



STATE FIRE MARSHAL
FIRE EXTINGUISHER ADVISORY COMMITTEE

July 26, 2022, Meeting Minutes, 10:00 A.M. to 3:00P.M. Pacific Daylight Time (PDT)

Office of the State Fire Marshal
Zoom Meeting Conference Call

Meeting ID: 589 249 0488

MEMBERS PRESENT

Randy Dysart, California Association of Life Safety and Fire Equipment (CALSAFE)
Edie Wade, Brooks Equipment
Marcus Hernandez, CALFIRE/City of Morgan Hill
Patrick Chew, Amador County Fire Protection District
Darrell Hefley, Jorgensen Company
Randy Rousseau, La Sierra Fire Equipment
J.R. Nerat, Badger/Kidde
Ron Tilton, Ansul

MEMBERS ABSENT

Robert Calderon, Kaiser Permanente
Frank Gardner, Stanford University
Tom Santos, Imperial County Fire District
Chris Hoiland, Orange County Fire Protection Company
James Knowles, Amerex

GUESTS PRESENT

John Huffman, Jorgensen Company

OSFM STAFF

Jeffrey Schwartz, Chairperson, OSFM
Al Adams, OSFM

Greg Andersen, OSFM
Vikkie Franklin, OSFM
Cortney Walker, OSFM
Megan Lopes, OSFM

1. CALL TO ORDER

A. Welcome and Logistics Briefing

Chairperson Jeffrey Schwartz called the meeting to order at 10:03 A.M. Pacific Daylight Time (PDT).

B. Roll Call/Determine Quorum

Roll call was conducted by Megan Lopes and determined that a quorum (8 of 13) of members was present.

C. Introductions

All attendees introduced themselves.

D. Approval of Previous Minutes

Chairperson Jeffrey Schwartz asked for approval of the minutes for the April 26, 2022 and June 21, 2022 meetings. Member Randy Dysart asked for an addendum to the April minutes altering language to state "requiring replacement." It was moved by Member Edie Wade to approve the minutes as amended for the April meeting; motion seconded by Member Randy Dysart. Motion was carried with a unanimous vote in favor of approval of the April minutes as amended. It was moved by Member Darrell Hefley to approve the minutes for the June meeting; motion seconded by Member Edie Wade. Motion was carried with a unanimous vote in favor of approval of the June minutes.

E. Announcements

Chief Al Adams welcomed everyone to the meeting. Chief Adams announced that Chief Greg Andersen has made the transition to replace him as division chief. He thanked everyone for their participation and helping to continue moving the fire extinguisher industry forward. Chief Andersen introduced himself to the group including his background within the OSFM. He thanked everyone for their participation in the advisory committee as their input is valuable to the OSFM and the industry. Vikkie Franklin also announced her promotion out of the division as a SSM II to the Support Services Division. She thanked the committee for their continued support and mentorship. Vikkie introduced Cortney Walker as her replacement as the SSM I. Cortney introduced herself to the group including her background and experience in management within the state.

2. OLD BUSINESS

A. Title 19 Portable Fire Extinguishers Regulations Update
Workgroup Updates

i. Exchange of Extinguishers

Chairperson Schwartz introduced the regulations that were up for discussion. He stated that Chief Adams called a special committee meeting in June to discuss this specific topic. A workgroup was created from that meeting to discuss the changes to the regulations. Chairperson Schwartz turned the discussion over to Member Darrell Hefley as the workgroup chair and shared with the group the document the workgroup generated reflecting proposed changes.

1. Section 557.5(g) "E" Definitions

Member Hefley introduced the history of the topic of exchanges. One of the issues that Chief Adams addressed in the special committee meeting in June was the definition of exchange from the original package produced several years ago. This definition was created due to language that was in the package prohibiting exchanges. When the regulation package came back to the committee, it was decided that the language should be removed that prohibited exchanges however, the definition remained. Member Hefley stated that Chief Adams determined this could be problematic because the definition of exchange had no language in the body addressing it. The consensus from the special committee meeting was to remove the definition. The first item that was addressed in the workgroup was to remove the definition from the proposed package moving forward.

Member Hefley opened the discussion to the group on the topic of removing the definition and its impact. The committee did not present any further question or discussion on the topic.

2. Section 575.10 Out of Service

Member Hefley stated in the original package, section 575.10 Out of Service was struck out. He stated that going back to the original language that included exchanges, it seemed at the time that Section 575.10 did not have a place. The workgroup reviewed the wording of this section how it is currently written in regulation. The work group discussed that the title would be better served as "Removal of Service." They also addressed the language to make it more consistent with NFPA 10, as well as, the idea of returning the original unit within 60 days. The workgroup also wanted to include in the body of the regulation that required the owner's acknowledgment.

