



STATE FIRE MARSHAL
Automatic Extinguishing Systems Advisory Committee
June 12, 2019 Meeting Minutes

Office of the State Fire Marshal
2251 Harvard Street, Sacramento CA 95819
First Floor, Redwood Conference Room

COMMITTEE GOAL

To provide a means of communication between the Office of the State Fire Marshal, representatives of industry, the public and the fire service; and to seek comments and specific views on proposed regulations and intended future action.

OSFM STAFF

Al Adams, Committee Chairperson, OSFM
Kemiko Tolon, OSFM
Patricia Setter, OSFM
Jeffrey Schwartz, OSFM
Vikkie Raby, OSFM
Kevin Chan, OSFM
Dan Scott, OSFM

MEMBERS PRESENT

Allen Quirk, CALSAFE
Bruce Lecair, NFSA
Wayne Weize, AFSA
Chip Lindley, Lindley Fire Protection
Jason Hudgins, Walschon Fire Protection
Jason McBroom, Alpine Fire Protection District
James Feld, University of California, Berkeley
Randy Roxson, Sprinkler Fitters Association of California
Jose Colin, Woodland Fire Department
Darrell Hefley, CALSAFE (alternate)
Randy Dysart, CALSAFE (alternate)

MEMBERS PRESENT ON TELECONFERENCE

Edie Wade, Brooks Equipment

MEMBERS ABSENT

Bryan Jonson, West Sacramento Fire Department

Stan Smith, Local 483

Jeff Awtery, Marquee Fire Protection

Jack Thacker, Allan Automatic Sprinkler Corporation

Jamie Knowles, Amerex

PUBLIC GUESTS

Vahe Zohrabian, California Fire Protection Coalition

Bahman Brian Shahangian, California Fire Protection Coalition

John Holmes, Local 709

Rik Drury, Local 709

Terry Householder, General Underground Fire Protection

Paulene Norwood, California American Fire Sprinkler Association

Chris Holland, Avanco Fire Protection

Kim Stocking, Avanco Fire Protection

Rigoberto Vasquez, Avanco Fire Protection

Ted Hakimi, Quality Fire Protection

Peter Hulin, Superior Automatic Sprinkler Company

I. Call to Order

a. Welcome

The meeting was called to order by Chairperson Al Adams, at 9:30 a.m. (Pacific Daylight Time) on June 12, 2019.

b. Roll Call/Determine Quorum

Chairperson Al Adams announced that he was now the chair of the Automatic Extinguishing Systems Advisory Committee.

Roll call was conducted by Dan Scott and Chairperson Adams determined that a quorum of members was present. All attendees introduced themselves.

c. Approval of Minutes

A motion was made by Chip Lindley and seconded by Wayne Weize to approve the minutes of the previous meeting on March 20, 2019. The minutes were approved unanimously. Chairperson Al Adams noted that all agendas would be posted to the OSFM website after they are approved by the committee.

d. Announcements

Chairperson Al Adams reminded attendees that the State Fire Marshal approves all members of the Committee and that the purpose of the Advisory Committee to advise the State Fire Marshal, who makes final

decisions on matters at OSFM. He asked that all attendees listen respectfully to each other and that this meeting is public so that OSFM and the Advisory Committee can receive input from all interested stakeholders.

Chairperson Al Adams acknowledged that GOVMotus has had issues with being user friendly and that OSFM is working on improving it. A video tutorial has been made and posted on how to remedy common issues users are having. The most common issue individuals have is that they do not know the email address they used to register for their certification.

Patricia Setter stated that emails cannot be changed externally, only by OSFM staff. She said that people who have not yet received a certification cannot renew a certification and that apprentices cannot renew as a Certified Sprinkler Fitter; they must renew as an apprentice and apply for Certification separately. GOVMotus will indicate that a payment is pending for 4-8 weeks after a check is cashed and until the renewal is completed by OSFM.

Chairperson Al Adams said that a printout of a "pending status" should be sufficient for an Authority Having Jurisdiction (AHJ) to allow an individual to work with an expired Certification, but did not know OSFM could direct an AHJ to do so. He also said that additional staff would be added to the AES program, including a Supervising Deputy.

II. OLD BUSINESS

a. Action Items from Previous Meeting

Chairperson Al Adams said that OSFM has developed an Information Bulletin to clarify the timetables for Continuing Education Units (CEU). As discussed at the previous meeting, the first renewal where CEU would be required is July 1, 2021. It will be publicly posted after the OSFM Executive staff approves it. CEU providers and classes will be posted to the OSFM website separately. James Feld asked how proof of CEU completion would be demonstrated.

b. NFPA 25 Work Group Update

Members of the three Workgroups reported on their progress.

