



August 10, 2016

The Honorable Mike Richwine
Acting State Fire Marshal
Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460
Attention: Diane Arend

**SUBJECT: PROPOSED RULEMAKING: CALIFORNIA CODE OF REGULATIONS:
TITLE 19, DIVISION 1, CHAPTER 5.5: AUTOMATIC FIRE EXTINGUISHING
SYSTEMS CERTIFICATION - 15-DAY NOTICE: COMMENTS**

Dear Fire Marshal Richwine:

The California Association of Life Safety and Fire Equipment (CALSAFE) appreciates the opportunity to provide comments in response to the 15-Day Notice of Proposed Rulemaking: California Code of Regulations: Title 19, Division 1, Chapter 5.5: Automatic Fire Extinguishing Systems Certification, regarding a new fee-supported program for the installation of water-based Automatic Fire Extinguishing Systems, including a certification and registration program for individual fire sprinkler fitters or installers.

CALSAFE is an organization that represents fire equipment installation and service companies throughout the state of California. We are committed to bringing professionalism and quality to the service industry. Our members benefit from the training offered, the communication of code, and regulation updates and various interpretations as provided by CALSAFE. A number of our members currently serve on State Fire Marshal Advisory Committees and Workgroups as unpaid volunteers, and work diligently with the agency to help update existing regulations for Title 19 of the California Health and Safety Code and the State Fire Code.

General Comments

CALSAFE has always been in support of a Certification Program relating to testing and maintenance of Automatic Fire Extinguishing Systems. While CALSAFE did not agree there was a need for certification of installers, CALSAFE worked within the process in an attempt to keep the work of the Committee and Workgroup focused on the task of creating a reasonable and functional Certification program for installation of Water-Based Fire Protection System. This proposed regulation moved away from creating a reasonable and functional installation certification process to instead codifying apprenticeship/journeyman programs. CALSAFE appreciates the attempt with the JTER program to be an alternative path to certification, in application; however, it ultimately will, after the first 180 days, require most workers to follow a path through a state or federally approved apprenticeship program to gain certification, which was never the stated intention of the advisory group, as directed by the OSFM.

Specific CALSAFE Comments begin below.

Article 1. Administration

920. Authority.

Chapter 5.5, Division 1, Title 19 of the California Code of Regulations is adopted by the State Fire Marshal under the authority of Division 12, Part 2, Chapter 1, Section 13110, of the Health and Safety Code of the State of California. NOTE: Authority cited: Section 13110, Health and Safety Code. Reference: Section 13110, Health and Safety Code.

CALSFE COMMENT: There are a number of inclusions of types of work that may be performed under this proposed regulation not included in Health and Safety Code 13100. The rulemaking also adds in other codes not contemplated by the enacting statute of Health and Safety Code 13100.

922. Purpose.

The purpose of these regulations and standards is to improve the performance and reliability of water-based fire protection systems by providing a means to certify and register any person who installs, alters, repairs, or adds appurtenances to such systems. NOTE: Authority cited: Section 13110, Health and Safety Code. Reference: Section 13110, Health and Safety Code.

922. Purpose.

CALSAFE COMMENT: There is no authority granted under Health and Safety Code Section 13110 that provides the Office of the State Fire Marshal (OSFM) the authority to require certification on “repairs”. This term must be stricken from the entire regulation as required by Government Code section 11342.1, which provides “except as provided in Section 11342.4, nothing in this chapter confers authority upon or augments the authority of any state agency to adopt, administer, or enforce any regulation. Each regulation adopted, to be effective, shall be within the scope of authority conferred and in accordance with standards prescribed by other provisions of law.”

923. Scope.

CALSAFE COMMENT: CALSAFE agrees with the decision to exclude pre-engineered and engineered fixed extinguishing systems. CALSAFE believes it important, however, that the list of excluded systems contained in the “rational”(sic) for the change be added to Section 923 for clarity of application of this proposed regulation.

CALSAFE believes this addition will provided needed clarity on what systems are excluded so that industry fully understands the Scope’s coverage and limitations. CALSAFE believes this clarifying list should not be left in a note that will not be seen by C16 Contractors who will be mandated to integrate this proposed regulation into their current work process.

Additionally, see comment on Section 922 and the use of the word “repair”. The objection also applies to Section 923.