Member Hefley further explained that they would like to add a section (a) and (b). Section 557.10(a) was proposed to mimic NFPA 10 language and acknowledge a replacement extinguisher will be left temporarily and the original unit must be returned within 60 days. Section 557.10(b) was proposed to ensure that the owner is aware of the replacement extinguisher, their original will be returned, and this notification is documented. Member Hefley introduced Member J.R. Nerat to explain his recommendations to the language, as well as, Member Randy Dysart. Member Hefley also opened the discussion to the rest of the committee as these recommendations were not discussed in the workgroup.

Member Nerat stated that the original intent was to keep people from replacing extinguishers of higher quality with those of lesser quality. His recommendations to the language were to clarify and simplify the terminology for enforcement purposes.

Member Dysart also explained his proposed language changes regarding the terminology explaining the location of the extinguisher being serviced. He also included language addressing acknowledgement by the owner of how many extinguishers were taken out for servicing.

Member Hefley opened the discussion to the committee to see if they could come to a consensus on the wording changes to the package. Member Wade stated that both Member Nerat's and Dysart's changes are beneficial and should be considered. Member Hefley called to discussion the language addressing "locations" of the extinguisher. Chairperson Schwartz stated that "designated locations" appeared to be the most appropriate language. No objections were made to this language change.

Member Hefley presented for discussion the new language "The owner's original extinguisher shall be returned within 60 calendar days." No objections or comments were made.

Member Hefley presented for discussion the new language "(b) When removing or replacing from locations, the owner or owner's agent shall be notified and documented." Member Wade stated that notified and documented needs to be defined as to what it means. Member Hefley mentioned

Member Dysart's recommendation for acknowledgement specifically outlines what should be documented. He also discussed his suggestion to the wording that is more generic. Member Wade agreed that it does need to be documented somewhere for example, on the invoice, stating that the extinguisher was taken and subsequently returned. Member Hefley posed a question to Chief Andersen as to how general the language should be from a regulation and code development standpoint. Chief Andersen stated that the regulation needs to be very clear what are asking for as far as an acknowledgement. For example, including the number and type of extinguisher replaced or including a required signature from the owner or owner's agent. Member Hefley agreed with Chief Andersen's recommendation. The proposed language was updated with Chief Andersen's recommendation and contributions of the committee. Member John Huffman posed a question, as there is a lot of verbiage, would this lead potentially to documentation of the extinguishers being returned within 60 days. Member Hefley stated that the requirement is 60 days but currently there is not something listed that documents the return. Chairperson Schwartz and Member Hernandez did not see an issue with this regarding enforcement. Member Dysart stated that this may be something the company would want to do, but as far as regulation does not believe is necessary. Member Hefley asked for any other comments or discussions to wording changes. No further comments on this section were discussed.

3. Section 591.5 Replacement Extinguisher

Member Hefley stated Section 591.5 is in the hydrostatic test section of the regulation. He stated that the workgroup decided this section could be revised very simply by referring to Section 575.10 instead of repeating the language. No further discussion or recommendations were presented by the committee.

4. 557.15(a) "O" Definitions

Member Hefley stated that the workgroup did not fully discuss this topic, however, he did present language to discuss adding a definition for "owner" or "owner's agent." Chairperson Schwartz stated that the proposed language discusses "owner" and "owner's agent." He stated that it is clear who the owner is, however, it is up for debate who is considered an "owner's agent." He asked the committee to discuss and clearly define who the owner's agent is. Chief

Andersen stated that the definition should reflect what is happening in the real world. Member Hefley stated that from a business standpoint it varies and could become confusing dependent upon the situation. Member Wade stated this has always been a problem as to who is authorized. Chief Andersen posed the question isn't it up to the servicing company to ensure they are speaking with someone who has the authority to make decisions for the services performed? Member Hefley provided the scenario if the company were performing a service and an employee grants them permission. The owner then receives a bill and comes back to the company stating they did not have permission to perform services and decline the bill. He further stated that an employee could be considered a representative of the owner and it becomes problematic with companies when most of these interactions are verbal. Member Hernandez stated that the definition of owner is not necessary, however, thinks that the definition of "owner's agent" should remain and the key word in that definition is "authorized." He provided the example of a property owner or a business owner in the context of a strip mall. Within each business in the strip mall the business owner is liable for ensuring their extinguishers are serviced. The other example he presented was a personal care salon where every business owner has a separate room or stations however the property owner is liable for the servicing. Member Hernandez again emphasized that whether it is "employee" or "tenant" either way, it is whether they are authorized. It is up to the servicing company to make sure they get authorization to perform servicing by someone who is in fact authorized. Member Patrick Chew stated that it also depends on how the contract is written between the owner and the tenant. In most cases it is the tenant who is responsible. Member Wade stated this discussion has always been an issue. Member Nerat stated whoever is authorized is who is paying the bill for servicing. Member Dysart stated he is hesitant about including "tenant" in the definition as this opens the door and widens the acceptance rather than closing it and narrowing it down. He provided the example of apartment tenants who use the fire extinguisher outside of their door and subsequently call to have it serviced. Another example that was provided was to find an employee to fraudulently sign the invoice. Chairperson Schwartz updated the definition to remove "employee" and "tenant" and leave "person." Member Ron Tilton stated that the change to the definition was as close as it was going to get to cover

