

**STATE FIRE PREVENTION COMMISSION
MINUTES
April 18, 2024**

Members present: Edward S. Tochterman, Chairman
Caroll Spriggs, Vice Chairman
Mark Bilger
Emily Devan
Mark Hopkins
Jerred Johnson
Randy Sanger
Daniel Stevens

Vacancy: Architect/Engineer Washington-Metro Area

The Fire Prevention Commission held a public meeting on April 18, 2024, at the Laurel Municipal Center, 8103 Sandy Spring Road, Laurel, Prince George's County.

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

The Chairman recognized several guests present at the meeting:

Donna McGuire, Vice President, Maryland State Chapter International Fire Marshal's Association
Teresa Crisman, Co-Chair Mid-Atlantic Life Safety Conference Steering Committee
Joseph Walters, Co-Chair Mid-Atlantic Life Safety Conference Steering Committee
James Hock, Maryland State Police Deputy Chief of Staff
Terin Hopkins, National Fire Sprinkler Association

FIRE MARSHAL REPORT

Acting State Fire Marshal Jason Mowbray presented the Fire Marshal Report.

There have been 81 confirmed fire fatalities for calendar year 2023: 59 in residential structures, 12 associated with vehicles, and 10 in other settings. Three fatalities are still pending cause of death by the Medical Examiner's Office. There were six confirmed multi-fatality fires in 2023. Thus far in 2024 there have been ten fires in residential structures, three associated with vehicles, and three in other settings for a total of sixteen. Seven fatalities are still pending cause of death by the Medical Examiner's Office. A further breakdown by jurisdiction was included in the Fire Marshal's written report with Baltimore City reporting the most for each year. As an update to the written report there is an additional fire fatality for 2024 involving a vehicle with the cause of death still pending.

In the first quarter of 2024, the agency has conducted over 2,900 inspections and 389 plan reviews. Two hundred incidents were investigated—167 fire and 33 explosive. Thirteen criminal cases were closed with the arrest of 29 individuals. The canine team assisted with 49 investigations—29 fire and 20 explosive. The canine team also assisted the Maryland State Police, Maryland Capital Police Baltimore County Fire Investigation Bureau, Hagerstown City Fire Marshal, Allegany County Sheriff's Department, and the Loudon County (VA) Fire Rescue Department.

As a follow-up to the Commission's inquiry regarding 2023 arson fires, Acting Fire Marshal Mowbray reported there were 108.

Acting Fire Marshal Mowbray reported on some significant incidents to which the agency responded. The Bomb Squad Underwater Hazardous Device Team responded to the initial call for assistance to the Key Bridge collapse on March 26th. The team was able to deploy rescue divers, the agency boat, and the underwater remote-operated drone. The agency has one of only two underwater remote-operated drones in the State.

On March 22nd a Deputy Fire Marshal was involved in a vehicle accident returning from Fire Marshal Gabriele's funeral. As he was turning into his driveway a vehicle struck from behind propelling him across the roadway into a culvert with the vehicle overturning. He had a minor head injury resulting in a concussion and has been placed on restricted duty pending his recovery. It is unfortunate that the Deputy's vehicle was one of the newer agency vehicles and will most likely be considered totaled. The Deputy, being a member of the bomb squad and explosive canine team, had specialized equipment in his vehicle.

The Bomb Squad Underwater Hazardous Device Team supported the Maryland Special Olympics with divers at two events, one at the Maryland State Police Deep Creek Dunk and one at the Polar Bear Plunge at Sandy Point State Park.

On March 21st the agency partnered with the Baltimore County Fire Department to provide 100 smoke alarms to support the county's Community Risk Reduction Smoke Alarm Program.

Accelerant canine Sky retired in March after seven years of service. Sky was assigned to canine handler Melissa Decker in the Southern Region. Deputy Decker has already been assigned a new canine and is completing the six-week ATF training course in Front Royal, Virginia. This will bring the agency's accelerant canine team back to four.

The agency is wrapping up its Deputy Fire Marshal first on-line recruitment process. It was conducted on-line to entice more applicants and was very successful. Functional fitness and written tests were completed a few days ago. The next step is to conduct interviews. There is one vacant position. A previously hired Deputy is in the process of completing the police academy training. It is hoped to get both Deputies on board and in the field as soon as possible.