CALSAFE believes Section 923.3, as proposed, lacks clarity. Questions that should be answered by the OSFM before a final regulation is finished include: The proposal in 923.3 states these systems are excluded “where the number of components and their configurations are excluded.” What does that mean? Where in the regulation is the “number of components and their configuration excluded”? This statement does not make sense and requires clarification.

Article 2. Definitions

924. “A” Definitions.

CALSAFE COMMENT: CALSAFE believes that there is a lack of clarity in proposed 924. “A” Definitions, subsection (b). This is new language added since the 45-day notice.

Questions that must be answered by the OSFM before a final regulation is finished include:

- Who are the “skilled workers” proposed in this section?

- Does this mean the OSFM regulation is mandating additional hiring by C16 contractors” for this undefined “skilled worker”?
- Is the skilled worker another worker that would have to take the test and have to pay fees proposed under this regulation?

924.1. “C” Definitions.

CALSAFE COMMENT: CALSAFE again notes lack of clarity and lack of knowledge of the real world economic impact of this regulation on the regulated community by the OSFM. This is new language in (a). There was no requirement that the C16 contractor be required to take an additional test and pay an additional fee to be certified in the enacting statute H&S 13100.

C16 contractors have minimum of 4 years of experience, pass examinations to get their license from the Contractors State Licensing Board. C16 Contractors are bonded, carry multiple types of sureties and insurance. This is an unreasonable and duplicative requirement that should be stricken from this rulemaking.

924.4. “I” Definitions.

CALSAFE COMMENT: CALSAFE notes again for the record that Section 13110 of the Health and Safety Code does not include the term “repair” and must be excluded from this proposed regulation. The term should not be included in the Section 924.4, as it exceeds the authority of the section cited by the OSFM as authority for this regulation.

924.9. “R” Definitions.

CALSAFE COMMENT: As noted in prior comments above, the word “repair” is not mentioned in in Section 13110 of the Health and Safety Code that is being used as authority for this section and should be removed.

Article 3. General Provisions and Fee Schedule

925.1. Fee Schedule.

Fees for application or renewal of any \$150
certification or registration issued
pursuant to this *Chapter* shall be as
follows: (1) Sprinkler Fitter Certification

(2) Apprentice Registration	\$150
(3) Trainee Registration	\$150
(4) Annual Renewal	\$150
(5) <i>Renewal of a certification or registration which has expired</i>	\$150
(6) Replacement Certification or Registration Identification Card	\$25
(7) Commercial Continuing Education Unit Course Registration	\$150
(8) Multi-family Residential Continuing Education Unit Course Registration	\$150
(9) <i>SFM Validation of Job Related Training and Experience Review (JRTER) Program (JREP)</i>	\$500
(10) Late fee (50% of application fee)	

Section 925 and 925.1.

CALSAFE COMMENT: Section 13100 permits a “reasonable” fee. “Reasonable” under the Health and Safety Code 13145 and 13146, the sections most relied on by the Office of the State Fire Marshal in other rulemakings, is limited and states that:

“Any fee charged pursuant to the enforcement authority of this section shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.”

However, this proposed regulation deviates from the usual OSFM definition of “reasonable”. CALSAFE does not believe the standard of “reasonable” fee has been met by the OSFM regarding the fee for (8) *SFM Validation of Job Related Training and Experience Review (JRTER) Program (JREP)* that requires a new \$500 fee as of the 15-Day Notice. It is important to note that fees will most often be paid by the C16 contractor employer.

CALSAFE estimates there are no fewer than 13,000 sprinkler fitters today in California. At least 6500 have not been through an apprenticeship program and possibly quite a few more. Using that conservative number of fitters who would be mandated to seek certification under this regulation requiring their experience verified through the JRTER, multiplied by \$500 (6500 x \$500) means a \$3.25 million cost of that one fee alone to the regulated industry.

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The \$500 fee is also out of line with every other proposed fee under this rulemaking. All other fees do not exceed \$150. There is no supporting data to show why this particular fee should be 60 percent higher than all other proposed fees. In fact, it should be lower since the employer is the one supplying all of the information and verifying the hours and experience as set out in Section 946 of these proposed regulations.

It is troubling that no economic assessment has been performed by the OSFM on the impact of this fee on the regulated industry or any other alternatives proposed or explored. Nothing has been shared with those impacted by the proposed regulation.

