MOSH program and fire deaths and the risks firefighters take is one issue that she, Mr. Friel, and Barry Dillow, who was not present today, have been collaborating on. The OSHA program has jurisdiction over safety and health across the nation but they are unique in that states can, if they go through a rigorous process and develop their own kind of mini-OSHA program, have jurisdiction over their own state employees. Maryland has done that, as has Virginia, so OSHA does not go into those states. The other surrounding states and D.C. have not done so and are run by OSHA. Although she has not seen a copy, OSHA will be announcing in the next day that they will be regulating emergency services personnel. Maryland is required to be at least as effective as OSHA but OSHA does not regulate public sector employees. She wants to work together on updating the standards the State will be enforcing and whatever is proposed will have a comment period for everyone to make any comments or objections. Integrating with the Commission, the Maryland State Firemen's Association, the National Fire Academy, the Maryland Fire and Rescue Institute, and the emergency and firefighting services in general is a great asset. When she receives the new OSHA proposal she will forward it to Chairman Tochtermann.

MOSH is investigating the Baltimore City fire that took the lives of two firefighters. It is a different situation than the Advanced Auto Parts fire. For the benefit of the new Commissioners, Chairman

Tochterman explained that MOSH is dealing with tactics of the fire service in fighting fires in which there may or may not be occupants inside. The on-scene commander makes the decision whether to apply an interior or exterior attack. For many decades the fire service has been trained to go in no matter what it looks like when they arrive. This has resulted in a number of Maryland firefighters in the past few years losing their lives, some occurring in vacant buildings. Ms. Vanreusel added that it is MOSH's position that it does not want firefighters losing their lives to save property when there are no occupant lives in the building to save.

Ms. Vanreusel reported on an issue that she became aware of yesterday at the Owings Mills Metro Center in a parking garage where some recall devices on some fire alarm systems are not there. This is the type of situation with elevators where the OSFM and Labor and Industry cross paths. It gets confusing when the recalled fire initiating devices are not actually in the elevators, but may be in the lobby or somewhere else. The garage may be seeking a variance. Fire Marshal Geraci stated that although it may be a Maryland Transportation Authority facility, the garage itself may not be a State facility. If the garage it is a State facility, the OSFM would be involved; otherwise, it would be the local fire authority who it is believed is Gretchen Yingling.

Ms. Vanreusel thanked Fire Marshal Geraci for his years of dedicated service to saving lives and preventing injuries. It is a dedication that drives you every day and the lives you save you may never know until you get to Heaven.

Ms. Vanreusel shared her experience meeting Fire Marshal Geraci the first time, which was actually on the phone. The Building Codes Unit, which is the one that adopts the buildings codes for residential buildings where the sprinkler requirements are contained, in 2017 was move from the Department of Housing and Community Development over to the Department of Labor through legislation. She received a call from Fire Marshal Geraci and they had a conference call with then-Commissioner Helminiak. The Fire Marshal was screaming at them, "I don't know what's going on but you better not touch our codes, you better not mess with our stuff." Mr. Helminiak and I were like, "Whoa, who is this guy? What is he talking about?" We had no idea what he was talking about but I guess the years of dedication to get residential sprinklers in the codes and law was why he was so passionate and we have come to appreciate it. She congratulated Fire Marshal Geraci on his retirement

Terin Hopkins with the National Fire Sprinkler Association (NFSA) welcomed the new Commission members and thanked Fire Marshal Geraci for all his efforts. Mr. Hopkins speaks nationally all over the country and is often asked what Maryland is doing. Growing up in the fire service, he never realized that Maryland was such a leader in fire protection and he thanked the Commission and Fire Marshal for those achievements. Chairman Tochterman thanked him for the compliment noting that the 49 other states and commonwealths fall behind Maryland. Pennsylvania has one of the highest fire death rates in the country. About ten years ago a Pennsylvania bill to sprinkler residential buildings was vetoed. Maryland having adopted residential sprinkler requirements is one reason it is a leader.

Mr. Bender congratulated Fire Marshal Geraci on his retirement and wished him and his wife well. It has been a pleasure to see him assume his role and advance the profession of the OSFM through resources and manpower which for many years the OSFM did not have.

Mrs. Weiderhold, Secretary to the Commission for 25 years, commented that it was nice to see the Commission being so active. It was a pleasure working for both the OSFM and Commission and when Fire Marshal Geraci came on board there were changes and progress which is outstanding. She too congratulated the Fire Marshal on his retirement and wished him well.

Due to a lack of a quorum (five Commissioners needed), no vote to approve the October minutes was taken and Chairman Tochtermann dismissed the meeting.

**Next Meeting: February 15, 2024**

**Location: Annapolis – facility location to be determined**

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

A handwritten signature in blue ink that reads "Heidi Ritchie".

Heidi Ritchie, Secretary

APPROVED