Former State Fire Marshal Rocco Gabriele passed away on March 13th after an extended hospital stay and medical issues. He was the longest serving State Fire Marshal, serving nineteen years. He was also one of the longest serving State Fire Marshals nationally. Prior to his service as State Fire Marshal he retired as a Captain from the Maryland State Police with twenty-four years of service. He is credited with developing the first administrative agency operations manual, was critical in developing life safety education, and working with the legislature for the heart and lung bill. In 1997 he established requirements for licensing fire sprinkler contractors. He was instrumental in working with the Maryland State Police to establish regional and satellite offices for the State Fire Marshal. In 1994 he established the Fire and Burn Safety Coalition (FABSCOM) and he became one of the primary steering committee sponsors for the Mid-Atlantic Life Safety Conference. In 1986 he established the Maryland Fire Service Legislative Caucus to discuss legislative matters to the General Assembly with that Caucus still being active to this day. He had a very interesting legacy for his decades of service to the State of Maryland. Acting Fire Marshal Mowbray thanked the Commission and all the public safety agencies that offered their support to the Gabriele family and agency during the time of his passing and funeral.

The agency does not have any departmental bills this legislative session. Some bills of interest include the following:

HB0321 Criminal Law/Crimes of Arson - Enhancement Charge for Arson Fires Resulting in an Injury to Firefighters.

HB0468 Commission to Advance Lithium-Ion Battery Safety.

HB0502 Public Safety – Fire Dampers, Smoke Dampers, Combination Fire/Smoke Dampers and Smoke Control Systems.

HB0503 Public Safety – Corrugated Stainless Steel Tubing for Fuel Gas Piping Systems.

SB0472 State Government – Permits, Licenses and Certificates Processing.

SB0689 Fire Protection and Prevention – Residential Rental Property Requirements (Melanie Nicholle Diaz Fire Safety Act).

As of April 16, 2024, the following departments are delinquent with submitting 2023 MFIRS reports:

Bittinger (Garrett County) January – December

Hollywood (St. Mary's County) January – June

Ewell (Somerset County) December

Delmar (Wicomico County) November

Commissioner Bilger suggested sending the list of delinquent departments to Kate Loveless who can periodically distribute it to the executive board members who can then remind members at various meetings throughout the State to encourage timely submission.

Commissioner Bilger reported he attended the Allegany/Garrett Association meeting recently and they have been trying to obtain smoke alarms through the Red Cross. Teresa Crisman may have some connections to assist with this coordination. Being familiar with the Association and its efforts to obtain smoke alarms, Acting Fire Marshal Mowbray offered to assist in coordinating such efforts.

CHIEF FIRE PROTECTION ENGINEER REPORT

CFPE Kenneth Bush reported that the Western Region Engineer's upgrade to a registered classification has been completed and approved by the Department of Personnel. The agency now has three registered fire protection engineers and two senior fire protection engineers. All current full-time engineer positions are filled. The part-time contractual positions are still open and are advertised. Commissioner Hopkins inquired if the agency has reached out to the Society of Fire Protection Engineers (SFPE) to promote the advertising of the vacant part-time positions CFPE Bush responded the agency has reach out to a number of organizations including the SFPE and the University of Maryland. Commissioner Hopkins offered to reach out through the SFPE Chesapeake Chapter.

Agency staff have been working with the Maryland Stadium Authority on projects at the Ravens Stadium and the new stadium under construction in Hagerstown.

The International Code Council completed hearings this week on the 2027 codes and there are some topics that may impact the fire codes through the NFPA process. One would be an allowance that would increase the height of apartment buildings permitted to have a single exit from four stories to six stories. To the best of his knowledge the proposal has not moved forward but is still on the table. The proposal was also introduced as a study issue through Maryland Senate Bill 352 but was ultimately withdrawn by the sponsor before any action was taken. Model codes currently address that situation and there should be no need to increase the height beyond what the model codes have already considered on a consensus basis. It is an issue which will require continued monitoring.

The NFPA code process for the 2027 NFPA 1 and NFPA 101 codes will begin at the end of June 2024. Several Maryland Fire Marshal employees participate on some of the technical committees so as things progress the Commission will be kept apprised.

CHAIRMAN REPORT

Chairman Tochterman report the Commission's third quarter fiscal year expenses (January 1-March 31, 2024) totaled \$1,178.10.