Government Code 11346 (a), that covers proposed regulatory action by state agencies, requires state agencies: *“shall assess the potential for adverse economic impact on California business enterprises and individuals, avoiding the imposition of unnecessary or unreasonable regulations or reporting, recordkeeping, or compliance requirements.”*

This same section also notes in Section 11346. (a) (1) that the “proposed adoption, amendment, or repeal of a regulation shall be based on adequate information concerning the need for, and consequences of, proposed governmental action.”

This Government Code section also requires in subsection (2), *“The state agency, prior to submitting a proposal to adopt, amend, or repeal a regulation to the office, shall consider the proposal's impact on business, with consideration of industries affected including the ability of California businesses to compete with businesses in other states. For purposes of evaluating the impact on the ability of California businesses to compete with businesses in other states, an agency shall consider, but not be limited to, information supplied by interested parties.*

926. Maximum Number of Directly Supervised Employees.

CALSAFE COMMENT: While the changes shown are meant to be clarification, there was no addition language inserted to address other types of workers who might work on specialty equipment such as fire pumps and tanks who are not sprinkler fitters working for C16s. Usually, these workers are employees of the pump manufacturer or supplier who possess the knowledge to aid in the installation, and perform repairs on things like diesel motors or the electrician who needs to work on a pumps electrical motor. This wording still does not allow for them to perform any work on them that might require their specific expertise. This is a major problem that needs to be addressed in the regulation.

CALSAFE also believes the wording is not correct. The wording is suggesting that the Certified Fire Sprinkler Fitter is in the JRTER program and should be corrected to indicate that is not the case.

Article 4. Enforcement

930. Report of Violations.

CALSAFE COMMENT: Violations have been added to this version of the proposed regulation. However, it is not clear if that pertains only to violations of this chapter or other types of violations. The type and nature of the violations need to be defined for the purpose of clarity for the regulated community. Specificity is needed.

933. Deceptive Practices.

CALSAFE COMMENT: The addition of new 933(c) is not a grammatical change as noted by the OSFM. This is an addition that constitutes a substantive change that should have been subject to a 45-day hearing notice under the Administrative Procedures Act.

CALSAFE is deeply concerned about the use of the Business and Professions Code in this regulation. There is no reference in the authorizing statute, Health and Safety Code Section 13100, which provides the authority for this regulation that permits the OSFM to issue Business and Professions Code violations. These sections are used by the Contractors State License Board (CSLB) to discipline contractors on a variety of issues including deceptive practices, and cover C16 contractors.

“Deceptive practices” as now added to this section, permit enforcement by civil or criminal lawsuits brought under the Business and Professions Codes 17200 and 17500. The new lawsuits will be brought against C16 contractors by consumers and other businesses, including unions.

While similar, B&P Sections 17200 and 17500 are not the same. A violation of section 17200 is based on unfair competition in a variety of areas. Section 17500 prohibits any untrue or misleading statements made in connection with the sale of goods or services. Section 17200 is a strict liability statute with only civil remedies available. Section 17500 carries strong criminal penalties.

Regulations proposed by the OSFM should not be adding in new liability for new criminal penalties, new legal liability and fines on C16 Contractors. It is also important to note this type of enforcement is not contemplated the authorizing statute, Health and Safety Code 13100.

CALSAFE believes this beyond the scope of the originating state constituting an unauthorized and unreasonable addition to this rulemaking package. All of the references to these Business and Professions Codes must be removed from this proposed regulation.

937. Duplicate Issuance.

CALSAFE COMMENT: The wording is unclear as revised. It is worded in such a way that only an “Apprentice or Trainee’s” Certification/Registration may be issued a duplicate card, but not to a Certified Fire Sprinkler Fitter.

A suggested change to clarify this section would be “a duplicate ~~a Apprentice or Trainee~~ Certification/Registration as defined in this Chapter...”

938. Fire Sprinkler Fitter Trainee.

CALSAFE COMMENT: For consistency, Section 938 and 939 should have the same designation of Sprinkler Fitter Trainee and Apprentice Trainee requiring that installation of water based systems only be performed for properly licensed C16 contractors.

Section 938 neglects to note that requirement while Section 939 appropriately references C16 contractors.

