

**STATE FIRE PREVENTION COMMISSION
MINUTES
September 27, 2024**

Members present: Edward S. Tochterman, Chairman
Mark Hopkins
Jerred Johnson
Randy Sanger
Ephraim Siff
Daniel Stevens

Members Absent: Caroll Spriggs, Vice Chairman
Eric Smothers

Vacancy: Washington-Metro Area/Industry

The Fire Prevention Commission held a public meeting on September 27, 2024, at the Aberdeen Fire Department, 21 North Rogers Street, Aberdeen, Harford County.

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

The Chairman recognized several guests present at the meeting:

John Bender, Retired Maryland Chief Fire Protection Engineer
Donna McGuire, Vice President, Maryland Chapter International Fire Marshal's Association
Terin Hopkins, National Fire Sprinkler Association

The Chairman expressed the Commission's appreciation to the Aberdeen Volunteer Fire Department for use of their facilities and John Bender for coordinating its use. Mr. Bender, on behalf of the members and officers of the department, stated the department is happy to cooperate with the Commission.

The Chairman introduced newly appointed Commission member Ephraim Siff. Commissioner Siff provided a brief background. He is an attorney in Baltimore and lives in the Pikesville area. He previously worked as an assistant attorney general for the Maryland State Police and as an inspector for the Baltimore City Department of Housing where he enforced building and fire related codes. He has a Bachelor's degree in fire science from the University of Maryland and certifications from the National Fire Academy in a variety of fire related disciplines. During college he was a volunteer firefighter at the Woodlawn Volunteer Fire Department. He is honored to be part of the Commission and looks forward to working together in the future.

FIRE MARSHAL REPORT

A copy of Acting Fire Marshal (A/FM) Mowbray's written report was distributed.

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 33 fatalities in residential structures, 7 vehicle-related, and 4 in other settings, for a total of 44. Three causes of death are pending the Chief Medical Examiner's report. There have been three double-fatal fires. Baltimore City has the highest with six. Fatalities for 2024 are trending lower than for this period last year, attributed to increased community outreach and public education.

A/FM Mowbray will be providing a more comprehensive breakdown of the Office of the State Fire Marshal (OSFM) statistical data in future reports, with a chart being provided in today's written report. Currently the agency has conducted 617 statewide fire and explosive investigations; conducted 7,473 inspections, and reviewed 942 plans. With the hiring of additional inspectors, the number of inspections should be increasing. In response to an inquiry from Chairman Tochtermann, A/FM Mowbray advised all five additional inspectors have been hired and assigned to the five regional offices. The OSFM tracks how many inspections each employee conducts as well as the number for the entire region so it will be possible to track the effect of the additional inspectors. For Commissioner Siff's benefit, the Chairman explained that in 2018 the Commission determined insufficient inspections were taking place and then there was a subsequent internal audit about a year later. Former Fire Marshal Geraci knew there was a need for additional inspectors and two for each region were requested. However, five of these positions were cut and only one inspector was hired for each region.

A/FM Mowbray provided a review of some significant incidents in which the agency has been involved:

- In September Deputy State Fire Marshals (DSFMs) responded to a single-family house fire in Garrett County in which a deceased female victim was located. Working jointly with the Garrett County Sheriff's Office it was determined the victim had been shot and killed, placed back in the home, with the suspect starting several fires throughout the home to conceal the crime. Evidence was obtained that identified the suspect for whom a warrant was obtained and the suspect was taken into custody that evening by the Pittsburgh, Pennsylvania, police.
- That same day in Cecil County, Maryland State Police (MSP) responded to a 911 call for a domestic disturbance. Before they could arrive on scene a male occupant had been fatally shot and the structure was on fire. The OSFM is working with MSP on the homicide and arson investigations which is ongoing.
- In August a single-family home in Harford County exploded claiming two lives, one a 73-year-old occupant and the other a 35-year-old BG&E utility subcontractor. The OSFM investigation revealed there was a natural gas leak on the exterior of the residence. The OSFM is working with federal agencies, including the ATF and the NTSB on the on-going investigation.
- In August a 28-year-old Hagerstown man was arrested after making threats to blow up and burn down a motel in Washington County. Search warrants were obtained for possible explosive materials but none were found. The suspect was charged with threats of mass violence and two counts of arson threat.
- Also in August a church fire in Carroll County caused extensive damage, estimated to exceed \$1.5 million. The fire originated in an attic area around the steeple as a result of an electrical failure. ATF assisted in the investigation which is standard procedure for house of worship fires.
- In July DSFMs investigated a fatal fire in Frostburg. The fire originated in a basement garage with the specific cause remaining under investigation. The victim self-rescued from the home but was unable to escape after reentry. The important message of "Get Out, Stay Out" is emphasized during community outreach events.

