

**Testimony\_JPC\_SB0481.pdf**

Uploaded by: Carter, Jill

Position: FAV



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter  
In Favor of SB0481 - State Fire Marshal - Investigations - Reporting  
Requirement  
Before the Finance Committee  
on February 18, 2021**

**Madame Chair, Mr. Vice Chair, and Members of the Committee:**


**Senate Bill 481 is a simple bill that will only benefit our State. Specifically, it requires the Maryland State Fire Marshal to update the Public Service Commission within 90 days after a fire or explosion, or attempted fire or explosion. Additionally, the bill also requires the Fire Marshal to give updates to the Public Service Commission every 90 days until the investigation is complete. These simple reports would only require updates as to the status of the investigation and the expected date it would be completed.**

**The reason for this bill now is clear. Last fall an explosion rocked Northwest Baltimore. It destroyed three homes, injured seven people, and killed two residents. The ensuing investigation could not rule out that improper or incomplete installation of a new HVAC system was the cause for the gas leak. However, during the months following the explosion it was extraordinarily difficult for neighbors and elected officials to learn any details of the investigation from State and local fire officials. People in the area wanted assurance that whatever caused the explosion did not continue to pose a threat. In the aftermath of a crisis, the public rightfully expects answers from their elected officials and their government. The process must be standardized and as transparent as possible.**

**Under current law, there is no requirement for the State Fire Marshal to update the Commission on the investigation of a fire or explosion. However, with SB 481, we can build a safer Maryland. By requiring the Fire Marshal to issue these reports, the investigations will be more thorough and expedient. By improving the investigation system, we can improve fire safety, as well as promote overall public safety. Additionally, the system of reporting investigations creates better public transparency and knowledge regarding fire safety. In addition to being better for the citizens of Maryland, this bill is also of value for the Fire Marshal. Involving the Fire Marshal in these investigations will make sure they are well informed about fires going on in the state, which gives them a broader perspective when formulating policies and procedures.**

**Transparency between government and the public is necessary to ensure vital information is disseminated on a timely basis. When information is siloed, it undermines public trust in the government and can leave people with more questions than answers. For these reasons, I respectfully urge a favorable report on Senate Bill 481.**

**Respectfully,**



**Jill P. Carter**

**Senate Bill 481\_Support.pdf**

Uploaded by: JOHNSON, SANDRA

Position: FAV

**Senate Bill 481**  
**State Fire Marshal – Investigations-Reporting Requirement**  
**Letter of support**

I am writing on behalf of the residents of the Fallstaff Community of Northwest Baltimore to support Senate Bill 481. In August 2020, there was a well publicized explosion on Labyrinth Road in the Fallstaff Community that killed 2 residents and seriously injured seven. Three homes were destroyed, a fourth was demolished and countless residences on Labyrinth and Nadine Roads were badly damaged. Some of the residents of the affected area had to leave their homes and go live in hotels. The last one I heard about didn't go back to her home until January 1, 2021. There may be others that I don't know of who still have not been able to return.

Immediately following the explosion, I started to get questions from residents who wanted to know what had caused the explosion. Residents in the surrounding area whose homes had been shaken were concerned that whatever had triggered this horrible event could happen again in other parts of our community and other communities in and around Fallstaff.

I continued to get questions on the cause of the explosion and I continued to raise inquiries with representatives from the offices of the President of the City Council, the Mayor's Office, the State Delegates for the area and the Fire Department. The answer from all of these sources from August through December (5 months) was the same, "the investigation was still ongoing and they would keep me posted." Finally on January 11, 2021 I received a notice from the new Mayor's Office of a press release planned on the Update on the Fatal August Explosion for the next day, January 12, 2021.

Five months was far too long to wait for an answer to such a serious question. Residents were threatening to go to the press and I couldn't tell them that they were wrong. The 90 day reporting requirements established in Senate Bill 481 are far more acceptable. As the President of the Fallstaff Improvement Association Inc., I can see how our community can benefit from this Bill even if the report was not final, an interim report from an official source is better than nothing.

