

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

**Members present:** Edward S. Tochterman, Chairman  
Caroll Spriggs, Vice Chairman  
Mark Bilger  
Emily Devan (via telephone)  
Jerred Johnson  
Randy Sanger  
Daniel Stevens (via telephone)

**Members Absent:** Mark Hopkins

**Vacancy:** Washington-Metro Area

The Fire Prevention Commission held a public meeting on June 18, 2024, at the Roland E. Powell Convention Center in Ocean City, Worcester County.

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

The Chairman recognized several guests present at the meeting:

William Barnard, Retired Maryland State Fire Marshal  
John Bender, Retired Maryland Chief Fire Protection Engineer  
Mischelle Vanreusel, Deputy Commissioner Division of Labor and Industry  
John Nelson, Deputy Chief State Fire Marshal Southern Region  
Matthew Stevens, Deputy State Fire Marshal Lower Eastern Shore Region  
Terin Hopkins, National Fire Sprinkler Association (via telephone)

Due to some of the Commissioners having to attend other events scheduled at the Maryland State Firemen's Association (MSFA) convention today, the Chairman changed the order of business to allow Chief Fire Protection Engineer (CFPE) Kenneth Bush the opportunity to present proposed amendments to COMAR 29.06.01 Fire Prevention Code while all the Commissioners were in attendance.

**COMAR 29.06.01 FIRE PREVENTION CODE PROPOSED AMENDMENTS**

CFPE Bush thanked the Commission for the opportunity to present some additional changes that are being proposed as a result of the final review of the draft document presented at the Commission's February 2024 meeting. There are three paragraphs that are being proposed for revisions. These changes have been vetted through the Code Update Review Committee whose members were in agreement. The changes were highlighted in a handout CFPE Bush provided. CFPE Bush also provided a substantiation for each change.

The first proposed change is on page 2. It is new amendment 29.06.01.07 HH revising NFPA 101. The change is to generalize all references to NFPA 150 Animal Housing Facilities as was the intent of the Review Committee. By only deleting Section 11.12.2 as was originally proposed, compliance with 11.12.1 would still require compliance with 11.1. The change deletes Section 11.12 in its entirety, thus removing all of the requirements of Section 11.1 for Animal Housing Facilities from the State Fire Prevention Code.

The second proposed change is also to NFPA 101. It is new amendment CCC. It was the intent of the Review Committee to delete references to grab bars. This was done by eliminating all the direct references to grab bars from the occupancy chapters. However, in each of these occupancy chapters there is a subparagraph that refers back to the general Subsection 24.2 dealing with means of escape in single-family dwellings, part of which (24.2.8) includes the grab bars. The new change adds a statement that specifically states the provisions of Subsection 24.2.8 shall not apply to these occupancy chapters.

The third proposed change is on page 7. It is existing amendment 29.06.01.08 III to NFPA 1 (2018 edition) dealing with gasfitters related to food trucks. The original discussions of the 2021 Code Update Review Committee noted that this provision was not uniformly being enforced and that food truck operators were having difficulty finding certified gasfitters to actually do the work. As such the 2021 Review Committee proposed to delete the amendment. Since it was proposed for deletion in the 2021 edition which was never adopted, it was overlooked and not discussed by the 2024 Review Committee. After bringing this to the attention of the 2024 Review Committee, it was agreed it should be proposed for deletion as originally intended for 2021. The Maryland Department of Labor, Licensing, and Regulations license gasfitters. Deputy Commissioner Vanreusel had no comments on deleting the amendment.

As noted, these three changes were reviewed with the 2024 Code Update Review Committee with no negative responses other than it may delay the adoption date of the codes. If the Commission agrees to accept these additional proposed changes, Secretary Ritchie has the proposed amendments prepared for submission to the Department of State Police for processing.

Chairman Tochtermann took a roll call vote on the proposed changes:

Commissioner Bilger – In Favor  
Commissioner Johnson – In Favor  
Commissioner Sanger – In Favor  
Commissioner Devan – In Favor  
Commissioner Stevens – In Favor  
Vice Chairman Spriggs – In Favor

Proposed changes were unanimously accepted.

Regarding the submission of the proposed amendments, Chairman Tochtermann reported the economic impact statement has been discussed with the Commission's legal counsel Susan Baron and the Department of State Police. Ms. Baron deferred to the Maryland State Police's legal counsel, Phillip Pickus, who provided some proposed wording which was satisfactory with Ms. Baron. The Chairman read the proposed statement: *"As to my estimate of economic impact, the proposed regulations are not estimated to have an economic impact with one significant exception that the requirement for fire sprinkler systems to be retrofitted into existing high-rise residential buildings will have a meaningful economic impact on the owners of those buildings. As each high-rise residential building will differ in size, construction, condition, and age, it is not possible to provide a meaningful estimate of the economic impact of the fire sprinkler system requirement. The proposed regulation should not require a large expenditure by involved government services."* Mr. Pickus' proposal for the economic impact on small businesses reads, *"With the significant exception as noted above, the proposed regulations will not have a meaningful effect on small businesses."* The statement on the impact on individuals with disabilities proposed by Chairman Tochtermann reads, *"The proposed action will have an improved fire and life safety impact on individuals with disabilities who reside in existing high-rise residential buildings that are not currently provided with fire sprinkler systems."*

The Commissioners had no comments or questions and Chairman Tochtermann took a roll call vote on the statements:

Commissioner Bilger – In Favor

Commissioner Johnson – In Favor  
Commissioner Sanger – In Favor  
Commissioner Devan – In Favor  
Commissioner Stevens – In Favor  
Vice Chairman Spriggs – In Favor

Proposed statements were unanimously accepted.