- A commercial fire at Zach's Crab Shack in Cecil County remains under investigation, with the failure of a refrigerator unit not being ruled out. A 500 pound propane tank was impacted and the fire department remained on the scene to do a controlled burn of the leaking propane.
- In June DSFMs arrested a 38-year-old Hagerstown man after he threatened to blow up the Motor Vehicle Administration. He was an MVA employee and was charged with a threat of mass violence and an arson threat.

The OSFM continues to participate in an internal agency/personnel study and has made some organizational changes. There are now three newly redefined commands in addition to the existing Field Operations Command (investigations and inspections) and the Engineering Services Command (headed by Chief Fire Protection Engineer Ken Bush): The new commands are Personnel Services Command, Logistics and Technology Command, and the Special Operations Command (bomb squad, canine, underwater hazardous device team, and the unmanned aerial vehicle team).

The hiring process for a sworn DSFM position is ongoing. Interviews were conducted over the summer and background/polygraph portions are currently being conducted. A civilian contractual administrative position was recently advertised with additional recruitments forthcoming. It is anticipated two administrative staff will be retiring in the near future, Mary Bare assigned to Special Operations Command and Patti Ward assigned Field Operations Command Southern Region. Both have been with the agency for a long time and the amount of agency knowledge they possess will be irreplaceable. Both gave the agency plenty of lead time. In anticipation of their retirements, A/FM Mowbray was able to take an open vacant employee PIN and convert it to a civilian administrative PIN. With the contractual position recently advertised and the new PIN, it is hoped the contractual can be onboard to work with Ms. Bare before she retires. Ms. Bare handles the licensing programs related to explosives, fireworks, blasting, and those types of permits and licenses. Once the permanent position is in place the contractual position will no longer be needed. Ms. Ward, in addition to supporting the Southern Region, also serves as the agency's training coordinator. She receives a lot of administrative paperwork to process training requests, registrations, and coordinate travel arrangements. She also coordinates the training certifications with the Maryland Police Training Commission. The Special Projects Unit on the new organizational chart will temporarily handle training and once Ms. Ward retires, a permanent replacement will be advertised. A/FM Mowbray underscored the importance of all the work the administrative staff does every day in support of the agency.

DSFM Sierra Hawkins graduated from the Maryland Police Training Academy in August and has been assigned to the Lower Eastern Region. She has begun her field training and received good reports from instructors at the academy and from her regional supervisor.

DSFM Pete Raia from the Northeast Region and DSFM Tim McDowell from the Southern Region graduated from the FBI Hazardous Device Technician School. Both will remain in their assigned regions taking on collateral duties under the Special Operations Command.

A/FM Mowbray reported on a busy summer of community risk reduction and community outreach activities:

- DSFM Decker and K9 Taylor of the Southern Region participated in some back-to-school shopping with the Shop with a Copy of St. Mary's County.
- DSFMs and K9s Paulie and Deacon from the Lower Eastern Region joined the Salisbury Fire Department at their Junior Fire Academy, providing demonstrations of the K9 and bomb disposal robot.

- DSFMs from all the regions participated in National Night Out in many counties, promoting police community partnerships.