Sandra A. Johnson  
President Fallstaff Improvement Association Inc.

# **SB481SFM Investigations Reporting Requirement.pdf**

Uploaded by: Crisman, Teresa Ann

Position: UNF

## Maryland Fire Marshals Committee

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Senator Delores G. Kelley, Chair  
Senator Brian J. Feldman, Vice Chair  
Finance Committee  
Maryland General Assembly  
3 East  
Miller Senate Office Building  
Annapolis, Maryland 21401

Re: SENATE BILL 0481 – STATE FIRE MARSHAL – INVESTIGATIONS  
– REPORTING REQUIREMENTS

Dear Senators Kelley and Feldman,

The Maryland Metro Chiefs Fire Marshal Committee is made up of representatives from fire marshal offices from across the State of Maryland. We work in collaboration with the Maryland State Fire Marshal's Office to advocate for strong and effective fire prevention and life safety measures to protect the citizens of the State of Maryland.

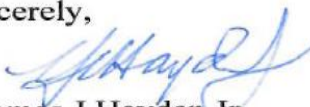
The Maryland Metro Chiefs Fire Marshal Committee concurs with the written testimony provided by Maryland State Fire Marshal Brian Geraci on SB 0481. It should be noted that the State Fire Marshal does not have jurisdiction in some of the larger counties within the state, and due to that the State Fire Marshal's Office would not be able to comply with this provision as they would not be the lead agency.

Additionally, The Public Service Commission who has their own investigators, conducts investigations to determine if in fact a public service utility provider is at fault either due to a failure of their equipment or materials and therefore would have the same information of that of the State Fire Marshal's Office.

Should an incident of this type be determined to be criminal in nature, investigating agencies would be prohibited from disclosing information. While we understand the need for timely disclosure of information, it is not always possible in these complex investigations.

Thank you for your consideration of this legislation and we respectfully ask the committee to give Senate Bill 0481 an unfavorable report.

Sincerely,

  
Thomas J Hayden Jr  
Chairman Metro Chiefs Fire Marshal Committee

**SB0481\_Unfavorable\_Stanek.pdf**

Uploaded by: Stanek, Jason

Position: UNF



JASON M. STANEK  
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## PUBLIC SERVICE COMMISSION

February 18, 2021

Chair Delores E. Kelley  
Senate Finance Committee  
3 East, Miller Senate Office Building  
Annapolis, MD 21401

### **RE: SB 481 – UNFAVORABLE – State Fire Marshal – Investigations – Reporting Requirement**

Dear Chair Kelley and Committee Members:

The Maryland Public Service Commission (the “Commission”) submits this letter in opposition to Senate Bill 481. SB 481 requires the State Fire Marshal to report to the Commission with an update of any investigation of a fire or explosion in the State within 90 days after the incident and every 90 days thereafter until the investigation concludes. This reporting requirement also applies to any attempt to cause a fire or explosion in the State. SB 481 further specifies that the update must include the status of the Fire Marshal’s investigation and the expected date on which the investigation will conclude. The bill does not specify any additional requirement concerning the update.

The Commission has jurisdiction over the activities and operations of regulated public service companies, such as utilities. Where a fire or explosion is believed to involve a utility—e.g., a gas line explosion—the Commission will conduct its own investigation after determining it has jurisdiction. The Commission does not have jurisdiction over fires and explosions that are unrelated to utility service, equipment, or operations. By contrast, the State Fire Marshal has separate jurisdiction under Maryland law to investigate fires and explosions other than those that have a connection to regulated utilities. However, SB 481 does not limit the Fire Marshal’s reporting solely to those incidents over which the Commission can exercise jurisdiction.