Having concluded the discussion on the proposed amendments and statements, Chairman Tochtermann called on Acting Fire Marshal Jason Mowbray to present his report.

### **FIRE MARSHAL REPORT**

Acting Fire Marshal (A/FM) Mowbray provided an update on fire fatalities. For 2023 there were 64 fatalities in residential structures, 12 vehicle-related, and 8 in other settings, for a total of 84. There were eleven confirmed multi-fatal fires. Baltimore City had the highest with nineteen. Thus far in 2024, there have been 17 fatalities in residential structures, 4 vehicle-related, and 3 in other settings, for a total of 24. Seven causes of death are pending the Chief Medical Examiner's report. There has been one double-fatal fire. Baltimore City has the highest with six.

On May 14<sup>th</sup> Deputy State Fire Marshals (DSFMs) and K9 Blondie investigated a fatal fire in Bel Air just before 11:00 a.m. The Bel Air Volunteer Fire Company and surrounding companies responded to a reported possible entrapment and arrived within minutes. A 57-year-old male was discovered inside. The cause remains under investigation. Smoke alarms were found inside the home but it is unknown if they activated.

A joint investigation is on-going between the Office of the State Fire Marshal (OSFM) and the Maryland State Police Criminal Enforcement Division involving a fatal fire in Rising Sun on April 19<sup>th</sup>. The Community Fire Company of Rising Sun and surrounding fire departments responded to the one-story home with fire and heavy smoke coming from the eaves. A 55-year-old male was discovered inside the rear door and was later pronounced deceased by the Cecil County Department of Emergency Services.

So far in 2024, the OSFM has conducted a total of 373 investigations—318 fire-related and 55 explosive-related, with 39 criminal cases closed and 51 arrests. Over 3,900 inspections have been completed and 389 plans reviewed. The 389 reviews were reported at the last meeting and CFPE Bush has updated numbers.

Over the last several months there has been an increase in incidents in State prison facilities in the Cumberland area and Eastern Shore. Inmates in cells are creating small fires or tampering with the sprinkler protection in cells. The sprinkler heads are institutional tamper-resistant but are not tamper-proof. When activated the cells and tier flood, resulting in inmates having to be relocated and putting correctional officers at risk. Staff are working with the Department of Corrections (DOC) managers and leaders on these incidents. In one case the correctional officer took care of the emergency and cleaned up the scene. He was advised of the correct procedures to handle and report such incidents. All suspects are being charged with relevant crimes by the OSFM and DOC is working on administrative charges. The situation will continue to be monitored. Systematically this is more of an internal issue in the prisons and their environment with the inmate population. A significant portion of the OSFM arrest statistics are these inmates being charged.

On June 11<sup>th</sup> DSFMs arrested a 41-year-old Cecil County man on multiple charges, including attempted murder, after determining he firebombed a house in March. On March 2, 2024, just before

10:00 p.m. Maryland State Police Trooper from the North East Barrack responded to Old Philadelphia Road after the occupants saw a flash outside their window and discovered flames outside. The occupants were able to extinguish the fire and later found the remains of the destructive device, commonly called a "Molotov cocktail". After investigating the incident, DSFM's identified and arrested the suspect. Damage was estimated at \$500.

On June 4<sup>th</sup> a 64-year-old Leonardtown man was arrested after setting a hotel room on fire that displaced 46 guests and caused \$750,000 in damage. Shortly after 8:00 p.m. on June 3<sup>rd</sup>, the St. Mary's Sheriff's Office responded to a report of a disturbance at the Super Eight Motel on Three Notch Road in California. An employee called 911 to report occupants in a room were arguing, broke the windows, and barricaded the door. Arriving deputies observed the suspect inside the room attempting to start a fire. Deputies activated the fire alarm and began evacuating the motel. OSFM fire safety inspectors as well as the supervisor responded after the fact to ensure the occupants did not return to unsafe conditions. The motel manager wanted permission to re-occupy the hotel and the OSFM and local building officials are working with the motel towards a positive solution. The motel sustained heavy water damage.

On May 14<sup>th</sup> with the assistance of the Maryland State Police S.T.A.T.E. Team, a 27-year-old North East man was arrested for setting fire to his neighbor's home while they were inside. The suspect was taken into custody for attempted first-degree murder, assault, fire-degree arson, and multiple other charges. The fire occurred on April 16<sup>th</sup> just before 10:00 p.m. with the North East Fire Company arriving to discover the front of the house on fire. Multiple fire departments also responded and the fire was extinguished within ten minutes.

During events at the MSFA Convention yesterday, the OSFM celebrated the nomination of regional DSFM's for the Deputy of the Year Award. Nominees include Senior Deputy Jeffery Thomas (Lower Eastern Region), Senior Deputy Shayne McKinney (Upper Eastern Region), Senior Deputy Josh Matthews (Southern Region), Master Deputy Oliver Alkire (Northeast Region), and Master Deputy Edward Ernst (Western Region). The OSFM Performance Review Committee selected Master Deputy Edward Ernst as the 2023 Deputy State Fire Marshal of the Year. All the nominees were recognized on stage yesterday.

Fire Safety Inspector Paul Byington was hired on June 12<sup>th</sup> and is assigned to the Lower Eastern Region. He was a code enforcement officer with the City of Salisbury. Fire Safety Inspector Steven Mills was hired on June 30<sup>th</sup> and is assigned to the Upper Eastern Region. Mr. Mills retired from D.C. Fire and EMS as a certified fire inspector III and plans examiner. With the hiring of these new inspectors, it underscores the high quality of candidates. The fifth and final inspector that had been allocated to the OSFM last July will be hired later this month.