939. Fire Sprinkler Fitter Apprentice Registration and Renewal.

See comment regarding proposed Section 938 by CALSAFE

940. Fire Sprinkler Fitter Certification and Renewal.

CALSAFE COMMENT: For consistency in (c), the references should all be to “certification” or “registration”. This subsection inaccurately refers to a “license” which is not issued by the OSFM.

941. Examination Procedures.

CALSAFE COMMENT: CALSAFE continues to note there should not be certification or registration exams requirements on C16 contractors, beyond the verification by the OSFM of a C16 license is active and in good standing. Nor should the C16 contractor be mandated to take a test with a \$150 fee in order to do the job they are legally licensed to do by the Contractors State License Board.

Due to lack of necessity, C16 contractor certification should be removed from this regulation. Otherwise this section is duplicative and poses an unnecessary regulatory and financial burden on C16 contractors.

945. Renewal of an OSFM Trainee Registration, Apprentice Registration and Certification.

CALSAFE COMMENT: CALSAFE has and continues to oppose any certification testing for contractors who already hold a C16 license from the Contractors State Licensing Board. Presentation and verification of a C16 license should be the only requirement to receive the Certificate for duly licensed contractors. This violates the non-duplication requirement of the Administrative Procedures Act.

As a reminder: C16 Fire Protection Contractors hold a license that requires them to be tested on their depth of knowledge of all of the following and more:

1. How read and interpret plans and specifications;
2. The application and limitations of various types of fire protection systems;
3. Fire sprinkler position, location, and spacing;
4. Determining water requirements;
5. The standards relevant to system design;
6. Hydraulic calculations;
7. Estimation techniques;
8. Seismic bracing requirements;
9. Fire Protection System Installation;
10. Installation of underground systems, pumps and components;
11. Installation of overhead systems (residential and commercial);
12. Installation of fire suppression and specialized systems;
13. Installation of control valves, supervisory devices, and other related components;
14. Standards related to overhead, underground, pumps, suppression, and specialized fire protection system testing and maintenance;
15. Tools and methods used to test and troubleshoot systems and their components;
16. Repairing and/or replacing components and systems;
17. Personal Protective Equipment;
18. Safely working in elevated areas;
19. Trenching safety; and
20. Safe job site practices.

A C16 contractor is already tested on their knowledge of installing sprinklers in the license examination. C16 contractors should not have to pay any fee to perform work they are already licensed to perform.

There has been no data or evidence produced by the OSFM showing any need for licensed C16 Fire Protection contractors be included in the testing, fee or CE fee portion of this proposed regulation.

Due to lack of necessity, duplication of oversight by another regulatory agency, the C16 contractor certification should be removed from this regulation. Otherwise this section is duplicative and poses an unnecessary regulatory and financial burden on C16 contractors.

947. State Fire Marshal *Validation of Job Related Training and Experience Review (JRTER) Program (JREP)*.

CALSAFE COMMENT: CALSAFE appreciates the addition that the C16 license may be used for demonstration of subject knowledge. CALSAFE would like to note that since the OSFM deems the license is sufficient for demonstrating the knowledge base, then the OSFM should deem it be sufficient to meet examination and CEU requirements proposed by this regulation.

CALSAFE believes this section going to create an avoidable labor shortage because all the fitters currently working will not be able to meet 100 percent of the requirements set out in JTER in the first 180 days. These currently working fitters that also meet the hours and years specified in the section should be completely grandfathered.

947.2. Multi-Family Residential Certification Sprinkler Fitter Skill Area Required Hours.

CALSAFE COMMENT: Again, “repair” should be removed as it is not authorized by Health and Safety 13100.

948. Continuing Education.

CALSAFE COMMENT: A C16 contractor is already tested on their knowledge of installing sprinklers in the license examination. There has been no verified or peer-reviewed data or evidence produced by the OSFM showing any need for licensed C16 Fire Protection contractors be included in the testing and continuing education portion of this proposed regulation.

The valid C16 license in good standing should be proof enough. The production of the license should be accepted in lieu of proposed Section 948 requirements. Otherwise this section is duplicative, unnecessary and has an unreasonable impact on licensed C16 contractors.