SB 481 is duplicative of current investigative practices by the Commission and other state and federal agencies. When the Commission has jurisdiction over a fire or explosion investigation under the Public Utilities Article, the Fire Marshal and other agencies—e.g., the Bureau of Alcohol, Tobacco, Firearms and Explosives; National Transportation Safety Board; and Pipeline and Hazardous Materials Safety Administration—often become involved and may conduct parallel investigations. Separate jurisdictions notwithstanding, the Commission can and often does consider reports from the relevant agencies. These reports are usually provided upon request, unless legal protections bar disclosure. In this regard, there is no need to require the

State Fire Marshal to report to the Commission where the Commission has already initiated an investigation of its own.

Lastly, SB 481 only requires the State Fire Marshal to update the Commission regarding the status of the Fire Marshal's investigation and the timeframe for completing the investigation. The bill does not require the Fire Marshal to provide the Commission with a copy of any report, findings, or recommendations. Apart from reporting a status update, SB 481 provides no material information to the Commission concerning the substance of the Fire Marshal's investigation.

In sum, SB 481 raises fundamental issues of jurisdictional vagueness, unnecessary duplication, and lack of material benefit. For the above reasons, the Public Service Commission respectfully requests that the Committee grant Senate Bill 481 an unfavorable report. Please contact Lisa Smith, Director of Legislative Affairs, at 410-336-6288 if you have any questions.

Sincerely,



Jason M. Stanek  
Chairman

# **Office of the State Fire Marshal Position Paper SB**

Uploaded by: Williams, Thomas

Position: INFO



STATE OF MARYLAND

DEPARTMENT OF STATE POLICE

OFFICE OF THE STATE FIRE MARSHAL



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Colonel Woodrow W. Jones III  
*Secretary*

Brian S. Geraci  
*State Fire Marshal*

**DATE:** February 18, 2021

**BILL NUMBER:** Senate Bill 481

**POSITION:** Letter of Concern

**BILL TITLE:** STATE FIRE MARSHAL – INVESTIGATIONS – REPORTING REQUIREMENTS

WRITTEN TESTIMONY OF State Fire Marshal Brian S Geraci

Chairman Kelley, Vice Chairman Feldman and members of the Senate Finance Committee. I am Brian Geraci, the Maryland State Fire Marshal, providing written testimony today in opposition to Senate Bill 0481.

The Office of the State Fire Marshal is responsible for fire and explosive investigations in 16 out of the 24 counties within the state. The eight other jurisdictions have their own fire marshal's offices and have fire and explosive investigators to investigate fires and explosions within those jurisdictions. At times, on larger scale incidents, the Office of the State Fire Marshal is requested to assist those jurisdictions but only in a supporting role.

Within the Fire Laws of Maryland, the Office of the State Fire Marshal has no jurisdiction within the City of Baltimore except for state owned buildings and properties. The State Fire Marshal must be requested by the city Fire Chief or Fire Marshal to assist on incidents within the city. Further, the State Fire Marshal does not receive or have access to all fire and explosion investigations in order to brief the Public Service Commission. Based on the above information the Office of the State Fire Marshal would not be able to provide reports to the Public Service Commission as it would not be the lead agency conducting the investigation.

The Public Service Commission only looks at the public service utility provider to determine if any failures occurred with their equipment or materials. In most cases that I have been on involving explosions, the utility provider has not been at fault or a party to the cause of the incident. When an incident does occur the Public Service Commission has its own investigators on scene conducting their investigation into the service provider. They are essentially running a parallel investigation to the lead fire and explosion investigators and obtaining the same information as the investigator. I see no need for them to receive additional briefings every 90 days from the state or for them to be notified of the amount of time our investigations may take.

During the course of an investigation if the investigator determines that criminal intent is involved they are not able to provide the Commission with any information that is being stipulated in SB 0481. If the Public Service Commission would require any of our reports or information all they have to do is ask for it. There is no need for the requirements outlined in the bill.

In closing, the Office of the State Fire Marshal, in most cases would not be able to comply with SB 481 and there are duplicate efforts regarding the on-scene investigation by both agencies.

Should the committee have any questions please do not hesitate to contact me. Thank you