

**OFFICE OF THE STATE FIRE MARSHAL
Department of Forestry and Fire Protection
Fire Engineering Division**

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**DRAFT
STATE FIRE MARSHAL'S
Automatic Extinguishing Systems
Advisory Committee**

Meeting Minutes

November 16, 2005

Time: 10:00 a.m.

Office of the State Fire Marshal (Headquarters)

Committee Goal: To provide a means of communications 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.

Members Present:

James Parsegian, Program Coordinator (CDF-CSFM)
Yevonne Costa, Program Assistant (CDF-CSFM)
Robert Blankenship, California Department of Corrections
Russell Blair, Sacramento Metropolitan Fire District
Gary Boyles, Rodeo-Hercules Fire District
David Casey, Department of State Architect
Randy Dysart, Beacon Fire & Safety
Jim Feld, Feld Engineering
Chris Gilbert, Simplex Grinnell
Dennis Grubb, Orange County Fire Authority
Darrell Harguth, Brooks Fire Equipment
Steve Hart, NAS-IP
Darrell Hefley, Jorgensen & Co.
Wayne Martin, FSABSC
Jim McLaughlin, Lund, Pearson, McLaughlin
Lorin Neyer, OSHPD
Barry Sigal, Rep. Manufacturer's
Mike Waldron, Simplex-Grinnell
Jaymae Wentker, City of Mountain View

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Members Absent:

Fred Benn, Advanced Automatic Sprinkler, Inc.
Patrick Chew, City of Roseville Fire Department
Dave Foster, Insurance Services Office
Jesse Franco, City of Los Angeles Fire Department
Christopher Gray, City of Glendale Fire Department
Sam Husoe, NFSA
Ken Liming, Insurance Services Office
Scott McMillan, Alameda County Fire Department
Robert Raymer, California Building Industry Association
Jason Nailon Apple Valley FPD
Eddie Vasquez, DGS State Architect
Tom Walsh, Santa Clara County Fire Department

Guests:

Paige Roush, Contractors State License Board
Glenn Tong, Retired Annuitant (CDF-CSFM)
Daniel Najera, Regulations Coordinator (CDF-CSFM)

Call to Order:

Supervising DSFM James Parsegian (Chair of the AES Advisory Committee) called the meeting to order at 10:02 a.m. at the Office of the State Fire Marshal (Headquarters) Main Conference Room, 1131 "S" Street Sacramento, CA.

Supervising DSFM Parsegian announced that Division Chief Mike Richwine has been reassigned to be the Division Chief of State Fire Training and therefore will not be participating in the AES Advisory Committee Meetings from this date forward. It is anticipated that a new Fire Engineering Division Chief will be selected/appointed by December 1, 2005 and will be at our next AES Advisory Committee Meeting.

Supervising DSFM Parsegian also announced that there will be a guest , Program Manager Paige Roush, from the Contractors State License Board, Statewide Investigative Fraud Team (CSLB) who will be here to explain the role of the CSLB Fraud Team and to answer any questions that may be raised during a question/answer period.

Roll Call:

Chair James Parsegian asked Program Assistant Yevonne Costa to call the roll of the AES Advisory Committee Members noting those present and those absent.

Approval of the Minutes:

Chair James Parsegian asked for approval of the meeting minutes (04-06-05) and (08-24-05) of the AES Advisory Committee, which was held in Sacramento, CA. Chair James Parsegian asked if there were any additions or corrections to the minutes as mailed.

Chair James Parsegian asked for a motion to approve the minutes, with the previous formatting issues to be corrected. On a motion by Member James McLaughlin, and a second by Member Lorin Neyer and Member Randy Dysart the minutes of August 24th were approved unanimously.

Hearing no further comments, Chair Parsegian called for the vote and the August 24, 2005 Minutes were approved by unanimous vote.

Old Business:

Chair Parsegian indicated the AES Advisory Committee currently has two Working Groups (Title-19/NFPA-25 Working Group and MITS Working Group), which are chaired by Jim Feld and Steve Hart respectively. He asked that each chair give an update to the AES Advisory Committee on the activities of their Working Groups.