949. Implementation Period and Historical Recognition.

CALSAFE COMMENT: C16 contractors should be permanently exempt from the certification, testing and CEU requirements proposed in this regulation. The presentation and verification by the OSFM of a C16 contractor license in good standing should be the only requirement to receive the Certificate for duly licensed contractors. Otherwise this regulation is proposing duplicative regulations regarding oversight, testing and poses an unreasonable regulation of an industry already under the jurisdiction of the Contractors State Licensing Board.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY OR REPORT OR SIMILAR DOCUMENT RELIED UPON - MATERIALS ADDED TO THE RULEMAKING FILE

1. “U.S. EXPERIENCE WITH SPRINKLERS”, by John R. Hall, Jr. This study (dated June 2013) was to evaluate the effectiveness of Automatic Sprinkler systems from 2007-2011, published by the National Fire Protection Association (NFPA).

CALSAFE COMMENT: All of the documents added to the 15-Day Notice are new. None meet the economic analysis set out in Government Section 11356 (a), (1)-(5) that sets guidelines that the proposing agency to follow when promulgating proposed rulemakings:

- (1) Guidelines governing the types of data or assumptions, or both, that may be used, and the methods that shall be used, to calculate the estimate of the cost or savings to public agencies mandated by the regulation for which the estimate is being prepared.*
- (2) The types of direct or indirect costs and savings that should be taken into account in preparing the estimate.*
- (3) The criteria that shall be used in determining whether the cost of a regulation must be funded by the state pursuant to Section 6 of Article XIII B of the California Constitution and Part 7 (commencing with Section 17500) of Division 4.*
- (4) The format the agency preparing the estimate shall follow in summarizing and reporting its estimate of the cost or savings to state and local agencies, school districts, and in federal funding of state programs that will result from the regulation and its estimate of the economic impact that will result from the regulation.*

CALSAFE believes the OSFM also has not met any type of cost analysis of the requirements under Government Code 11346.5 (a)(9), that “an agency shall evaluate the costs to be incurred by a “representative business” affected by a proposed regulation.” Alternatively, even an aggregated, industry wide comparative analysis (with estimated figures) would have been helpful to C16 industry’s understanding of the economic impact of this proposed rulemaking.

In regards to 1. *Use of U.S. EXPERIENCE WITH SPRINKLERS* article as evidence supporting need for regulation, CALSAFE must draw attention to the fact that this article does not contain enough information or data to support this proposed regulation. All of these systems referred in the article were installed and inspected and eventually approved by fire departments/fire inspectors.

The section that is highlighted for technical reference by the OSFM states:

When sprinkler performance is deemed to be a failure (did not operate) or ineffective (operated but not effective), reasons for failure or ineffective can be reported:

System shut off

Not enough agent (water) discharged to control the fire

Agent (water) discharged but did not reach the fire

Inappropriate system for type of fire

Fire not in area protected by the system

System component(s) damaged

Lack of maintenance, including corrosion or heads painted

Manual intervention defeated the system

“Other” reason Undetermined reason

CALSAFE would note that the items that are highlighted above may or may not be an installation error, including:

1. The “inappropriate system for the type of fire” could have come about if the commodity that was burning was introduced after the system installation.
2. The “fire not in an area protected by the system” does not necessarily mean that there was an installation problem as much as the area was not required to be covered by the code at the time of installation.
3. “System component damaged” is most often due to damage done after the installation, rather than during the install.

The other major factor that discounts the use of this report as justification for certification is that the article is not just a California study but includes many states that do not have the level of licensing, permitting and maintenance requirements California has. It is a national study and also includes dry systems, which are not covered by this proposed regulation.

CALSAFE needs to point out that this article does not contain enough information or data to support this proposed regulation. All of these systems were installed and inspected and eventually approved by fire departments/fire inspectors. CALSAFE does not know why this article supports a need for certification - how does a certification after the install make any difference? This article is not useful as a reliable technical support for this regulation.

2. “Automatic Extinguishing Systems Certification Issue” Survey. This fire service survey presented on September 15, 2014 to the Automatic Extinguishing Committee. The survey was taken from July 1, 2014 thru August 1, 2014. The data collected came from the following areas.

- Fire Service Survey
- Contractors Survey
- Complaints filed with OSFM & CSLB
- Comments from the Public
- Pictures provided by the Industry.

CALSAFE COMMENT: There are several concerns over the conclusions that may be drawn over this “Survey”. See below for concerns on specific survey questions being relied on as support for this proposed regulation.

