

**Maryland General Assembly
Department of Legislative Services**

**Emergency Regulation
Department of State Police
(DLS Control No. 20-007)**

Overview and Legal and Fiscal Impact

This regulation repeals an exclusion to the incorporation by reference of NFPA 1, Fire Code (2018) edition as the State fire prevention code.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of State Police:

Fire Prevention Commission: Fire Prevention Code: COMAR 29.06.01.09

Legal Analysis

Background

The State Fire Prevention Commission was established in 1964 and consists of nine members appointed to a maximum of two five-year terms by the Secretary of the State Police with the approval of the Governor. The Commission is empowered to hear appeals filed by those who are aggrieved by an order or decision of the State Fire Marshal or the State Fire Marshal's designee in the course of enforcing the State Fire Prevention Code. The Commission is also empowered to promulgate, amend, and repeal regulations for the safeguarding of life and property from the hazards of fire and explosion.

The National Fire Protection Association (NFPA) is a nonprofit organization focused on eliminating death, injury, property and economic loss due to fire, electrical and related hazards. NFPA delivers information and knowledge through more than 300 consensus codes and standards designed to minimize the risk and effects of fire by establishing criteria for building, processing, design, service, and installation around the world. NFPA has more than 250 technical committees that review public inputs and vote on the revisions in a process that is accredited by the American National Standards Institute. NFPA provides free online access to its codes and standards.

NFPA 1, Fire Code, advances fire and life safety for the public and first responders as well as property protection by providing a comprehensive, integrated approach to fire code regulation

and hazard management. NFPA 495 identifies reasonable levels of safety for the manufacture, transportation, storage, sale, and use of explosive materials, though it does not apply to the transportation of such material used for military purposes or when under the jurisdiction of the federal government.

Summary of Regulation

The regulation repeals the exclusion of a cross reference in NFPA 1, Fire Code to provisions in NFPA 495 that govern limitations for ground vibration and air overpressure for blasting operations. These provisions were previously part of separate regulations that were repealed by the department, but the need to relocate these specific requirements was inadvertently overlooked in the previous action.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The Department of State Police cites § 6-206 and § 6-501 of the Public Safety Article as statutory authority for the regulation. More specifically, § 6-206(a) requires the State Fire Prevention Commission to “adopt comprehensive regulations as a State Fire Prevention Code” and mandates that the State fire prevention code comply with “standard safe practice as embodied in widely recognized standards of good practice for fire prevention and fire protection.” The remaining cited authority is not relevant to these regulations.

The relevant cited authority is correct and complete. The regulation complies with the legislative intent of the law.

Emergency Status

The department requests emergency status beginning February 7, 2020, and expiring August 3, 2020. This emergency period is within the normal time frames approved by the Joint Committee on Administrative, Executive, and Legislative Review. The department indicates the emergency status is necessary to conform with national standards for explosives blasting operations that previously were enforced under separate regulations.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulation has no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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