Title-19/NFPA-25 Working Group:

Working Group Chair Jim Feld started his report to the Committee by noting that the Working Group is working hard to complete the two remaining issues of Service Tags/Labels and Inspection Forms, which will be used for the Water-based Fire Protection Systems. Chair Feld noted that Retired Annuitant Glenn Tong is proceeding with the Title-19/NFPA-25 Package, which will be sent to the Office of Administrative Law (OAL) and that this will likely take place early next year (2006).

Working Group Chair Feld described concept that is being pursued which will have separate forms for each "type" of system being inspected/tested; Automatic Sprinkler System, Standpipe and Hose Systems, Private Water Supply Systems, Fire Pumps, Water Storage Tanks, Water Spray Systems, and Foam Water Sprinkler Systems, similar to what is currently provided in Annex "B" of NFPA-25, 2002 Edition. The forms being developed by the Working Group will have a single Cover Sheet (reflecting Property, Contractor, and System Information) and the individual systems forms will be formatted to show the Item (number), Activity (Inspection, Testing and/or Maintenance), Description of element (hangers, sprinklers, alarm valves, etc.), Reference (NFPA-25 Standard Section Number), and a column for Fail, N/A, and Pass.

Working Group Chair Jim Feld noted that the current concept is to have the forms on the CA CSFM's website and the various CSFM Licensed Companies/Firms and CSLB Licensed Contractors will be able to download them, have their company logo's/information printed on the them, and utilize a "single set of forms" to perform the various Inspection, Testing, and Maintenance procedures.

Member Russell Blair asked how the corrections and re-inspections would be handled in the use of these forms. A general discussion was held on this issue and Working Group Chair Feld indicated that each local AHJ will be handling this issue differently, but stressed that the form can not be shown as “passed” if there is a single item remaining to be corrected.

Member Jaymae Wentker asked if it wouldn't be appropriate to have the date located beneath the “Performed by _____” in the Contractor Information block of the Cover Sheet to reflect that on a certain date this individual pass/failed the system, and that subsequent repairs/corrections would show yet another date, which would then show that these corrections were made subsequent to the initial inspection. He noted that this would show the deficiencies were corrected.

Chair James Parsegian noted that because of the numerous issues with having a state established set of forms, it would be necessary to develop a “user's package” which could be instructional on what is required to perform the various elements and how to complete the forms.

Retired Annuitant Glenn Tong reported on the meeting of October 19, 2005 with Senior Counsel David Potter, California Office of Administrative Law (OAL), which was also attended by Supervising DSFM James Parsegian, DSFM Daniel Najera, and Title-19/NFPA-25 Working Group Member Steve Hart. He noted that the meeting was very positive, and indicated that the work he (Glenn) had accomplished on the submittal package was discussed and found to be on-track. Glenn noted one issue which was raised, which will not affect this initial adoption, but in the future, when the State submits a revised edition (say going from the 2002 Edition of NFPA-25 to the 2006 Edition), the submittal package will have to show any and all changes between the 2002 Edition and the 2006 Edition and justify why the State needs to adopt and/or amend.

Annuitant Tong also stated that the OAL Process is very clear and somewhat simple, with the concept being not to have any duplication of requirements (between NFPA-25 and any other Code/Standard) and that they work on the premise of one shot through; in other-words, once the package is submitted to OAL, the 45-day clock starts and at the end of that period after the written comments have been received from any stakeholder, the review of these comments by the Title-19/NFPA-25 Working Group on each item, then the package is basically ready for adoption by the State.