On May 2<sup>nd</sup> two OSFM DSFM's had the honor of being presented awards for outstanding service by Colonel Roland L. Butler, Jr. at the annual Maryland State Police Awards Ceremony. Both deputies were involved in life-saving actions. On December 12, 2022, Senior Deputy Timothy McDonald and some other deputies were having lunch in Salisbury during a normal work day when a medical emergency occurred next door. A citizen requested help. When the deputies responded, Deputy McDonald found a woman on the floor and immediately began CPR. The other deputies worked to control pedestrian traffic and assist EMS personnel. EMS confirmed a pulse and she was transported to the hospital. Senior Deputy McDonald was awarded a Lifesaving Award.

On January 27, 2024, Master Deputy and Bomb Technician Cory Hurst was traveling to the University of Maryland Campus for a sweep and standby bomb squad assignment for the Big Ten basketball game. While crossing the Bay Bridge, he found himself at the front edge of a multi-vehicle crash in heavy fog. He was able to avoid collision and notified the Centreville Barrack. Deputy Hurst began to assess and triage many vehicle occupants for injuries. He was advised that one victim suffered

a completely severed arm. A citizen had already applied a ratchet strap around the victim's arm and was applying pressure. Deputy Hurst took control and properly applied his agency-issued tourniquet and comforted the victim until EMS arrived. He remained on the scene for hours assisting in various ways. His professional and calming reaction in a stressful situation stabilized the patient until the fire department and EMS arrived. Master Deputy Hurst received a Superintendent's Commendation.

Senior Deputy Melissa Decker and K9 Taylor graduated from the ATF K9 Class #149. They are assigned to the Southern Region. Senior Decker's previous K9 partner, Sky, retired just prior to the start of the class.

OSFM staff has not only been busy with investigations but sworn and civilian staff also have participated in community outreach and risk reduction events. In the Western Region the Deputy Chief and two deputies participated in the Cumberland Police Department Summer Youth Camp. The yearly camp is a cooperative effort between the police department and the Salvation Army to mentor middle school-aged boys and girls and provide them with the knowledge to make smart, healthy, and safe decisions to lead a productive life. Western deputies also participated in the Fish with A Cop event which is becoming a popular summertime activity to engage youth in communities. The Western Region also participates in law enforcement day at Allegany College, an event which allows students to interact with criminal justice professionals and watch various demonstrations. Two bomb technicians and their K9s attended the "Touch a Truck" event at the Lisbon Volunteer Fire Company in Howard County. They provided demonstrations for Frederick County 911 recruits to help dispatch personnel become familiar with the OSFM Bomb Squad equipment, resources, and procedures. The Deputy Chief and several deputies participate at an event at the St. Francis de Sales School in Salisbury. In May, regional personnel throughout the State participated in weekend local Community Risk Reduction events. On May 8<sup>th</sup> OSFM personnel participated in the Maryland State Police Fallen Heroes Program, recognizing the sacrifice of many law enforcement personnel, including Deputy Chief State Fire Marshal Sander Cohen. It is a solemn occasion and a touching tribute that family members can attend. This year the OSFM honor guard was fully incorporated into the program.

As a follow-up to Chairman Tochtermann's inquiry, A/SFM Mowbray reported that all delinquent 2023 MFIRS reports have been submitted. So all departments are now in full compliance with their 2023 submissions. An update for 2024 will be provided at the next meeting.

Chairman Tochtermann remarked that he noticed there have been several fire incidents in the Waldorf area. A/FM Mowbray introduced the Southern Regional Deputy Chief John Nelson for response. Deputy Nelson reported there are no connections or trends with the fires in Charles County.

Commissioner Bilger questioned how many of the fire investigations were arson because under former Fire Marshal Geraci there was a shift from code enforcement to law enforcement and he is curious if there are enough arson fires to justify that shift and that maybe consideration should be given to having sworn personnel do more inspections as was done years ago. A/FM Mowbray commented that the agency has a multi-prong mission and allocates available resources as needed. The agency is unique in that it has legislative responsibilities in a fire prevention role as well as law enforcement investigation, both of which have become more technical in nature. By dedicating certain staff to specific roles, it was Fire Marshal Geraci's belief that staff would be better skilled and trained for those specific roles. The sworn staff currently are still required to attend inspection training and conduct inspections as needed. The workload varies in the different regions and the regional Deputy Chiefs allocate personnel resources to accomplish the overall mission of the agency.

Commissioner Bilger inquired as to how the change in fire incident reporting will affect the agency as it is his understanding that with the new process the reports will go directly to the federal government. A/FM Mowbray responded that the U.S. Fire Administration receives nationwide fire data through the



National Fire Incident Reporting System. Historically the agency has always received this nationwide data. Maryland fire departments submit this data electronically to the OSFM who verifies it and then submits it to the nationwide system. The current process is being modernized for departments to submit real-time data to the federal system which in turn will make it available to individual states. Real-time data will allow states to more readily view and address trends in fire-related incidents. Many states in addition to Maryland having funding attached to report submissions and the U.S. Fire Administration is aware of the concerns for states to be able to monitor the submission and validity of reports for the dispersment of state funds to the fire service. Several pilot programs are already in place, including Maryland participation.

Vice Chairman Spriggs commended the OSFM staff for their good work, especially in community risk reduction and requested A/FM Mowbray to relay his sentiments to the staff.

At the request of Chairman Tochtermann, A/FM Mowbray advised he will provide an updated organizational chart of the OSFM and the status of any actions taken based on recommendations made by the State Police audit of the agency.