The Chairman invited Deputy Chief Walters and Public Information Officer Teresa Crisman to speak on the Mid-Atlantic Life Safety Conference (MALSC). Deputy Chief Walters provided the Commission members with a "save-the-date" flyer. A contract has officially been made with Marriott BWI where the two-day 2024 event will be hosted in November. It is hoped the location close to BWI Airport will increase out-of-state attendees. Seven organizations have responded thus far regarding presentations. However, some are charging a fee of up to \$5,000 so that may be an obstacle. Seven sponsors have also responded, one being OmniShield who also sponsors the FABSCOM hearing-impaired smoke alarm program. A grant application has also been applied for which the Maryland State Firemen's Association (MSFA) has supported. This grant would help provide some scholarship funding for persons wishing to attend. Grants have also been applied for through Walmart, the Leary Foundation, and others. The two-day event will cost \$150 to attend or \$100 for one day. There will be an awards banquet and dinner on Sunday evening which will give sponsors more time to speak during the lunch-time events. There will also be an evening networking and dinner event at a cost of \$50 per ticket with a 10% discount for individuals who belong to organizations sponsoring the MALSC. A group discount rate is also being explored. The National Fire Academy will provide a two-day Youth Fire-setter Intervention Specialist class to be presented by Mike Weller. If all the presentations can be finalized, the goal is to start accepting registrations in June during the MSFA convention. With the two-day time frame, it is hoped to schedule sixteen presentations. Commission members are encouraged to have any interested presenters contact the MALSC Steering Committee. Ms. Crisman added that the goal of making it a two-day event is to bring back some of the track training for continuing education credits, particularly for emergency medical services personnel. She is very pleased to have Mike Weller do the Youth Fire-Setter presentation. She is also coordinating with Karla Klas from Michigan, who is also a National Fire Academy instructor and who has been very involved nationally with juvenile fire-setting programs. Some people have expressed concern with the cost to attend but in reality it is not that expensive compared to other conferences. The conference lost \$13,000 last year because 300 people registered for the free conference but only 230 showed up so costs such as the projected meal catering had to be absorbed. Conference costs are an industry wide issue across the board. Being the 65th MALSC makes it a special event and a memorable way to honor Fire Marshal Rocco Gabriele who was so instrumental historically with the conference. The new location will also be able to accommodate more exhibitors. She is also working through the MSFA Safer Grant to reimburse the cost for volunteers who attend. The Safer Grant would not cover expenses for the career service. Commissioner Hopkins offered any support he can regarding soliciting presenters. He is involved in one through the research foundation on fire service challenges in storage facilities. This will be presented at the NFPA conference and also likely at the SFPE conference this year. Deputy Walters advised the different tracks the committee are looking for are posted at the conference website. Another focused track will be on fire safety inspections. Vice Chairman Spriggs as well as the other Commission members commended Deputy Chief Walters and Ms. Crisman, as well as the other conference steering committee members, for their hard work in organizing the event.

Chairman Tochterman solicited a motion to approve the February minutes. Commissioner Hopkins advised he emailed Secretary Ritchie a correction to the draft minutes to change a NFSA reference to NFPA. Secretary Ritchie corrected the draft. There being no further corrections, motion by Commissioner Hopkins, second by Commissioner Johnson, and unanimously carried to approve the minutes as corrected.

Secretary Ritchie provided the 2023 attendance report to Chairman Tochtermann which indicates Commissioners Douglas Alexander, Michael Faust, Kevin Simmons, and Stacy Welch did not meet the 50% attendance requirement. All four Commissioners had either resigned or were replaced in 2023 so no waivers were requested.

The Chairman reminded members to file their annual financial disclosure forms if they have not already done so.

APPEAL 24-01

Chairman Tochtermann reported the appellants, Steve and Ellen Kauffman of Garrett County, have withdrawn their appeal and will be installing fire sprinkler protection in an existing structure they renovated to be occupied as their residence.

COMAR 29.06.01 FIRE PREVENTION CODE PROPOSED AMENDMENTS

Chairman Tochtermann reported three Commission members volunteered to meet with Maryland State Police staff regarding the proposed amendments. Commissioner Johnson reported one virtual meeting was held with Deputy Chief of Staff James Hock. Unfortunately due to the collapse of the Francis Scott Key Bridge the second meeting did not take place and no progress was made to move forward. Commissioner Hopkins reported Mr. Hock did reach out to him to apologize and to advise that he did not feel a need for any further meetings at this point. Mr. Hock confirmed what Commissioners Johnson and Hopkins reported. Mr. Hock did however do further research and talked with some experts but there are no recommendations which would move the proposed amendments forward. He thanked Commissioners Johnson, Hopkins, and Sanger for taking the time to meet. He understands the importance of the code and issues that the Fire Marshal's Office would deal with regarding new construction. He is mindful that when the proposed amendments are forwarded to the superintendent, he will commit to do whatever he can to move it forward but doing so is outside the scope of his control. He will also do what he can to see the proposal gets sent to the AELR committee in Annapolis for review.

Donna McGuire introduced herself and apologized that Mr. Custer, the President of the Maryland Chapter of the International Fire Marshal's Association, could not be present due to other commitments. The Association committee held a meeting yesterday and are requesting the Commission support the 2024 amendments as submitted for NFPA 1 and NFPA 101. Chairman Tochtermann noted that at this time the 2024 amendments have been tabled. Ms. McGuire confirmed that the Maryland Chapter supports the amendments as presented by the Code Update Committee.