A list of fire departments delinquent in submitting 2024 MFIRS reports was provided in A/FM Mowbray's written report.

The OSFM celebrated its 130th anniversary at MSP Headquarters and the Pikesville Volunteer Fire Department on September 18th. The event showcased historical memorabilia at the MSP Museum and command staff, deputies, inspectors, engineers, and administrative support staff were introduced. A/FM Mowbray was pleased to see Chairman Tochterman, Vice Chairman Spriggs, and Commissioner Siff at the event. There are several open houses scheduled at the museum which will be open to the public:

- Saturday October 5th - 10 am to 2 pm
- Sunday October 20th - 11 am to 3 pm. This coincides with the Pikesville Volunteer Fire Company's Open House. Accelerant K9 Blondie will be on hand to offer demonstrations.
- Tuesday October 29th – 6pm to 8 pm. This coincides with the MSP Trunk or Treat events. MSP facilities throughout the state participate in this Halloween type event where kids dress in costumes and treats are given out.

The OSFM participated in the groundbreaking ceremony for MSP's new Tactical Services Administration building. The facility will serve as the central hub for the MSP Special Operations Division, as well as the OSFM Special Operations Command which is currently based in warehouse space near the BWI airport grounds. In response to an inquiry from Commissioner Johnson, A/FM Mowbray advised the building is at the Waterloo or Jessup Barrack which encompasses a large tract of land that also includes the Quarter Master Division and Motor Vehicle Division.

Registration is currently open for the Mid-Atlantic Life Safety Conference being held at the Marriott Hotel at BWI Airport. Currently scheduled for November 3-4, 2024, the steering committee met this week to finalize arrangements. A/FM Mowbray was unaware of the outcome of that meeting.

A/FM Mowbray distributed an updated OSFM organizational chart in his written report. In response to an inquiry from Commissioner Sanger, A/FM Mowbray explained that the Chief Deputy Fire Marshal position is actually his assigned position but with the vacancy of the State Fire Marshal Position he is also the Acting State Fire Marshal. The current hiring taking place will be for an entry level Deputy State Fire Marshal position in the Western Region.

CHIEF FIRE PROTECTION ENGINEER REPORT

CFPE Ken Bush welcomed new Commission member Ephraim Siff. He provided Commissioner Siff with the currently adopted 2018 NFPA 1 Fire Code and NFPA 101 Life Safety Code as well as the 2024 editions which are in the process of being adopted. NFPA 1 and NFPA 101 are incorporated in their entirety by the State Fire Prevention Code.

CFPE Bush noted that the plan review statistics provided by A/FM Mowbray indicate a drop during the 2022/23 session. This is due to a reduction in staff with the loss of two part-time engineers. The positions are still vacant and the OSFM is attempting to fill them.

The Baltimore County Fire Marshal's Office contacted the OSFM to report an issue with the installation of residential sprinkler systems in one- and two-family dwellings. Some contractors were utilizing either existing or even installing new water meters on these systems which were basically meant for residential service and not incorporating the requirements for the flow and pressure demands for the

sprinkler systems. Sprinkler contractors have been notified to ensure that even though it may not be their responsibility to install or specify these meters, their connection to these meters should be incorporated as part of the hydraulic calculations for the design of the system. Notification was also made through the Maryland Chapter of the International Fire Marshal's Association to all fire marshals so inspectors of these systems make sure they verify that the water supply and demand have been met either through a more formalized bucket test or through a flow test. Hopefully this will issue will be rectified in future installations.