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

CFPE Kenneth Bush reported the agency had some questions regarding the passage of House Bill 823, which is the Melanie Diaz Fire Safety Act. To be proactive in the enforcement and interpretation, the Fire Marshal and he had some informal conversations with the Attorney General's Office and received some informal interpretations about enforcement and types of systems that would be required to be installed when enforcement action goes into effect in 2025. As part of the law there is a requirement that the State Police establish a work group to study the effects of the legislation and cost avenues. There is an on-line application process through the Governor's Appointments Office. CFPE Bush has passed this information along to persons who may be interested. Maryland building officials and the Society of Fire Protection Engineers are also soliciting members to apply. The work group could start work July 1<sup>st</sup> with a report due back to the Governor by the end of this year. It is a narrow window to get this accomplished.

The first draft meetings for the adoption of the 2027 NFPA 1 Fire Code will take place at the end of June in Orlando. The first draft meetings for the 2027 NFPA 101 Life Safety Code will take place at the end of July in Kansas City. NFPA is also proposing a new standard, NFPA 800, dealing with battery safety. The application process for members to serve on that technical committee is currently open and closes on July 12<sup>th</sup>.

The National Association of State Fire Marshals is going to partner this year with the International Fire Marshals Association to hold joint conferences with NFPA. That will be held July 26<sup>th</sup>-August 1<sup>st</sup> in Kansas City. The OSFM will have representatives attending that conference to bring back information on particular issues.

### **CHAIRMAN REPORT**

Chairman Tochtermann entertained a motion to approve the April minutes. Motion by Commissioner Johnson, second by Vice Chairman Spriggs, and unanimously carried.

Regarding the Mid-Atlantic Life Safety Conference (MALSC), A/FM Mowbray called on Thomas Hayden to provide an update. Mr. Hayden is with Marriott Fire Life Safety. He is on the MALSC steering committee and passed out flyers to the Commission members. Presenters must submit their proposals by July 1<sup>st</sup> and the committee will begin working on the program. Registration has already opened for persons wishing to attend. The committee has not yet received a response on any grant funding for

volunteer fire service members so that probably will not happen this year. Commissioner Bilger has asked the MSFA to look into some of their grants to assist. Vice Chairman Spriggs reported he has attended some of the committee meetings and they are doing great work behind the scenes.

Regarding the House Bill 823 work group, there are a number of people that are specified to be on it, one being the Fire Prevention Commission Chairman or his designee. He tentatively advised Catherine Kelly with MSP that he will serve and opened the floor to any Commissioner who would like to serve. Vice Chairman Spriggs feels the Chairman would do an excellent job and all the other Commissioners agreed. The Chairman thanked them for their support.

The locations for the August 15 and October 17 meetings have not yet been determined. Commissioner Sanger offered to host the August meeting at the Odenton Volunteer Fire Department. Mr. Bender offered to host the October meeting at the Aberdeen Fire Department.\*

### **OTHER BUSINESS**

Chairman Tochtermann offered Ms. Vanreusel, Deputy Commissioner for Labor and Industry, an opportunity to speak. Within her division there are many units that intermingle with the work the Commission and OSFM perform. Labor and Industry handles laws and regulations that deal with elevators, boilers, railroads, and amusement rides, as well as wage laws and occupational safety and health (OSHA and MOSH). Regarding amusement rides, enforcement has begun on challenge courses and is going well. There were initially some issues with wedding barn venues, which are now considered challenge courses. They are now being inspected for safety. Final regulations are in the process of being adopted for trampoline parks. Her division also works with building code officials whose codes sometimes differ from the fire codes. Discussions are ongoing regarding escape rooms, which are inherently dangerous. Labor and Industry has been inspecting them as an amusement attraction but is being challenged. Many county code officials were not aware that Labor and Industry conducts inspections and issues certifications for amusement rides.

Regarding the adoption the 2024 building codes, she has been working closely with CFPE Bush to review if there will be any significant conflicts with the fire codes. Building safety structures have morphed into the energy code causing some concerns. The Department of Environment is offering a large amount of grant money to states that adopt current and updated energy codes.

OSHA issued a regulation just before New Year's Eve with a lot of state-plan involvement. In Maryland (MOSH) and about 29 other states, the safety and health programs for employee/employer relationships, except for federal employees, are operated by the state and regulated/overseen by OSHA. Many states do not want to cede that power to the federal government. Part of the agreement was for states to have their own plannability and there has been a bit of controversy with OSHA developing these regulations without a lot of state input from the emergency response industry. It is a very long set of regulations with ongoing discussions and meetings to formulate comments to submit to OSHA. Chairman Tochtermann noted that if the new regulations take effect, some volunteer companies in Maryland may have to close due to lack of funds to comply. Per Ms. Vanreusel, it is not the intent of MOSH to close any companies. The benefit of Maryland having its own state-plan is Maryland can write its own standards to deal with specified hazards as long as the state-plan is at least as effective as OSHA. Commissioner Johnson remarked that the proposed OSHA standards are very concerning and something the fire and emergency services are paying close attention. Commissioner Sanger thanked Ms. Vanreusel for her long-time efforts and involvement to ensure the safety of firefighters and first responders. Commissioner Devan also expressed appreciation for Ms. Vanreusel's efforts.

Retired Maryland Fire Marshal William Barnard thanked the Commission for the opportunity to join today's meeting. He complimented A/FM Mowbray on his report to the Commission as well as his

report to the MSFA yesterday. He recognized the entire OSFM staff for its hard work, particularly CFPE Bush for his continued presence and guidance for over 48 years.