Jason Hudgins said that the Workgroup reviewing Chapters 1-4, 14,15, and the Annex had completed a comparison between the 2017 edition of NFPA 25, the draft of the 2020 edition of NFPA 25 and Title 19, California Code of Regulations. They shared the work with the other two Workgroups and were working on the Statement of Reasons. Bruce Lecair said that their work with Section 4.6.6 included a significant proposed update regarding electronic monitoring and automatic inspections.

James Feld said that the Workgroup reviewing Chapters 5,6,7 and 13 corrected several inconsistencies in inspection guidance, added sections on oversize rings/seismic plates, signage on the location of the sprinkler

cabinet, and added guidance on standpipe testing as shown in NFPA 14. Jose Colin said that the Workgroup reviewing Chapters 8-12 completed their review.

Chairperson Al Adams asked that the Workgroups present their major changes, distribute them to the rest of the Committee and discuss these issues at future Workgroup meetings.

- c. Chairperson Al Adams reported on the Workgroup formed to update to the Certified Fire Sprinkler Fitter exam. The Workgroup shortened the Commercial examination from 150 questions to 112 questions, created a new Multi-Family examination with 70 questions and translated both exams into Spanish. All three updates were given to Pearson VUE and the pass rate increased from approximately 60% to approximately 80%. He also discussed the past intention of the examination to be “open book” which the Committee agreed that the examination was intended to be open book. James Feld asserted that safety questions should not be open book and that the optimal way to deliver the exam would be to have part of the examination be open book, part of it be closed book. After Committee discussion, Wayne Weize made a motion to recommend that the examination be open book, which Allen Quirk seconded. The motion passed 9-1 with James Feld voting no, all other Committee members voting yes and no members abstaining.

III. NEW BUSINESS

- a. Clean up Language for Chapter 5.5
Chairperson Al Adams reviewed that a Workgroup was formed at the previous meeting. Chip Lindley volunteered to chair the AES Chapter 5.5 regulations workgroup. Committee members who volunteered to participate in this workgroup were Wayne Weize, James Feld, Jeff Awtery, Steve Fox, Randy Roxson, Randy Dysart, Darrell Hefley, John Holmes and Edie Wade as an alternate. OSFM would draft an update to regulations and provide it to the Workgroup so they could make recommendations. The Workgroup would send their findings to the Committee so it could be voted on.

Acting State Fire Marshal Mike Richwine thanked both the members of the Committee and the public guests for the time they take to participate in the meeting and for their patience as OSFM works to improve the AES program.

- b. Continuing Education

Dan Scott reported that OSFM was working to certify new Continuing Education Training Course providers and that OSFM was proposing an update to the regulations to widen the scope of providers. All providers and classes will be listed on the OSFM website after they are approved.

IV. OPEN FORUM

a. Meter Setter Information Bulletin

James Feld presented a draft Information Bulletin which was drafted by Patrick Chew in 2014. He recommended that the Information Bulletin regarding meter setters/meter yokes be brought back for discussion.

After discussion, the Committee agreed that this idea had value. James would update the language. Chairperson Al Adams said that OSFM would check to see if the office had made any previous recommendations on this topic. Acting State Fire Marshal Mike Richwine states that he had been asked by the California Fire Chiefs Association to re-establish a water purveyor advisory committee or task force and that this was being considered. One task would be to re-visit the topic of residential sprinklers.

Bahman Brian Shahangian asked about the possibility of addressing aging pressure reducing valves/pressure regulating valves in 1&2 family dwellings. The Committee discussed that this may require a statutory change and was outside of the scope of NFPA 25, but it was possible that it could be addressed under the California edition of NFPA 25. Wayne Weize suggested that inspections such as this could be performed at the point of resale. Edie Wade left the meeting at this time.

b. Information Bulletin 18-011

James Feld asked about the origin of Information Bulletin 18-011, which was published in December, 2018. The topics were arc flash when opening a fire pump controller, electrical connections in fire pumps and the calibration of amp meters and volt meters. OSFM would look into its origin.

V. PUBLIC COMMENT

Terry Householder with General Underground Fire Protection asked about the timeline of renewals and if a renewal was submitted in April but not completed by July 1 by OSFM, if there would be a grace period to allow the renewal to proceed without penalty. Chairperson Al Adams said yes and confirmed that late fees were being waived for some late renewals.

Ted Hakimi said that he did not approve of lists of Certified Fire Sprinkler Fitters be made public. Chairperson Al Adams noted that this was planned for a future update in the GOVMotus system and was helpful to any AHJ when checking worksites. Randy Roxson said that this was not an unusual practice as business licenses and most other professional licenses are part of the public domain.