Chair Parsegian stated that the current changes to Title-19/NFPA-25 are on the CD (which was handed out to each Advisory Committee Member for review.) Chair Parsegian indicated that this CD contains the latest changes and that it is an updated version of what is currently on the CA State Fire Marshal Website: www.fire.ca.gov. Any changes to Title-19, Chapter 5 should be submitted to Jim Feld (jimfeld@juno.com) no later than January 6, 2006. Working Group Chair Jim Feld asked that you make your comments in writing, and that you reference in the “Subj: Line” something to the affect: Comments regarding Title-19/NFPA-25 or Comments related to CD of Title-19/NFPA-25. Jim also indicated that telephone calls or leaving messages with comments to him will not work. It must be “IN-WRITING”. If you wish, you can also send James Parsegian a copy as well (James.Parsegian@fire.ca.gov).

Member Chris Gilbert asked if there was a timeline for completing this project. Chair Parsegian outlined the following timeline:

- Next Title-19/NFPA-25 Working Group Meeting is December 19, 2005
(*Location: Woodland F/D Training Center*),
- Comments in writing to Jim Feld by January 6, 2006,
- Additional Meeting of Title-19/NFPA-25 Working Group on January 25, 2006
(*Location: Orange County Fire Authority*),
- Changes to the Title-19/NFPA-25 Working Group in January 2006,
- Once these changes (if any) have been addressed, the document will go to Glenn Tong for proper format,
- Finish the justification document(s),
- Brought back to the AES Advisory Committee as a finished product on March 2, 2006 (*up or down vote*)
- Next it would go to the CSFM's Leadership Group (Division Chiefs) for concurrence,
- If concurrence is obtained from CSFM's Leadership Group, it would then go to the CA SFM (Ruben Grijalva) for his signature,
- Next it would be sent to OAL (Office of Administrative Law) for the 45-day review/comment period,
Note: If any stakeholder requests a public hearing, one will be scheduled; however, if no one requests the public hearing, it would not occur.
- Following an additional 45-days for comments,
- From there, it would go to the Secretary of States Agenda for approval and publication.

Special Guest/Program (CSLB Statewide Investigative Fraud Team):

Chair James Parsegian introduced Program Manager Paige Roush, Statewide Investigative Fraud Team for the CSLB. She works out of the Norwalk, CA Office, but is in Northern California 2- to 3-days a month.

Annually they take in about 20,000 complaints against licensed and unlicensed contractors. In addition to the Norwalk, CA and Sacramento (Rancho Cordova), CA Offices, there are 10 Investigations Centers statewide (5 in Northern CA and 5 in Southern CA). In addition the CSLB has a Case Management Program that handles all the cases that result in legal action being taken. The total enforcement staffing statewide is approximately 87 investigators, and the CSLB licensed approximately 287,000 licensed contractors. Within the Statewide Investigative Fraud Team, she has 26 investigators (16 in Southern CA [*1 position currently vacant*] and 10 in Northern CA [*4 positions currently vacant*]).

Program Manager Paige Roush gave an overview of the Contractors State License Board, and handed out two documents; 1) Description of Classification (14-pages) and 2) a single page document which had B&P Code Section 7026.12. Installation of fire protection systems.

Several questions were raised with regard to a Contractor designing a system, which is installed by another contractor. After a somewhat lengthy discussion, it was pointed out that within the CSLB Laws and Reference Book, there are provisions which address this issue, where Licensed Contractor's Exemption from the Provisions of the Engineers Act. Specifically, the last sentence of Section 6737.4 clearly states: "*Nothing in this section is intended to imply that a licensed contractor may design work which is to be installed by any other person.*"

Member Steve Hart raised an issue that this Advisory Committee and both the current AES Working Groups have asked time and time again with regard to licensing of contractors (CSLB), and licensing of companies/firms (CSFM), and the issue of "installation" versus "maintenance". It was clear that the CSLB licenses "contractors who install systems/materials" and that the CSFM licenses companies/firms who perform "maintenance", but the issue is often raised (mostly by contractors) that if we are good enough to install new systems, then we are qualified to maintain those systems.

Program Manager Paige Roush in addressing this issue indicated that anything over \$500 dollars (\$501) requires a contractor's license.