Retired Maryland Chief Fire Protection Engineer John Bender echoed Fire Marshal Barnard's comments and recognized the hard work put in by the 2024 Code Update Review Committee members.

Motion by Commissioner Johnson, second by Commissioner Sanger, and unanimous carried to adjourn the meeting.

**Next Meeting: Thursday August 15, 2024 – 10:00 a.m.**  
**Location to be Confirmed (Odenton or Aberdeen)\***

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



Heidi Ritchie, Secretary

Attachments:  
COMAR 29.06.01 Revised Proposal  
COMAR 29.06.01 Revision Substantiation

\*Post meeting note: Due to lack of a quorum, the August 15<sup>th</sup> meeting was cancelled.



# Title 29 DEPARTMENT OF STATE POLICE

## Subtitle 06 FIRE PREVENTION COMMISSION

### Chapter 01 Fire Prevention Code

Page | 1

Authority: Public Safety Article, §§6-206 and 6-501, Annotated Code of Maryland

#### 29.06.01.02

##### .02 Purpose.

- A. (text unchanged)
- B. This chapter incorporates by reference NFPA 1 Fire Code ([2018]2024 Edition), except as amended in Regulations .08 and .09 of this chapter, and NFPA 101 Life Safety Code ([2018]2024 Edition), except as amended in Regulation .07 of this chapter.
- C. (text unchanged)

#### 29.06.01.05

##### .05 Definitions.

- A. (text unchanged)
- B. Terms Defined.
  - (1) (text unchanged)
  - (2) "International Code Council (ICC)" means International Code Council, Inc., [500 New Jersey Avenue N.W., 6th Floor, Washington, DC 20001-2070]200 Massachusetts Avenue N.W., Suite 250, Washington, DC 20001.
  - (3-4) (text unchanged)
  - (5) "NFPA" means National Fire Protection Association, 1 Batterymarch Park, [P.O. Box 9101,]Quincy, MA [02269-9101]02169-7471.

#### 29.06.01.06

##### .06 Incorporation by Reference.

- A. (text unchanged)
- B. Documents Incorporated.
  - (1) NFPA 1 Fire Code ([2018]2024 Edition).
  - (2) NFPA 101 Life Safety Code ([2018]2024 Edition).
- C. (text unchanged)

#### 29.06.01.07

##### .07 National Fire Protection Association 101 Life Safety Code.

The NFPA 101 Life Safety Code ([2018]2024 Edition) is incorporated by reference, except for the following amendments:

[A. Amend Section 2.2 to delete the referenced publication NFPA 150 Standard on Fire and Life Safety in Animal Housing Facilities, 2016 edition.]

[B.]A. Amend [Section 2.4]Sections 2.2 and 2.4 to delete the referenced publications NFPA 150 Standard on Fire and Life Safety in Animal Housing Facilities, [2016]2022 edition, and NFPA 5000 Building Construction and Safety Code, [2018]2024 edition. Wherever NFPA 5000 is referenced, other than for extracted text, substitute the building code adopted by the AHJ.

[C.]B. Amend Subsection [3.3.64]3.3.66 to add the following Paragraph: [3.3.64.3]3.3.66.3 Bulkhead Door. A type of door assembly covering an opening in the ground providing direct access to a basement, the floor of which is not more than 8 feet below ground level. The door consists of a single rigid leaf or two overlapping rigid leaves or covers which need to be pushed or lifted upwards in order to be opened. A person, after opening the door, can walk up a series of steps to escape to the outside.

C. Amend Paragraph 3.3.70.1 to replace "three" with "five" and delete ", if any, accommodated in rented rooms".

D. Amend Paragraph [3.3.148.1]3.3.154.1 and Subparagraphs 16.6.1.1.2 and 17.6.1.1.2 to delete "more than 3, but".

E. Amend Paragraphs [3.3.196.4]3.3.205.4 and 6.1.4.1 to delete "four or more".

F. Amend Paragraphs [3.3.196.12]3.3.205.12 and 6.1.9.1 to replace "four" with "six".

G.—K. (text unchanged)

EEE. Amend Section 19.3 to add the following Paragraph and Subparagraphs:

19.3.4.6 Carbon Monoxide Detection.

19.3.4.6.1 Carbon monoxide detection, where required by 19.3.4.6.2, shall be in accordance with Section 9.12.

19.3.4.6.2 Carbon monoxide detection shall be provided in the following locations:

(1) Carbon monoxide detectors shall be installed on the ceilings of rooms containing permanently installed fuel-burning appliances, including fireplaces.

(2) Carbon monoxide detectors shall be installed within 36" (910 mm) of the first supply air register from a permanently installed, fuel-burning HVAC system.

FFF. Amend Section 21.3 to add the following Paragraph and Subparagraphs:

21.3.4.5 Carbon Monoxide Detection.

21.3.4.5.1 Carbon monoxide detection, where required by 21.3.4.5.2, shall be in accordance with Section 9.12.

21.3.4.5.2 Carbon monoxide detection shall be provided in the following locations:

(1) Carbon monoxide detectors shall be installed on the ceilings of rooms containing permanently installed fuel-burning appliances, including fireplaces.

(2) Carbon monoxide detectors shall be installed within 36" (910 mm) of the first supply air register from a permanently installed, fuel-burning HVAC system.

[LL. Amend Subparagraph 22.4.5.1.3 to delete "or 22.4.5.1.5".

MM. Delete Subparagraphs 22.4.5.1.5 and 23.4.5.1.5.

NN. Delete Paragraphs 22.4.5.2 and 23.4.5.2.

OO. Amend Subparagraph 23.4.5.1.3 to delete "or 23.4.5.1.5".]