all of the grey areas. Member Chew stated no matter what there will be scam artists trying to find a loophole. No further discussion was presented.

Chairperson Schwartz called for a vote on each section for the proposed changes presented by the workgroup and discussed by the committee. The first section called to vote was Section 575.10 Removal from Service. Member Dysart suggested that language should be added for replacing a fire extinguisher with an equal size and rating. Member Randy Rousseau agreed. Member Nerat stated that “size” opens a door to different interpretations. He further stated that usually you have a type and rating, and the temporary replacement should be the same type and rating as what you are replacing. Member Rousseau stated he agreed to remove “size.” Member Hefley stated they ran into this discussion in the workgroup, and that the replacement extinguisher temporarily provides protection suitable for the hazard of equal rating. Member Dysart agreed. Member Nerat stated that the service person pulling the extinguisher and replacing it should be qualified to know the hazard it is protecting and replace it accordingly. Member Hernandez motioned to accept the changes as amended to state:

“575.10 Removal from Service

(a) Fire extinguishers removed from designated locations for maintenance, recharge or any other service necessary shall be immediately replaced by a fire extinguisher suitable for the type of hazard(s) being protected and shall be of at least equal rating. The owner’s original extinguisher shall be returned within 60 calendar days.

(b) When removing or replacing from locations, the owner or owner’s agent shall be notified and documented. This acknowledgement shall include the quantity and type of fire extinguishers that were removed for service and substitute fire extinguishers provided.”

The motion was seconded by Member Hefley. Motion was carried with a unanimous vote in favor of the language presented.

Chairperson Schwartz called Section 557.5 to a vote removing the language for “E” definitions including the definition of exchange. It was moved by Member Hefley to remove the language; motion seconded by Member Dysart. Motion was carried with a unanimous vote in favor of removing the language presented.

Chairperson Schwartz called to vote Section 591.5 with the proposed language:

“591.5. Replacement Extinguisher.

Portable fire extinguishers shall not be removed from the premises for hydrostatic testing without first replacing the extinguisher in accordance with 575.10.”

It was moved by Member Dysart to accept the language as amended and presented to the committee; motion seconded by Member Hefley. Motion was carried with a unanimous in favor of amending the language as presented.

Chairperson Schwartz called to vote Section 557.15 “O” Definitions, with the amended language to the definition of “owner’s agents.”

“557.15 “O” Definitions

(a) Owner’s agent. Is the person authorized to give consent for work to be performed.”

It was moved by Member Hefley to accept the definition as amended; motion seconded by Member Nerat. Motion was carried unanimously in favor of the definition as amended.

3. NEW BUSINESS

There was no new business.

4. OPEN FORUM

Member Dysart posed a question as to how long it is taking for notification after an exam? Chairperson Schwartz stated that procedurally the exam list is supposed to go out every Thursday and Friday. The following Monday the exam scores are then released. He understands that there have been issues regarding the notification process, and they are working diligently to rectify these issues.

Member Hefley also posed a question regarding a unique situation involving a service person passing away. They notified the OSFM that the person will no longer be associated with the company’s license. He stated they received a response from the OSFM that a death certificate was needed. Chairperson Schwartz clarified that they could just send a notification to remove them from their license. Member Hefley stated that he will revise the notification. Chairperson Schwartz confirmed that there is no need, and he will follow up with resolving this issue.

5. PUBLIC COMMENT

There was no public comment.

6. MEETING ADJOURNMENT

The next committee meeting is scheduled for October 25, 2022 at 10:00 A.M. (PDT) via Zoom. Chairperson Schwartz confirmed that reappointment letters are due September 1, 2022. He also confirmed that the current term ends October 1, 2022. Chief Andersen agreed to extend the term in order to have an operational committee meeting in October. Subsequent terms will be adjusted to mitigate this issue in the future. A motion to adjourn was made by Member Hefley and seconded by Member Dysart. Roundtable vote was called; all in favor, none opposed; motion carried unanimously. Chairperson Schwartz adjourned the meeting at 11:24 A.M. (PDT).

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