A two-and-a-half day meeting took place with the NFPA 130 Committee that deals with fixed guideway transit and passenger rail systems. A lot of issues came forth, one of which was the installation of detection on transit vehicles, whether it be smoke detectors or closed circuit TV type monitoring. Initially the first draft required smoke detectors be installed in the vehicles but that has been removed in lieu of other means of supervision. Another big topic of discussion was the NFPA Research Foundation's report dealing with the requirements for evacuation from transit systems, particularly from tunnels, and whether the numbers that are currently in the code are actually justified. It is a work in progress for the next edition. There has been talk about the resurrection of the Red Line Project and based on the OSFM's work reviewing the Purple Line Project, the Red Line will be another major project once the route is decided. Which requirements come forth in the next NFPA 130 edition could have a significant impact. In response to an inquiry from Chairman Tochtermann, CFPE Bush confirmed the 15-minute fire barrier on the underside of vehicles is being maintained on existing heavy- and light-rail vehicles. The issues are the interior finishes, upholstery, and equipment that actually runs through the passenger compartments, such as electrical feeds.

The OSFM received another interesting call from the Maryland Transportation Authority (MTA) about their desire to provide protection for bridges and overpasses which have air rights spaces used for different reasons. Their concern was the storage of combustible materials. Some recent incidents in California saw roadways impacted by fires that have occurred underneath these structures. How to protect the roadways so they remain intact if something happens is an interesting dilemma because of the technical issues involving a lot of movement of materials in different amounts and in different configurations. Jurisdiction will also be an issue since some State facilities run by MTA are in Baltimore City and the State Fire Prevention Code does not apply in Baltimore City. The OSFM has initiated action to involve the Attorney General's Office on some of the issues. In response to an inquiry from Commissioner Hopkins, CFPE Bush confirmed one possible solution would be to use a deluge system with infrared detectors. Commissioner Hopkins noted that in aircraft hangars sometimes with the ultraviolet or infrared detectors there is a concern with open doors and natural lighting impacting the detectors. CFPE Bush stated he has not actually seen details of that system design which is being proposed by a private third-party consultant who is working with MTA.

Two other topics that have been brought forth to the model code organizations, basically the International Code Council and the National Fire Protection Association. One deals with single exits in residential buildings. Currently model codes allow a single-exit for a three-story building and there is a proposal to increase the allowance to a six-story building and possibly an occupiable roof. This basically would allow one exit for seven floors. The argument is it would reduce the footprint of the building and provide more affordable housing. In the first draft stage the proposal was defeated but it is anticipated to be brought forth again. Concerns have been voiced about egress of occupants, particular those on floors above a fire, fire department operations within the stairs, the ability to use the stairs not only as egress but also for access, and undue risk to law enforcement trying to maintain order. CFPE Bush was not aware of anyone from the State of Maryland attending the NFPA workshop earlier this month on the subject. However, Nick Dawe from Cobb County, Georgia, did attend as a representative of the International Fire Marshal's Association. Another issue deals with reducing roadway widths from the current 20 feet to 12 feet to reduce costs and allow additional construction on lot sizes. There has been

some pushback in order to maintain access to buildings for fire suppression and emergency medical services.

CHAIRMAN REPORT

Chairman Tochterman entertained a motion to approve the June minutes. Motion by Commissioner Hopkins, second by Commissioner Johnson, and unanimously carried.

The Commission's Fiscal Year 2024 fourth quarter expense report totaled \$2,090.45.

The Chairman expressed his appreciation for the OSFM inviting the Commission members to attend the 130th Anniversary affair.

On September 24th, Secretary Ritchie received an official appeal from the Kellner Fireworks Company. The Chairman intends to schedule the appeal hearing for the October 17th meeting in Odenton to which there were no objections.

The Chairman shared his August 26th letter regarding the 2024 code update status with Commission Siff who had not received a copy due to being recently appointed. The only response he has received was that MSP was "working on it". A/FM Mowbray added that MSP is in fact working on it and there have been a few questions for clarity that he and CFPE Bush have been asked dealing with specifics on how NFPA tries to reconcile the differences between NFPA 1 and NFPA 101. There are some requirements that do not match which are trying to be addressed through State amendments. There has been positive conversations and it is his impression that the proposed amendments are proceeding through MSP's internal review process. Donna McGuire remarked that the Maryland Chapter of the International Fire Marshal's Association, continues to stand behind the Commission on the adoption of the 2024 codes.