GGG. Amend Paragraph 22.4.6.2 to add the following Subparagraph:

22.4.6.2.5 Automatic sprinkler protection shall be installed throughout the building in accordance with 9.7.1.1.

[PP.]HHH.—[RR.]JJJ. (text unchanged)

KKK. Delete Subsections 30.7.5 and 31.7.5.

LLL. Amend Subparagraph 31.3.5.9.1 to add the following sentence: "Unsprinklered high-rise residential buildings are a hazard so inimicable to the public safety as to require correction."

[SS.]MMM.—[TT.]NNN. (text unchanged)

OOO. Amend Paragraphs 36.3.5.3, 37.3.5.3, 38.3.5.2, and 39.3.5 to replace "portable" with "Unless otherwise permitted by the AHJ, portable".

[UU.]PPP.—[WW.]RRR. (text unchanged)

29.06.01.08

#### **.08 National Fire Protection Association 1 Fire Code.**

The NFPA 1 Fire Code ([2018]2024 Edition) is incorporated by reference, except for the amendments in Regulation .09 of this chapter and the following amendments:

A. Delete Section [1.10]1.11. (See COMAR 29.06.02)

B. Delete [Subsection 1.11.3]Section 1.12.

C. Amend Subsection [1.12.1]1.13.1 to add the following Paragraph: [1.12.1.1]1.13.1.1 Permits, certificates, notices, approvals, or orders required by this code shall be governed by the policies and procedures of the AHJ.

D. Amend Paragraph [1.12.6.13]1.13.6.13 to replace "Permits shall" with "Permits may".

E. Amend Subsection [1.12.8]1.13.8 to replace "shall" with "may".

F. Amend Subsection [1.13.2]1.14.2 to delete "Mandatory." and replace "shall" with "may".

G. Delete [Paragraphs 1.13.12.4 and 1.16.4.3]Paragraph 1.14.12.4.

H. Amend Subsection 2.1.1 and Paragraphs 2.1.1.1 and 2.1.1.2 to replace "Compliance" with "Where permitted by the AHJ, compliance".

I. Amend Section 2.2 to delete the referenced publication NFPA 5000 Building Construction and Safety Code, [2018]2024 edition. Wherever NFPA 5000 is referenced, other than for extracted text, substitute the building code adopted by the AHJ. Delete the referenced publication NFPA 150 Standard on Fire and Life Safety in Animal Housing Facilities, [2016]2022 edition.

J. Amend Section 2.4 to delete the publication NFPA 5000 Building Construction Safety Code, 2024 edition. Wherever NFPA 5000 is referenced, other than for extracted text, substitute the building code adopted by the AHJ.

[J.]K. Amend Subsection [3.3.14]3.3.17 to add the following Paragraph: [3.3.14.13]3.3.17.12 Consumer Fireworks Retail Sales Area. The portion of a consumer fireworks retail sales facility or store, including the immediately adjacent aisles, where consumer fireworks are located for the purpose of retail display and sale to the public.

[K.]L. Amend Subsection [3.3.130]3.3.136 and Paragraph [3.3.130.1]3.3.136.1 to add "and as referenced in Public Safety Article, §10-101, Annotated Code of Maryland".

M. Delete Subsection 3.3.175.

[L.]N. Amend Paragraph [3.3.192.6]3.3.203.6 to delete "more than 3 but".

[M.]O. Amend Paragraphs [3.3.192.7]3.3.203.7 and 6.1.4.1 to delete "four or more".

[N.]P. Amend Paragraph [3.3.192.25]3.3.203.25 and Subparagraph 3.3.203.25.1 to replace "three" with "five" and delete ", if any, accommodated in rented rooms".

(3) Order the removal of any tree if the tree poses a hazard to life or safety.

TT. Amend Subparagraph 12.6.9.1.1 to replace "Christmas" with "Unless otherwise approved by the AHJ, Christmas".

UU. Amend Paragraph 12.6.9.5 to add the following Subparagraph: 12.6.9.5.3 Combustible artificial decorative vegetation shall be tested by a laboratory recognized by the Office of the State Fire Marshal.

VV. Amend Subparagraph 12.6.9.6.1 to replace  $\frac{1}{2}$ " (13 mm)" with "2 in. (50 mm)" and add the following sentence: "A natural cut tree shall not exceed 10 ft. (3 m) in height, excluding the tree stand."

[NN.]WW. (text unchanged)

[OO.]XX. Amend [Subsection 13.1.3]Paragraph 13.1.3.1 to replace "[in]by Chapters 11 through 43" with "by the AHJ and Chapters 11 through 43".

YY. Amend Paragraph 13.1.3.2 to replace "by 9.3.5" with "by the AHJ, 9.3.5".

[PP.]ZZ. Amend Paragraph 13.3.1.2 to add the following Subparagraph: 13.3.1.2.1 For new ceiling installations, drop-out ceilings as referenced in NFPA 13, [Subsection 8.15.15]Subsection 9.3.11 and NFPA 13R, Section 6.15, shall be prohibited.

AAA. Amend Subparagraph 13.3.2.5.1 replace "The following assembly occupancies" with "The following assembly occupancies having an occupant load of 100 or more persons, or 5,000 or more square feet in area, or located on a floor other than the level of exit discharge".

BBB. Delete Subparagraph 13.3.2.24.2 and replace with the following:

13.3.2.24.2\*

Existing high-rise buildings, other than those meeting 13.3.2.24.2.1 or 13.3.2.24.2.2, shall be protected throughout by an approved automatic sprinkler system in accordance with this chapter and 13.3.2.24.2.3 through 13.3.2.24.2.5

13.3.2.24.2.1 An automatic sprinkler system shall not be required where every dwelling unit has exterior exit access in accordance with 14.10.3.