Member Dennis Grubb asked the question about when a local authority having jurisdiction does a search on the website or phone system of a licensed contractors status, and wondered at what point does a current investigation show up, and is that at the time the complaint is filed, at the conclusion of the investigation, or when there is a disciplinary action taken? With regard to disclosure, Program Manager Paige Roush responded that if the findings are such that legal action is warranted, then the screen of the CSLB will be updated to show that they are working on a complaint related to violations of the CSLB Licensing Laws, and that information is disclosed to the public. There is also disclosure on action that has been taken. The current policy of the CSLB is to get as much information out to the public on licensing status, so that the public can make an informed, educated determination on whether or not to enter into a contractual agreement with a licensed contractor.

Program Manager Paige Roush also handed out the revised "CSLB Fire Protection Complaint Referral Form" which will be available on the CSLB Website (www.cslb.ca.gov) once the agency gives it the official Form Number (13I-15b????). This form will be used to expedite CSLB's Investigations of fire protection complaints.

Note: This form was originally developed by Member Steve Hart while he was Director of the FSABSC in late 1989/1990 and was brought about following the Dennis W. Frye Case (Monterey County) and the subsequent Senate Bill No. 1106 Study Bill which brought together four state agencies (CSFM, CSLB, BPE&LS, and AG's Office) to study how the regulatory procedures were being used and how they could be improved.

Program Manager Paige Roush discussed in general terms the purpose of this complaint procedure, and the referral process. Member Steve Hart suggested that the CSLB revise and republish a Contractors License Law – Pamphlet Edition similar to what was distributed in 1985 (blue cover – 96-pages).

Specifically, Member Hart suggested that from a local AHJ's perspective, the Pamphlet Edition booklet should address several sections including; 7026.6 (**Advertising**), 7026.7 (**Advertising; Penalty**), 7030.5 (**License Number Required on All Contracts, etc.**), 7032 (**City or County Permits**), 7033 (**City or County Business Licenses**), 7090 (**Failure to Obtain Building Permits**), 7109 (**Disregard of Plans or Specifications**), 7110 (**Violation of laws**), 7117.6 (**Contracting out of Classification; Effect**), and 7118 (**Unlicensed Persons**).

Member Jaymae Wentker stated that a problem he sees from his perspective is that contractors hire designers who do not know what they are doing. The contractors submit drawings and specifications that may be rejected three, four, five, or more times because of lack of knowledge of what they are designing. He noted that under the city (Mountain View) philosophy of customer service he is obligated to walk these contractors through the plan review process, which takes up enormous time and effort. Program Manager Paige Roush noted that the contractor is responsible for his/her employees and can be held accountable for their performance.

Member Jim Feld brought up the point that on every job he is doing a plan check on, or inspection services, he checks the CSLB Website to verify the contractors license and classification. He prints out a copy and puts it in the job file. He gave an example of a contractor having his license suspended for lapse of Workman's Compensation Insurance. He had the contractor removed from a jobsite and within two-days the Workman's Compensation issue was resolved and the contractor allowed to return to the jobsite. His point was that the system does work, if you take the time and effort to use the information available.

Chair Parsegian gave a short update on the progress of U/L-300 and noted that package is moving forward to CA SFM Ruben Grijalva. The only change made is that on or after January 1, 2008 systems would need to meet the upgrade criteria of U/L-300. He doesn't see any major problems as this moves forward. Chair Parsegian clarified the 2008 date by saying that these regulations would go into affect ASAP and that in existing cooking lines, the compliance would be before the second service of the system or January 1, 2008, which ever comes first.

New Business:

Chair Parsegian introduced Regulations Coordinator (DSFM) Daniel Najera, who will be discussing the State Code Adoption Process, and issues that will be asked of the AES Advisory Committee Members. He gave a short overview of the history of the State Building/Fire Codes, which is the largest undertaking of such an effort in the short history of the state adoption process. The timetable for this adoption is very short, and that it is the highest priority of the State Fire Marshal's Office.