Q-1 Have you ever during a rough and/or final Inspection of an automatic fire sprinkler system installation identified a condition where the system did not meet the requirements of NFPA 13?

CALSAFE COMMENT: A “yes” answer to this question may represent one in hundreds as there is no time frame attached the question nor is there any clarification requested to identify how many out of how many.

The question also doesn’t differentiate on how many of those systems where the Fire Service identified a condition were installed by Journeymen fitters who attended an apprenticeship program compared to those who did not. Also, there is no clarity on the identification or severity of the various “conditions.” For example, a minor condition where an identification sign not being installed simply because someone forgot to hang it may be one of the “yes” answers.

Q-2 When inspecting a fire sprinkler system installation have you ever encountered a situation where the installation was not consistent with the approved plans?

CALSAFE COMMENT: Since this seems to be another “yes” or “no” answer, CALSAFE believes it is unclear what the results are showing.

With the results in the form of quantities, it would seem a different question was asked than the one associated with these answers. This is another question that doesn’t give enough information in its wording to yield answers that can be used for justification of this regulation.

Part of the nature of construction is that things change during construction situations or obstacles are encountered that were not on the set of plans given the contractor that designs the system. As a result, alterations have to be made and ultimately approved by the fire authority, but they would not be consistent with the original approved plans they are submitted in the form of as change orders with explanations as to the changes. This question does not give enough information to form a conclusion.

Q-3 Did you ever not approve the installation of an automatic fire suppression system and had to return for a re-inspection, after being told that a fire suppression system was ready for inspection?

CALSAFE COMMENT: This is again a question that doesn’t ask enough questions to give information to support this regulation. The problem is that answers to this survey question don’t clarify reasons for re-inspections.

Re-inspections may be the fault of the foreman on the job and not the installers. It may be a problem that has developed between the call for the inspection and the date of the inspection due to another trade on site. For example, a wall texture may not properly cover the area with the installed sprinklers. That worker oversprays the sprinklers with material the day of the inspection.

Re-inspections may also result from paperwork with the contractor that is not in order which has nothing to do with the installation. The follow up Question 4 doesn’t really give any useful information. The question does not specify or clarify the reasons for the re-inspection. The answers do not provide a quantity of how many the total of re-inspections were performed to get a percentage of the time this occurs, nor does it clarify over what period of time this covers.

Q-5 Have you ever during an inspection of an automatic fire sprinkler system identified a condition where the system does not meet the requirements of NFPA25 and did not pass inspection?

CALSAFE COMMENT: This is a strange question for this survey. First, it is dealing with NFPA 25, a maintenance standard and then it is not clarifying when those systems were installed, if the owner was having test and maintenance performed by a licensed contractor nor if any of the problems were due to the original installation. This question should not be used as support for the need for certified sprinkler fitters.

There is additional information supplied from only two fire departments, out of the 866 fire departments that exist in California. These two departments shared:

The El Segundo Fire Department supplied information from the period 10/1/12 to 3/30/14. Their report identified several types of systems inspected of which the majority were sprinkler systems. Of the 139 sprinkler system inspections performed, only 8 were not ready, received correction notices, verbal corrections or the fire department had no access. Of these five conditions it is not clear how many are directly related to fitter installation issues.

The Anaheim Fire & Rescue supplied information from the period 2008-2013. It states that out of the 2,321 projects there were 863 that required additional re-inspections. The text states that there is no data available to indicate the specific need for each re-inspection so there is no way to draw any real conclusions that support or not support fitter certification. The report goes on to list the “18” most common reasons that could be remembered. It doesn’t state how often each may have occurred and in fact could be as little as one time for some and several could be of the same system rather than multiple systems. The fact is that this is not verifiable because the data was not kept. This is what those who were interviewed thought they could remember, which is not quantifiable.

The section on the complaints to the Office of the State Fire Marshal add nothing to support a broad regulation on Certification and Regulation. The stands that there are no complaints associated with incorrect installation.

The Contractor Survey is a result of the performance of 5-year maintenance. The end result of that survey clearly showed the importance of the inspection testing and maintenance requirements of Title 19 but does not support the argument of incorrect installations being performed.

