



DEPARTMENT OF FORESTRY AND FIRE PROTECTION  
OFFICE OF THE STATE FIRE MARSHAL  
FIRE ENGINEERING DIVISION  
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**OFFICE OF THE STATE FIRE MARSHAL  
Fire Extinguisher Advisory Committee  
Meeting Minutes  
July 9, 2013**

**COMMITTEE GOAL**

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

**STAFF**

James Parsegian, Committee Chair  
Jeff Schwartz, Program Coordinator  
Wanda Albritten, Support Staff

**MEMBERS PRESENT**

Anthony Romero, Kern County Fire Department  
Darrell Hefley, Jorgensen & Company  
Frank Gardner, Stanford University  
Randy Dysart, CALSAFE  
Edie Wade, Brooks Equipment  
Daniel Fitkin, Cintas Fire Protection  
Tom Santos Imperial Beach Fire Department  
Bob Gebel, LA Fire Marshal Association  
\*Robert Franck, Redondo Beach Fire Department  
\*Nancy Ahlswede, Apartment Association, California Southern Cities Inc.  
\*Kent Miller, Port of Stockton  
\*Robert Calderon, Kaiser Foundation Hospitals  
\* *Via Conference Call*

**MEMBERS ABSENT**

Glenn Younger, California Small Business Assoc.  
Craig Voelkert, Amerex Corporation  
Mike Brand, Brandco  
Chris Hoiland, Orange County Fire  
JR Nerat, Badger  
Robert Nolan, ASCIP  
James Carver, El Segundo Fire Department

**MEETING CALLED TO ORDER**

Meeting was called to order by Chairperson James Parsegian at 9:04 A.M. on July 9, 2013.

**ROLL CALL AND INTRODUCTIONS**

A round table roll call was taken and it was determined that a quorum of members were present.

**APPROVAL OF MINTUES**

The minutes for the meetings on of June 28, 2012, September 26, 2012, January 16, 2013, and April 16, 2013, were distributed to the group for review. Some language was amended. Kent Miller motioned to approve as amended; Darrell Hefley seconded. James Parsegian called for a vote; all were in favor and none opposed. The minutes for June 28, 2012, September 26, 2012, January 16, 2013, and April 16, 2013, were approved.

Chief Ho explained his presence at the meeting; to assist in clearing up issues relating to the sale of used fire extinguishers. Before moving on to regulation updates, Chief Ho asked for a moment of silence for the passing of long time committee member Christine Gilbert. He shared his respect and his thanks for her work on the committee as well as the industry in general and indicated that she will be sorely missed.

**OLD BUSINESS****Regulations Updates****Title 19/ NFPA 10 Consolidation**

This regulation package was given to the Office of Administrative Law (OAL) to review the presently and if nothing is received by the end of 30 days, the package should be okay. It should be approved since there have been no comments back from OAL thus far. Once back from OAL, it moves on to the Secretary of State and could then be effective by October 1, 2013. A final rendition of the package will be sent out to committee members so that content may be reviewed. Randy Dysart asked, "What would happen if there were a section in Title 19 that does not match the fire code?" James Parsegian indicated that whichever was more stringent would be enforced.

**Enforcement & Implementation of H&S Code 13188.4**

Chief Ho brought up H&S Code 13188.4 and talked about the issue regarding used extinguishers and the volley of negative e-mails that bounced back and forth between committee members. He indicated that he went back in the minutes and files to where this issue was first brought to the committee and could not connect the dots as to what has happened and needs to happen. He feels that the entire package should not move forward at this time and wants it to return to the committee for review, revision and then be resubmitted. Any vote of the revisions and final wording will be done verbally, per the new rules.

### Verification of Service Collar

Darrell Hefley asked about the issue of turning the Verification Collar upside down to help eliminate the information from being rubbed off or sun faded. James Parsegian indicated that an informational bulletin will need to be drafted and distributed to allow this as a temporary solution.

### Third Party Testing

It was stated that the third party testing cost was reviewed and determined to be extremely high, even with additional fees from registrants. Darrell Hefley suggested that industry should have input as to whether they would be willing to bear the additional expense. Chief Ho said that the whole program would have to be turned over to the third party company, which would be complicated. He stated that the additional location that the OSFM is adding for testing sites will help and this will be forthcoming soon. The third party issue may be revisited at later time. The city of Fresno has been added as an additional testing site. They are looking at the Bay area and San Diego, as well. Testing minimum is set at 15 but can be a combination of FE, AES, Fireworks, and General Applicators. The questions on the current exams are being reviewed and updated at this time. Only three people (Vikkie Raby, Jeff Schwartz and James Parsegian) have access to the test questions.

### Joint Committee and the CSLB Meeting

There is a joint meeting of the AES Committee, the FE Committee and the Contractors State License Board (CSLB) scheduled for October per the request of the joint committees. More information will be shared as it comes available.