Coordinator Dan Najera discussed the process for the adoption of the ICC International Building Code and International Fire Code and would process with the state adoption of the California Building Code and California Fire Code. He discussed the amendment process and how everything other than those provisions clearly mandated by state statute would be reviewed and justified before being included in the proposal

package. He referenced the significant differences between the current Building/Fire Codes, and what is being used as the base document.

Coordinator Dan Najera was here today to ask the AES Advisory Committee to participate in this review process and to give input as “subject matter experts (SME’s)” in the automatic extinguishing systems. He also noted that while we are currently reviewing the 2003 ICC-IBC and ICC-IFC, that California will be adopting the 2006 Edition of the ICC-IBC and ICC-IFC, with State amendments for the CBC and CFC.

Dan Najera indicated that the process we are currently involved in is a “code development process” and that once it is handed off to the California Building Standards Commission in May 2006 they will hold public hearings on the adoption package.

Dan Najera stated that his reason for being here today is to ask that the Advisory Committee Members review the proposed codes (2003 and 2006 Editions of the IBC and IFC) and that we look at the fire protection criteria and identify issues of concern and where existing state amendments should be eliminated and/or proposed. He also asked that if anyone is interested in volunteering on any of the State Adoption Work Groups being managed by the CSFM Office, to let him know (Dan Najera) or to submit your name to the CA State Fire Marshal (Ruben Grijalva).

Member Steve Hart stated that at the last meeting of the AES Advisory Committee (August 24, 2005 – Irwindale, CA) we started looking at the referenced standards contained in CBC, Chapter 35 and CFC, Article 91 and kind of put that on hold, pending further direction from you (Dan). The working Groups will be looking at these Chapters as well from a dynamic review of not only the Occupancy Groups they are assigned, but also to review the other provisions of the code; such as height, area, fire protection, exiting, etc..

Dan Najera noted that the CSFM’s Adoption Work Groups have two or three month head start on the process. They are currently meeting and comparing the current provisions of the CBC and CFC with the 2003 IBC and IFC and will be shortly moving into the 2006 IBC and IFC in their review process.

Chair Parsegian asked where Dan Najera wanted the AES Advisory Committee to be reviewing, recognizing that the individual Occupancy Working Groups will be looking at the occupancy requirements for fire sprinklers (for example)? Specifically, are we to look at the referenced Standards (IBC -Chapter 35 and IFC – Chapter 45) only, or at other Chapters (IBC - Chapters 3, 4, 5, 6, 9, etc. and IFC – Chapters 5, 6, 9, 10, etc.)?

Dan Najera stated that he wanted the AES Advisory Committee Members to step back and look at the code (IBC and IFC) from the Occupancy Classifications, to Area/Height Tables, Exiting Criteria, and Fire Protection Systems and to identify issues which need to be addressed, and to determine which referenced Standards and editions (year) of these Standards (including NFPA, U/L, ANSI, etc.) should be adopted by the State of California.

Dan Najera asked that we begin our review using the 2003 IBC and IFC. Member Wayne Martin indicated that he was having difficulty in seeing what we would be looking at verses the other Occupancy Based Work Groups?

Dan Najera stated that he is hoping that as subject matter experts (SME's) that we might find something that was overlooked by the Occupancy Work Groups.

Member Steve Hart stated that we should not assume that the members of the various Occupancy Working Groups are looking at the installation standards (referenced in IBC Chapter 35 and IFC – Chapter 45) where specific criteria for standpipes, express drains, etc. that maybe in the standards and could otherwise be left out and/or in conflict with other provisions, and perhaps our efforts are a “checks and balances” to make sure that these criteria have been reviewed.

Chair Parsegian suggested that we start by going through the Occupancy Chapter (IBC – Chapter 3) and look at where fire protection is required/ referenced, and proceed to review Fire Protection Systems (IBC – Chapter 9) and the Referenced Standards (IBC – Chapter 35) as well as in the International Fire Code looking at Fire Service Features (IFC – Chapter 5), Building Services and Systems (IFC – Chapter 6), Fire Protection Systems (IFC – Chapter 9), and the Referenced Standards (IFC – Chapter 45).