Vahe Zohrabian expressed concern about possible consequences from individuals being certified and publicly numbered, company liability, complaints filed against individuals and liability created by the Certification

of Fire Sprinklers Fitters. He complained that Certification was making experienced workers unemployable, and placed individuals at risk from privacy concerns. He states that requiring CEU was cost prohibitive and that the regulations disenfranchise people without a high school diploma. He asked why the regulations were so stringent when so few people die from fire.

Chairperson Al Adams said that the Committee was working to update regulations to make them more fair and needed to insure that all people have an equal opportunity to work, but also to be sure that all sprinkler fitters are knowledgeable and qualified to protect life and property. Peter Hulin said that one example of this was that they re-wrote the examination and translated it into Spanish to make the process more fair.

Bahman Brian Shahangian said that he felt that the only way to address these issues was to file a lawsuit as people were being forced to abide by laws and rules when they had no opportunity to participate in the rulemaking process to set these laws. and thanked OSFM and the Committee for allowing people to have a voice. He asked if it was possible to re-open the "grandfathering period" for people who did not receive notification as there is no other way for these people to qualify for Certification. In his own business, he had 12 employees who fall into this category and there could be thousands more statewide.

Wayne Weize asked how the requirements could be changed, such as not requiring a high school diploma or re-opening the grandfathering period. Chairperson Al Adams states that the diploma was out of their realm of control as that was a requirement for an internship. Randy Roxson said that hundreds of people have had to pass a written exam to receive Certification and that if the Committee recommended that the grandfathering period be re-opened, it would be unfair unless applicants under this exception would still have to pass the exam. The Committee did not have the power to change regulations, only to make recommendations to the State Fire Marshal.

Randy Dysart asked if there was an emergency rulemaking process as changing these regulations through the standard process could take a year or more. Chairperson Al Adams said that there were other avenues, but he wanted to start with the Committee recommendation.

Wayne Weize made a motion to consider ways to address these concerns such as re-opening the grandfathering phase. Bruce Lecair seconded it. Randy Roxson said that he didn't think a motion was required to do so, just a discussion and a recommendation from a Committee member. Dan Scott suggested that in addition to requiring a C-16 or an apprenticeship to take the exam, that there could be a third avenue to qualify to take the

exam for working professionals with significant industry experience, such as a modified fast-track apprenticeship.

Vahe Zohrabian said that there previous was that option, the Job Related Training and Experience Review (JRTER) but the OSFM did away with this option to appease special interests to eliminate merit shop workers such as his and to force workers into union apprenticeship programs. He asserted that the lawsuit was to stop his people from being forced to obtain apprenticeships.

Chairperson Al Adams said that a discussion would go forward on the possibility of re-opening the grandfather period. He stated that the Committee had no authority to eliminate the apprenticeship requirement.

Peter Hulin disagreed with the aspersion that the regulations were changed to meet the needs of signatory contractors. He pointed out that both signatory and non-signatory contractors sit on this Committee and signatory contractors worked with the largest non-signatory organization in the United States for years to craft these regulations. Vahe Zohrabian said that he had spent the last six month reading thousands of pages of rulemaking and that OSFM stopped posting the rulemaking records in 2015 to cover up sensitive information.

Chip Lindley said that one problem he had with the industry notification by OSFM was that contractors were notified, but employees were not notified. He thinks there is no harm in re-opening the grandfather period for a short time to remedy harm suffered by those who were not informed of the new regulations. He agreed that these individuals should take the examination. Wayne Weize agreed. Randy Roxson suggested that the California Fire Protection Coalition let their litigation come to a conclusion in the courts and not to try and re-litigate these issues in the Advisory Committee when they do not have the power to take action on it.

Chairperson Al Adams re-stated that the core assertion of the California Fire Protection Coalition is that they have people who cannot work because they cannot meet the requirements to become certified. He re-stated that the Committee would consider this problem, discuss possible solutions such as re-opening the grandfather phase, and make a recommendation to the State Fire Marshal. He also re-stated that there are numerous other issues which were brought up which is outside of the scope of the Committee and that discussions of their litigation bog down the Committee. He asked for the opportunity to take the time to look into the issue more and that their true goal is to help him and help him workers.

James Feld asked why these individuals did not take advantage of the original grandfather phase like so many others did. Vahe Zohrabian said only C-16 holders received notice and they did not distribute the information to their employees.

Paulene Norwood asked about people who live in rural areas who do not have access to an Apprentice program.

VI. SCHEDULE FOR FUTURE MEETING

The next committee meeting is scheduled for September 11, 2019 at the OSFM office, 2251 Harvard Street, Sacramento, CA 95815.

VII. ADJOURNMENT

A motion to adjourn was made by James Feld and seconded by Wayne Weize. Chairperson Al Adams adjourned the meeting at 1:39 p.m. (Pacific Daylight Time).