Commissioner Hopkins motioned to remove the 2024 amendments from the table, second by Commissioner Johnson, and unanimously carried to open the 2024 amendments for discussion. The Commission members did not offer and further discussion. The Chairman noted that it was his understanding that if the Commission votes to move forward that the MSP superintendent will not endorse it for submission to the AELR Annapolis Committee if the residential high-rise retrofit sprinkler requirements are in proposal. Mr. Hock advised he does not know what the superintendent would do. The Chairman also noted that it is his understanding that the superintendent has the authority to eliminate any references to residential high-rise retrofit sprinkler requirements. Mr. Hock advised this is also his understanding. The Chairman also wanted to make all the Commission members aware that House Bill 823 was passed to establish a high-rise sprinkler work group to evaluate, between June to December 2024, the problem of residential high-rise buildings with regard to fire protection features. The bill also contains certain other requirements regardless of the work group's findings or recommendations. The Commission members affirmed they are aware of the passage of the bill. The bill has not yet been signed by the Governor and Mr. Hock acknowledged he did not see any interference with the bill if the Commission proceeds to take a vote on the proposed fire code amendments. Commissioner Hopkins

motioned to accept the 2024 amendments as submitted by the Code Update Committee, second by Commissioner Johnson.

Chairman Tochterman took a roll call vote on the motion to move forward with the proposed amendments as presented by the Code Update Committee at the February Commission meeting.

Commissioner Bilger: Yes

Commissioner Devan: Yes

Commissioner Spriggs: Yes

Commissioner Hopkins: Yes

Commissioner Johnson: Yes

Commissioner Sanger: Yes

Commissioner Stevens: Yes

Motion carried.

OTHER BUSINESS

Mr. Hock took the opportunity to thank Acting Fire Marshal Mowbray for all his work. He appreciates the candid conversations they have had on various issues and appreciates the behind-the-scenes relationship they have developed to move the department and agency forward in a positive direction.

Mr. Hock reported the Maryland State Police graduated Class 158 last week and Acting Fire Marshal Mowbray was present for the ceremony in his Class A uniform and looked outstanding. Mr. Hock graduated in Class 80 so he has been around for quite a long time.

Regarding Fire Marshal Rocco Gabriele, Mr. Hock joined MSP in 1985 when Mr. Gabriele was the Fire Marshal. At that time he was not aware he was a former trooper. At that time the agency was under the Department of Public Safety so it was a different setup. He knew him well as the State Fire Marshal and also worked with his son who was a Captain with MSP. He expressed his condolences to the family for their loss.

Mr. Hock thanked the Commission for its work with recommending three applicants for the State Fire Marshal vacancy. The recommended candidates will be interviewed by three MSP staff next week. Chairman Tochterman noted that Commissioners Devan, Spriggs, and Stevens were not able to participate in the interviews conducted by the Commission. Ten interviews were conducted over April 2nd and 3rd at the Aberdeen Fire Station. The interviews went well and the five Commission members on the interview panel selected the top three candidates. The three names were forward to Secretary Butler, Chief of Staff Iman, and Deputy Chief of Staff Hock.

Terin Hopkins with the National Fire Sprinkler Association thanked the Commission for moving forward the proposed 2024 amendments. He noted that Maryland has been a leader for decades in fire protection and the high-rise issue is a difficult one that has been dealt with for many years.

Mr. Andrew Friel with the Maryland Department of Labor requested to speak. He is in attendance on behalf of Mischelle Vanreusel who was not able to attend. He expressed his department's pleasure in working with the Commission and the fire service on issues of mutual concern.

Commissioner Bilger advised that for all due purposes this would be his last Commission meeting. His second term expires June 30, 2024, and he will not be able to serve another term. He may be unable to attend the June meeting in Ocean City due to other commitments with the MSFA convention. He expressed it was an honor to serve on the Commission. He hopes the Commission can

work through any future obstacles and continue its good work to insure fire and life safety. He acknowledged the support the Office of the State Fire Marshal has given the Commission as well as the support of all the other agencies and organizations. He expressed recognition for the hard work the Mid-Atlantic Life Safety Conference committee does to organize the annual event. He expressed gratitude to Fire Marshal Rocco Gabriele for hiring him to the Office of the State Fire Marshal, promoting him to the rank of Deputy Chief State Fire Marshal, and for the Fire Marshal's support of the Mid-Atlantic Life Safety Conference.

Motion by Commissioner Johnson to adjourn, second by Commissioner Hopkins, and unanimously carried. The meeting was adjourned at 11:07 a.m.

**Next Meeting: Tuesday, June 18, 2024 – 11:00 a.m.
Roland E. Powell Convention Center
4001 Coastal Highway
Mezzanine Board Room
Ocean City, Worcester County**

Respectfully submitted,
(as summarized from transcript provided by eScribers),



Heidi Ritchie, Secretary