In addition to the NFPA Standards being referenced, Chair Parsegian asked that we also look at U/L Standards and ANSI Standards as well.

Chair Parsegian proceeded to review and add people to the various AES Advisory Committee Task Team Assignments. The following is a revision of the Task Team Assignments:

The AES Advisory Committee Task Team Assignment:

Task Team A:

NFPA-11 (Low-, Medium- and High-Expansion Foam)
NFPA-11A (*No Longer Published – See NFPA-11 [above]*)
NFPA-15 (Water Spray Fixed Systems for Fire Protection)
NFPA-16 (Installation of Foam-Water Sprinkler and Foam-Water
Spray Systems)

(Team Members: Eddie Vasquez (Leader), Sam Husoe, Jason Nailon, and Barry Sigal)

Task Team B:

NFPA-12 (Carbon Dioxide Extinguishing Systems)
NFPA-12A (Halon 1301 Fire Extinguishing Systems)
NFPA-2001 (Clean Agent Fire Extinguishing Systems)
(Team Member: Dennis Grubb (Leader), Chris Gilbert, Christopher Gray, Wayne Martin, and Mike Waldron)

Task Team C:

- NFPA-13 (Installation of Sprinkler Systems)
- NFPA-13R (Installation of Sprinkler Systems in Residential Occupancies Up to and Including Four Stories in Height)
- NFPA-13D (Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes)
- NFPA-14 (Installation of Standpipe and Hose Systems)
- NFPA-20 (Installation of Stationary Pumps for Fire Protection)
- NFPA-22 (Water Tanks for Private Fire Protection)
- NFPA-24 (Installation of Private Fire Service Mains and Their Appurtenances)
- NFPA-37 (Installation and Use of Stationary Combustible Engines and Gas Turbines)
- NFPA-750 (Installation of Water Mist Fire Protection Systems)
(Team Members: Steve Hart (Leader), Fred Benn, Russell Blair, David Casey, James Feld, James McLaughlin, Scott McMillan, and Jaymae Wentker)

Task Team D:

- NFPA-17 (Dry Chemical Extinguishing Systems)
- NFPA-17A (Wet Chemical Extinguishing Systems)
(Team Members: Randy Dysart (Leader), Patrick Chew, Darrell Harguth, Tom Harvey, Darrell Hefley, and Eddie Vasquez)

Chair Parsegian stated that to assist in the review effort, he will obtain a copy of the proposed 2006 IBC/IFC Referenced Standards (IBC -Chapter 35 and IFC – Chapter 45) to the AES Advisory Committee Members along with these Minutes to aid in the review process. **[ACTION ITEM]**

Member Steve Hart asked for clarification of what is being asked, and who to send the completed materials to. Chair Parsegian asked that he receive only one e-mail from the Team Leader outlining what was found on the Occupancy based chapter identifying if any changes are being recommended (with regard to fire protection ONLY) and that following receipt of those comments, our comments would be forwarded (by Chair Parsegian) to Dan Najera who would then proceed to evaluate them with the specific Occupancy Work Group(s).

In addition, Chair Parsegian asked that each Task Team look at Chapter 35 – IBC and Chapter 45 – IFC and to identify any changes and/or additions to the currently referenced Standards. The format being suggested is:

Identify the Issue: (Example: 2003 IBC, Section -----.1 states:
“-----”

Solution: (Example: 2003 IBC, Section -----.1 should read:
“-----”

Reason: (Commentary: “-----”

Chair Parsegian asked that comments be sent to him by December 9th and he will send them back to the entire AES Advisory Committee by December 13th, and then you will review and return them back to him (James Parsegian) by December 15th.

Next Meeting (Northern California):

The next meeting will be held at the Office of the State Fire Marshal, 1131 "S" Street, Sacramento CA (in the Large Conference Room) on Thursday, March 2, 2006 with the meeting to start at 10:00 a.m. (10:00).

Meeting Adjourned:

The meeting was adjourned at approximately 3:15 p.m. (15:15)