### Workgroup Updates

#### Public Outreach

Chief Ho questioned the status of this discussion. A written request for a video must be submitted along with an established written script, cast and cost review. A clear process must be established before moving forward. It needs to go through chain of command and be cleared through the communications department. First, a position paper needs to be written. This subject needs to go back to the committee to determine the next step.

### **NEW BUSINESS**

#### OSFM Advisory Committee Policies and Procedures

James Parsegian introduced the Cal-Fire-OSFM Advisory Committees Policies and Procedures guidelines that have been part of the OSFM for many years and are indicative of how the committees are supposed to be run. He went over the policies and procedures and indicated that they will be posted on the web. It was stated that the policies and procedures established will now be in effect and will govern how the committee functions. A copy was given to all committee members.

### Re-Certification Testing

No recertification testing will be done this year. It will still be on a 4-year cycle but will not take place in 2013. A new cycle will be established once the exam rewrite is completed.

### Review of previous minutes for approval

Chief Ho indicated that while he was doing the review of minutes for the used extinguisher issue he noticed that there were several action items that appeared to need follow-up for completion. He indicated that action items need to be reviewed at each meeting.

### Committee Members Appointment Letters

James Parsegian reminded committee members that the term of service is two years and all have expired as of June 30, 2013. Those who wish to be considered for re-appointment will need to submit a letter with your request to the attention of Chief Tonya Hoover with a copy to James Parsegian.

## **OPEN FORUM**

### Dated Tamper Seals

Brooks, as well as two other companies, can provide dated tamper seals. Someone from the Committee needs to submit an Agenda Item Request form from page 5 of the Advisory Committee Procedures to have it added to the upcoming meeting agenda.

Chief Ho indicated that if the committee members present today were willing to work on the language in the Enforcement & Implementation of H&S Code 13188.4 package during the rest of the meeting session, perhaps the used extinguishers issue could be resolved and the package moved forward. James Parsegian offered to work on this issue today. He discussed how the e-mail traffic arose and went over the implications that caused Chief Ho to review the language. It was convoluted enough to question what the final proposed language was. We need to approve the language, then date and number each package or revision we make. It was suggested that Section 560.7 Sale of a Used Portable Fire Extinguisher be pulled from the package (for future review with workgroup) and that the balance of the package be sent forward to OAL. A motion was made by Kent Miller to pull Section 560.7 Sale of a Used Portable Fire Extinguisher from the package and it was seconded by Bob Gebel. James Parsegian called for a vote; all were in favor and none opposed to pull Section 560.7 Sale of a Used Portable Fire Extinguisher.

In discussing the wording on the balance of the package, Darrell Hefley brought up Section 557.5 and its lack of definition. He then took back his concern, as it was listed as a "loaner" in 591.5. In Section 560.6, the wording needs to include the exception as defined in 575.1 and 591.5. A motion was made by Darrell Hefley to add the "except for as allowed in" 596.E. Seconded by Dan Fitkin; James Parsegian called for a vote; all were in favor and none opposed to add "when used as temporary service loaner or replacement," as described in Sections 575.1 and 591.5 respectively.

Another issue was Section 596, which states the year, month and day of service is required, but in reality, day is not required on collars or hydro labels. The suggested wording should be as follows: "All recorded dates and pressures on Annual Maintenance Tags, Verification of Service Collars and Hydrostatic Test Labels shall be indicated by perforation such as is done by a hand punch verifying service has been completed." A motion was made by Darrell Hefley and seconded by Randy Dysart. James Parsegian called for a vote; all were in favor and none opposed to the proposed language to say, (e) All recorded dates and pressures on Annual Maintenance Tags, Verification of Service Collars and Hydrostatic Test Labels shall be indicated by perforation such as is done by a hand punch verifying service has been completed.

Darrell Hefley pointed out that Table 7 had no violation listed for 560.6 and 575.1(i). It was decided that 560.6 would be a "1" category. Motion made by Edie Wade to take 560.6 and add as category one and place on table; seconded by Dan Fitkin. James Parsegian called for a vote; all were in favor and none opposed to add 560.6 as a category "1" to Table 7. In addition, a motion was made by Darrell Hefley to add the "i" to existing table reference 575.1 (A-L) and seconded by Bob Gebel. James Parsegian called for a vote; all were in favor and none opposed to add the "i" to existing table reference 575.1 (A-L). Another motion was made by Darrell Hefley to change category from "1-3" to a "1" only on items for violations for Section 591.5 and Bob Gebel seconded it. James Parsegian called for a vote; all were in favor and none opposed to change category from "1-3" to a "1" only item for violations for Section 591.5 in Table 7. Another motion was made by Darrell Hefley in the Table regarding 560.3 to change from "2-3" to a "2" only and Edie Wade seconded it. Discussion: Dan Fitkin felt it should be more stringent and Randy Dysart felt it should have more leeway. James Parsegian called for a vote; ten in favor, one opposed. The vote was passed by majority to change the category from a "2-3" to a "2" only for the item for violations for 560.3 in Table 7.