13.3.2.24.2.2 An automatic sprinkler system shall not be required in buildings that have a previously approved and implemented engineered life safety system complying with 13.3.2.24.2.2.1 and 13.3.2.24.2.2.2.

13.3.2.24.2.2.1 The engineered life safety system shall have been developed by a registered professional engineer experienced in fire and life safety system design, approved by the authority having jurisdiction, and inspected for compliance by the authority having jurisdiction, and shall include any or all of the following:

- (1) Partial automatic sprinkler protection
- (2) Smoke detection systems
- (3) Smoke control systems
- (4) Compartmentation
- (5) Other approved systems

13.3.2.24.2.2.2 The engineered life safety system shall be maintained in accordance with the approved design documents and applicable standard.

13.3.2.24.2.3 Each building owner shall, within 180 days of receiving notice, file an intent to comply with this regulation with the AHJ for approval.

13.3.2.24.2.4 The AHJ shall review and respond to the intent-to-comply submittal within 60 days of receipt.

13.3.2.24.2.5\* The entire building shall be required to be protected by an approved automatic sprinkler system by January 1, 2033.

13.3.2.24.2.6 Public Disclosure Signage.

In high-rise buildings that are not protected throughout by an approved automatic sprinkler system, signage shall be posted complying with 13.3.2.24.2.6(A) through 13.3.2.24.2.6(D).

(A) Signage shall be posted at all main building entrances as approved by the AHJ.

(B) The lettering on the sign shall be at least 1 in. (25 mm) high.

(C) The lettering shall be placed on a contrasting background.

(D) The wording shall state as follows: "WARNING: THIS HIGH-RISE BUILDING IS NOT PROTECTED THROUGHOUT WITH AN AUTOMATIC FIRE SPRINKLER SYSTEM".

CCC. Amend Paragraph 13.3.2.24 to add the following Subparagraph: 13.3.2.24.3 Unsprinklered high-rise residential buildings are a hazard so inimicable to the public safety as to require correction.

DDD. Amend A. 13.3.2.24.2.3 to replace "A.13.3.2.24.2.3" with "A.13.3.2.24.2.5".

EEE. Amend Subparagraph 13.3.2.25.5 to delete existing wording and replace with the following: An automatic sprinkler system shall be installed throughout all mini-storage building fire areas greater than 2500 ft<sup>2</sup> (232 m<sup>2</sup>) and where any of the individual storage units are separated by less than a 1-hour fire resistance-rated barrier. Fire areas shall be defined by approved fire barriers having a fire resistance rating of not less than 3-hours. [5000:30.3.5.4]

FFF. Amend Sub-subparagraph 13.3.2.27.1.1 to add the following:

Automatic sprinkler protection is not required if all of the following conditions are met:

- (1) The total number of occupants in the occupancy in which the day care center is located is not more than 300 persons.
- (2) All rooms used for day care are located on the level of exit discharge;
- (3) All rooms used for day care have at least one exterior exit door at grade level;
- (4) The occupancy in which the day care center is located does not exceed 12,000 sq. ft. in area.

[QQ.]GGG.—[VV.]LLL. (text unchanged)

[50.2.1.10.3]50.8.1.7.2 General Safety Requirements.  
[50.2.1.10.3.1]50.8.1.7.2.1 All electrical cords shall be maintained in a safe condition and shall be secured to prevent damage.  
[50.2.1.10.3.2]50.8.1.7.2.2 Movable cooking equipment shall have wheels removed or shall be placed on blocks or otherwise secured to prevent movement of the appliance during operation.  
[50.2.1.10.3.3]50.8.1.7.2.3 Portable fire extinguishers shall be provided in accordance with [NFPA 1,] Section 13.6, and shall be specifically listed for such use.

50.8.1.8 *There shall be no obstructions or impediments to immediate escape from vehicles or other mobile units used for cooking operations.*

50.8.1.9 *Seating for the public shall not be located within any mobile or temporary cooking vehicle.*

III. Amend Subparagraph 50.7.2.3.4 to replace "an approved company" with "a gas fitter certified by the Maryland Department of Labor, Licensing, and Regulation" and add the following: The certification documentation shall consist of the following:

- (1) The name of the certified gas fitter;
- (2) The license or certification number that demonstrates the gas fitter is approved to install, inspect, and maintain LP-gas systems;
- (3) The corporate name of the mobile food service business;
- (4) The identifying name on the side of the mobile food vehicle;
- (5) The date of inspection;
- (6) The vehicle tag number and VIN; and
- (7) A signed statement by the certified gas fitter that reads: "The LP-Gas system has been inspected for compliance with the current edition of NFPA 58 and found to be in compliance with the provisions of the code. In addition, leak detection has been conducted on the LP-Gas system piping and the piping has been found to maintain integrity."

QQQQ. Delete Subsection 50.8.3 and replace with the following:

**50.8.3 Tent and Canopy Requirements**

50.8.3.1 *Temporary cooking operations conducted in tents and under canopies shall comply with NFPA 102 and Chapter 25.*

50.8.3.2 *All tent and canopy material shall comply with the flame resistance requirements of Section 25.2.2.*

50.8.3.3 *Tents or canopies where cooking equipment not protected in accordance with NFPA 96 is located shall not be occupied by the public*

50.8.3.4 *Tents or canopies where cooking equipment not protected in accordance with NFPA 96 is located shall be separated from other tents, canopies, structures, or vehicles by a minimum of 10 ft. (3050 mm) unless otherwise approved by the AHJ.*

RRRR. Amend Subparagraph 50.8.3.2 to replace "not be transported or stored inside the vehicle" with "be secured in an upright position during transport and storage".