The pictures that were included in the presentation were of problem sprinkler areas that had no identification, authentication, provenance or source of where these photos of problems were found. In fact many, if not most or all, were taken in other states--many of whom do not have the requirements for licensing, permitting and inspections that California has. These should not be used as reason for requiring this unnecessary certification in California.

It is important to note that when this information was presented to the AES committee and, based on this survey, the members asked if they see a need for a certification program. The vote by the committee was a tied vote (7 yes and 7 no). The committee was not convinced of the need by this survey.

3. California Licensed Contractor Article, Berrigan, Bob. "Fire Protection Systems Installers Licensed." *California Licensed Contractor, Official Publication of the Contractors State License Board*, spring of 1990: page 5.

CALSAFE COMMENT: It is unclear the support that this article actually provides. It is highlighting the establishment of the C16 specialty license. To obtain a C16 license, a contractor must demonstrate experience and knowledge. With that they are allowed to install sprinkler systems. This article demonstrates support of the adequacy of the current system, but does not support need for this regulation.

4. Union Wage and Benefit Support Document. This is a cost analysis of the "union" apprenticeship programs for the State of California. This document was provided by Randy Roxson, who represented the Sprinkler Fitters Association of California on the development workgroup for this proposed regulation package on August 13, 2015.

CALSAFE COMMENT: This does not support need for the regulation or certification and should be discarded.

5. Non-union Fiscal Impact Document was a cost analysis of the "non-union" apprenticeship programs for the State of California. This document was provided by Tom McKinnon, who represented AFSA National Association on the development workgroup for this proposed regulation package on August 3, 2015

CALSAFE COMMENT: This does not support need for this regulation or certification. It is unclear how these two documents provide any support as to the necessity of this regulation.

6. Automatic Extinguishing Systems (AES) Fire Sprinkler Fitter Certification Profile Flow Chart. This document gives some example profiles of certification tracks that may apply to particular individual circumstances.

CALSAFE COMMENT: This flow chart reveals something not previously stated by the OSFM. The flow of the individual seeking certification under the historical recognition 180-day phase (section 949) that has the hours and years required is also shown to have to go through JRTER. This not clearly defined in proposed Section 949.

This shows the addition of an additional layer of prerequisites to the process than what was previously defined in the first rendering of the regulation.

If, in fact, the application under the historical recognition period requires that the experience be verified through JRTER that will add an additional \$500 to that individual's application process plus give no guarantee that the process will be completed prior to the 180 day period thereby then requiring the applicant to also take a test which was the stated purpose of proposed Section 949.

There is also a differentiation in the path of individuals who have the same experience of hours and years when an individual had also completed a State approved apprenticeship program as he is not showing a requirement of needing to have hours and years verified through the JRTER.

This is further complicated by the fact that the preferential treatment seems to be limited to those who have completed a State approved apprenticeship program but not a federally approved apprenticeship program operating in this state, none of which is supported in proposed Section 949.

The other aspect of this complication is that the JRTER is more comprehensive than just an evaluation of hours and years again not supported in proposed Section 949.

This chart that is supposed to be an explanation of the application of the proposed regulation instead makes the JRTER program and the cost to the stake holders a substantive change to this proposed regulation.

7. In connection with the 15-day modifications to the regulations, the Office of the State Fire Marshal consulted with The California Apprenticeship Council. These were conversations only, and there were no documents relied upon or added to the rulemaking file in connection with these consultations.

CALSAFE COMMENT: In the original comment period, many questioned the original ISOR and challenged of the lack of verifiable data. CALSAFE concerns are even higher in light of this new documentation, or lack thereof.

There is no transparency to these “conversations.” There is no data or evidence of these “conversations”, when those “conversations” occurred, those who were involved in these “conversations” or the “conversation” content that can used or relied on to justify the need for this regulation.

Last of all, CALSAFE is deeply concerned that the OSFM is attempting to use anecdotal information as information to support a regulation. These must not be deemed a sufficient basis to upon which to base this proposed regulation.

Conclusion

While there are still many challenges to creating a final rule, CALSAFE is hopeful these comments are constructive and informative to the OSFM. We are happy to provide any clarification or additional information. We are available to meet with you or with your staff at your convenience to discuss our concerns and suggestions.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Quirk". The signature is fluid and cursive, with a large initial "A" and "Q".

Allen Quirk
President of CALSAFE