

FINAL

Commission to Advance Lithium-Ion Battery Safety in Maryland

October 2, 2024

Meeting location: Maryland Fire and Rescue Institute, University of Maryland, 4500 Campus Drive, Classroom 3, College Park, Maryland. Virtual option: meet.google.com/uem/ajqi-jxn or phone +1 -301-969-5253, PIN: 778 740 499#

The meeting was called to order by Acting State Fire Marshal Jason Mowbray at 1:03 p.m.

Present in person were Commission members: Acting Fire State Marshal Jason Mowbray, Vincent Baker, David Black, Michael Cox, Geoffrey Donahue, Garrett Fitzgerald, Haley Kotzker, Kitty McIlroy, Christopher Neidhart, Emil Nusbaum, Chris Pilzer, Ginny Rogers, DeAndre Wilson. Attending virtually, member Shatorah Robertson and Nicholas Rodricks. Absent Commission Members: Marc Boolish, Ivan Browning, and Robert Whittlesey. Members of the public were in attendance. Staff in attendance: Catherine Kelly, MSP, Ken Bush MSP and Tom Williams MSP. Commission staff: Penny Doty MSP.

Roll call was completed by Commission staff. Staff confirmed there was a majority present. After which the charter of the Commission was reviewed which included the background, mission and purpose, objectives, structure, and operating procedures.

The Commission unanimously nominated and approved Commission member Emil Nusbaum to serve as Chair of the Commission.

Newly elected Chair Nusbaum reviewed the Meeting Agenda with the Commission and at the Chair's direction, the Commission members proceeded to introduce themselves to the meeting attendees.

Chairman Nusbaum reported to the Commission that the Act requires one representative of a lithium-ion battery recycling trade group (Association) for which administrative support has been unable to identify such a group and is requesting assistance from the Commission members to fill the currently vacant member position. Chairman Nusbaum and Commission member McIlroy agreed to take on the responsibility to recruit a representative from that association sector and report back to the Commission regarding the appointment.

Chairman Nusbaum discussed with the Commission regarding the need to assemble subcommittees to assist the Commission with the Act's objectives and mission. The Commission members agreed that assemblance of subcommittees was essential to the Commission's success in meeting legislative time frames and deadlines. Discussions resumed regarding the number of subcommittees needed; subcommittee appointments; information seeking and consulting with community trade professionals, first and second responders, experts and associations; code analyses consultation; and data collection. The Commission members clarified the definition of second responders which is a worker who supports first responders such as police, fire and emergency medical personnel. The second responders are involved in preparing, managing, returning services, and cleaning up sites during and after an event requiring first responders.

Acting State Fire Marshal Jason Mowbray reported that the Office of the State Fire Marshal would be able to provide investigation data to the Commission and subcommittees on fires caused by ion-battery failure, but is limited to only fires investigated by OSFM, not all fires in Maryland. Additionally, Acting State Fire Marshal Mowbray reported that NFIRS currently and historically has not collected data inclusive to ion-battery related fires, but plans to roll out a new collection data system in 2025 that will include ion-battery related fire data collection.

After discussions and input from the Commission members and meeting attendees that included examination exchanges of focus points, identification of barriers and differences of battery size, the Commission voted and approved unanimously to create and charge the following four subcommittees with proposing recommendations to assist the Commission in the mission objective to study and make legislative, regulatory, programmatic or other recommendations regarding best practices, standards, and guidelines to prevent, detect and suppress lithium-ion battery fires. The four subcommittees will include the following:

1. Consumer and Transportation Applications – Lead Commission Member: Vincent Baker, Assistant Battalion Chief/Howard County Fire Marshal.
2. Utility Applications, with review and consideration of the NFPA 855 Standards for Grid Scale Storage and Safety - Lead Member: Haley Kotzker, Energy Policy Manager at Maryland Energy Administration.
3. Prevent, detect and suppress lithium-ion fires at recycling facilities – Lead Member: Chris Pilzer, Director, Sustainable Growth WM.
4. Reusing, recycling and decommissioning lithium-ion batteries – Lead Member: Emil Nusbaum, VP of Strategy, Government and Regulatory Affairs, Automotive Recyclers Association.

The establishment of additional subcommittees to assist the Commission with objectives will be evaluated at a later date. The subcommittee member volunteers will convene after the Commission meeting to determine meeting structure (hybrid or in person) and frequency, and to recruit additional Commission members.

Chair Emil Nusbaum inquired about the status of the Commission roster. Penny Doty reported that the staff roster was disbursed to members prior to the meeting and that member emails and other information was verified and/or corrected. An updated/final roster will be dispersed to the Commission members via email after the meeting.

Chair Emil Nusbaum reported that several Commission members have posed the question on the policy regarding Commission member alternates and if an alternate representative could be designated to attend a Commission meeting on behalf of the Commission member if, i.e., the member is unable to attend. Chair Nusbaum clarified that the statute does not provide for designees or in effect proxies; therefore, if someone attends the Commission meeting on behalf of a member, they cannot exercise the rights of the members, voting, etc. The member will be marked absent if not in attendance either in person or virtually. However, Commission meetings are open to the public and anyone can attend.

Commission staff members reviewed the legislation and Commission requirements with the Commission members, including timelines. The act requires on or before December 1, 2024, the Commission shall submit an interim report on the progress and status of the Commission to the Legislative Policy Committee. The Act also requires on or before December 1, 2025, the Commission shall report its findings and recommendations to the Governor and General Assembly. The Commission outlined the focus points to be included in the

Legislative interim report which included the following: 1. Structure focus points, 2. Subcommittee lists, rosters and current accomplishments, and 3. Mission goals. Additional focus points can be added as recommended by the subcommittees and deemed necessary by the Commission.

Meeting schedules were discussed and the following meeting dates and times were agreed upon. The full Commission will meet on November 7, 2024 from 10:00 a.m. to 12:00 p.m. at MFRI in classroom I.

All meetings of the Commission will be held in person, as agreed upon by the members. The subcommittees will determine meeting structure and frequency at another time.

Chair Emil Nusbaum asked the potential leads of the subcommittees for any guidance to the members of their groups. Each provided that they will assess the tasks and discuss roles and assignments at the upcoming meetings.

Chair Emil Nusbaum asked if there was any additional business the group members wished to address, and upon hearing none, the meeting was adjourned at 3:00 p.m.

These minutes are respectfully submitted by Penny L. Doty.