It is the Chairman's understanding that the Mid-Atlantic Life Safety Conference will only be one day to which Donna McGuire expounded. Deputy Chief Fire Marshal Joseph Walters chairs the conference's steering committee. Due to lack of registration, increased costs, and post-conference surveys from prior attendees, the committee decided to make the 2024 conference two days with a \$150 registration fee. A few days ago only 18 persons had registered so it was decided to make it a one-day event on Monday November 4th with a \$75 registration fee. Today, 42 persons have registered. The awards will continue at lunchtime and there will be a 50/50 run by Teresa Crisman.

OTHER BUSINESS

Terin Hopkins with the National Fire Sprinkler Association (NFSA) welcomed fellow University of Maryland graduate Commissioner Siff.

Mr. Hopkins reported the NFSA reached out to Baltimore County on the meter issue for residential sprinkler systems. The industry concern is the meters were undersized and looped during the initial adoption for residential sprinklers statewide in Maryland. There was a lack of meters and subcontracting plumbers were allowed to put in undersized meters and loop the system with an expectation of coming back and resizing the meters once more were available. Apparently several were detected in Baltimore Code but not later resized. The NFSA has also reached out to the International Plumbing Association to make sure they were aware of the issue. Mr. Hopkins has not heard of other jurisdictions having the meter issue. Hopefully this was an isolated situation which unfortunately was overlooked.

Mr. Hopkins questioned, to the Commission and A/FM Mowbray, if what is happening with the 2024 code adoption process is normal. Having skipped the cycle which would have adopted the 2021 codes, and now potentially skipping a second cycle to adopt the 2024 editions seems unprecedented. As

a resident of Maryland, he is concerned that with the Commission having voted to move forward to adopt the 2024 codes that it is now going through a different review process by the State Police. Chairman Tochtermann deferred to A/FM Mowbray for response. A/FM Mowbray clarified, the OSFM does not approve the draft of the fire prevention code. That is completely up to the Commission. The OSFM supports the Commission through the expertise of its engineering staff. The process to adopt the State Fire Prevention Code is a regulation that is tied to COMAR which is tied to the departments that have legislative responsibility to take some action. In this case, the Department of State Police contains the Maryland State Police, the State Fire Marshal's Office, and the State Fire Prevention Commission. So the process to adopt the State Fire Prevention Code is the department's COMAR section that progresses up through the superintendent/secretary of the department. The process really is unchanged since the Commission is nested underneath the department but there is more thoughtfulness and consideration as the department moves forward in the process. A/FM Mowbray is optimistic that the 2024 code cycle will be adopted. CFPE Bush added there was one other time when a code cycle was skipped when it went from the 1970 edition to the 1976 edition, skipping 1973.

Chairman Tochtermann reported that the Melanie Diaz High-Rise Work Group will be holding its first meeting on October 2nd in College Park. A/FM Mowbray and the Chairman will be attending. By State law, the Fire Marshal is the Chairman of the Work Group.

Commissioner Johnson reported he reached out to the Kent Island and Grasonville Fire Department who advised their facilities would be available to host future Commission meetings.

For the benefit of newly appointed Commissioner Siff, the Chairman advised that meetings have been held in various locations such as Annapolis, Laurel, Aberdeen, Ocean City, and Mt. Airy. Commissioner Siff advised he felt it is important and a good gesture to hold meetings throughout the State and that it would be good to visit every county at some point. Commissioner Siff advised he would be unable to attend the October 17th meeting due to observance of a religious holiday.

Motion to adjourn by Commissioner Johnson, second by Commissioner Hopkins, and unanimously carried. The meeting was adjourned at 11:14 a.m.

Next Meeting: Thursday October 17, 2024 – 10:00 a.m.
Odenton Volunteer Fire Company
Training Building
1425 Annapolis Road
Odenton, Anne Arundel County

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

Heidi Ritchie, Secretary