29.06.01.09

**.09 Fireworks and Explosive Materials.**

The NFPA 1 Fire Code ([2018]2024 Edition) is incorporated by reference, except for the amendments in Regulation .08 of this chapter and the following amendments:

A-E. (text unchanged)

F. NOTE: The content of this regulation is extracted text from NFPA 1, 2012 edition, by permission. Copyright © 2012 NFPA.

Amend Chapter 65 to add the following:

65.10.1- 65.10.2.1 (text unchanged)

65.10.2.2 Retail sales of consumer fireworks shall be limited to mercantile occupancies defined in [3.3.183.17]3.3.203.19 and NFPA 101.

65.10.2.3-65.10.6.4.6 (text unchanged)

29.06.01.14

**.14 Sale and Use of Heaters and Stoves.**

A. Gasoline Stoves. The sale or use of gasoline stoves or other similar fuel-burning cooking or heating appliances using Class I flammable liquids as defined in NFPA 1 Fire Code ([2018]2024 Edition) and NFPA 30 Flammable and Combustible Liquids Code ([2018]2024 Edition), is prohibited unless the appliance has been tested and listed by a testing laboratory accepted by the State Fire Marshal. The appliance shall be installed, operated, and maintained in a safe manner in accordance with the prescribed recommendation of the manufacturer and the conditions stated in the listing by the respective testing laboratory.

B. (text unchanged)

**COMMENTS REGARDING REVISIONS TO THE PROPOSED  
AMENDMENTS TO THE 2024 EDITIONS OF NFPA 1 AND NFPA 101**

**29.06.01.07 HH. - Change amendment to *Delete Section 11.12.***

**Substantiation:** *It was the intent of the Review Committee to delete all references to Animal Housing Facilities. By deleting only Section 11.12.2, the Title of this Section and reference of these facilities to comply with Section 11.1 would be retained. Since all other references to Animal Housing Facilities have been removed, the retention of these paragraphs would be confusing and conflict with other amending actions and Review Committee intent.*

**29.06.01.07 CCC. Add a second sentence to this amendment or create a separate amendment to state: *Revise Paragraphs 17.6.2.1, 28.2.1.2, 29.2.1.2, 30.2.1.2, 31.2.1.2, and Subparagraphs 16.6.2.1.1, 16.6.2.4.1, 16.6.2.4.2, 17.6.2.4.1, 17.6.2.4.2, and 33.3.2.1.2 to add the following sentence: "The provisions of 24.2.8 shall not apply."***

**Substantiation:** *The reference paragraphs from the occupancy chapters include a reference for these chapters to comply with all of the provisions of Section 24.2, including the requirements for grab bars. This reference could be utilized to require the installation of grab bars even though the specific reference to grab bars has been removed by deleting the paragraphs already included in Amendment 29.06.01.07 II. This additional wording would clarify the intent to remove all references and requirements for grab bars, and prevent unintended enforcement or expectations that the fire authority would retain the responsibility to enforce the grab bar provisions.*

**29.06.01.08 PPPP. Remove this amendment.**

**Substantiation:** *Although this amendment was not specifically discussed as a part of the review of the 2024 edition of NFPA 1, discussions completed by the Review Committee during the process to incorporate the 2021 edition of NFPA 1 as a part of the Maryland State Fire Prevention Code agreed that since so few gas fitters are willing to complete these certification procedures and that violations have been noted even when these gas systems have been so certified, this amendment should be removed. In addition, it should be noted that the existing amendment refers to a Paragraph that no longer exists in the 2024 edition of NFPA 1. Therefore, the retention of this amendment would not be consistent with current industry practices, would not increase the overall safety of these systems, and would include an incorrect code reference.*

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The Secretary of State Police proposes to:

(1) Amend Regulations .02, .05—.09, and .14 under COMAR 29.06.01 Fire Prevention Code.

#### **Statement of Purpose**

The purpose of this action is to conform regulations in 29.06.01 with the documents being incorporated by reference: The National Fire Protection Association (NFPA) 1 Fire Code 2024 Edition and NFPA 101 Life Safety Code 2024 Edition.

#### **Comparison to Federal Standards**

There are no corresponding federal standards.

#### **Estimate of Economic Impact**

The proposed regulations are not estimated to have an economic impact with one significant exception that the requirement that fire sprinkler systems be retrofitted into existing high-rise residential buildings will have a meaningful economic impact on the owners of those buildings. As each high-rise residential building will differ in size, construction, condition and age, it is not possible to provide a meaningful estimate of the economic impact of the fire sprinkler system requirement. The proposed regulation should not require a large expenditure by the involved government agencies.

#### **Economic Impact on Small Businesses**

With the significant exception as noted above, the proposed regulations will not have a meaningful effect on small businesses.

#### **Impact on Individuals with Disabilities**

The proposed action will have an improved fire and life safety impact on individuals with disabilities who reside in existing high-rise residential buildings that are not currently provided with fire sprinkler systems.

#### **Opportunity for Public Comment**

Comments may be sent to Edward S. Tochtermann Jr., Chairman, Fire Prevention Commission, 18345 Colonel Henry K. Douglas Drive, Suite 240, Hagerstown, MD 21740, or call 877-890-0199, or email to [msh.sfp@maryland.gov](mailto:msh.sfp@maryland.gov), or fax to 301-766-3889. Comments will be accepted through \_\_\_\_\_. A public hearing will be scheduled.