Darrell Hefley made a motion to move the Enforcement & Implementation of H&S Code 13188.4 forward as amended by the committee today and seconded by Dan Fitkin. James Parsegian called for a vote; all were in favor and none opposed to move forward the proposed regulation language for Enforcement & Implementation of H&S Code 13188.4 package as amended.

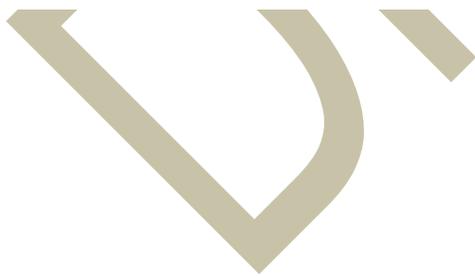
A Workgroup to be announced (TBA) for "used extinguisher" wording review later.

### **NEXT MEETING**

Next meeting will be combined AES, FE, and CSLB in October. Proposed dates for meeting are October 8th, 22nd or 23rd. Meeting location will be assigned later, as the conference rooms at the OSFM are not large enough to hold a combined meeting. Meeting adjourned at 2:35 P.M.

OSFM Advisory Committee Fire Extinguisher  
 Tuesday, July 9, 2013

MEMBER	CONFIRMED Prior to Mtg	ROLL CALL						VOTE - ACTION ITEMS							
		TIME:		TIME (Joined/Left)	TIME:		TIME (Joined/Left)	Minutes	Pull Section 506.7	Add Lang. to Section 596. (E)	Add Lang. to Section 575.1 & 591.5	Add Lang. to Section 596 (e)	Table 7 Section 560.6 &575.1(i)	Table 7 Section 560.6 Cat. 1	Table 7 Section 575.1 Cat. 1
		PRESENT	PH		PRESENT	PH									
1. Anthony Romero		P		Left at 10am Illness											
2. Darrell Hefley		P					Y	Y	Y	Y	Y	Y	Y	Y	Y
3. Frank Gardner		P					Y	Y	Y	Y	Y	Y	Y	Y	Y
4. Randy Dysart		P					Y	Y	Y	Y	Y	Y	Y	Y	Y
5. Edie Wade		P					Y	Y	Y	Y	Y	Y	Y	Y	Y
6. Daniel Fitkin		P					Y	Y	Y	Y	Y	Y	Y	Y	Y
7. Tom Santos		P					Y	Y	Y	Y	Y	Y	Y	Y	Y
8. Bob Gebel		P					Y	Y	Y	Y	Y	Y	Y	Y	Y
9. Robert Franck			P				Y	Y	Y	Y	Y	Y	Y	Y	Y
10. Nancy Ahlsweide			P				Y	Y	Y	Y	Y	Y	Y	Y	Y
11. Kent Miller			P				Y	Y	Y	Y	Y	Y	Y	Y	Y
12. Robert Calderon			P				Y	Y	Y	Y	Y	Y	Y	Y	Y
13. Glenn Younger		A													
14. Craig Voelkert		A													
15. Mike Brand		A													
16. Chris Hoiland		A													
17. JR Nerat		A													
18. Robert Nolan		A													
19. James Carver		A													
TOTAL		8	4				11-0	11-0	11-0	11-0	11-0	11-0	11-0	11-0	11-0
QUORUM (9)		YES / NO			YES / NO										



OSFM Advisory Committee Fire Extinguisher  
Tuesday, July 9, 2013

MEMBER	CONFIRMED Prior to Mtg	ROLL CALL						VOTE - ACTION ITEMS					
		TIME:		TIME (Joined/Left)	TIME:		TIME (Joined/Left)	Table 7 Section 560.3 Cat. 2	Enforcement & Implementation of H&S Code 13188.4 package as amended				
		PRESENT	PH		PRESENT	PH							
1. Anthony Romero		P											
2. Darrell Hefley		P					Y	Y					
3. Frank Gardner		P					Y	Y					
4. Randy Dysart		P					N	Y					
5. Edie Wade		P					Y	Y					
6. Daniel Fitkin		P					Y	Y					
7. Tom Santos		P					Y	Y					
8. Bob Gebel		P					Y	Y					
9. Robert Franck			P				Y	Y					
10. Nancy Ahlswede			P				Y	Y					
11. Kent Miller			P				Y	Y					
12. Robert Calderon			P				Y	Y					
13. Glenn Younger		A											
14. Craig Voelkert		A											
15. Mike Brand		A											
16. Chris Hoiland		A											
17. JR Nerat		A											
18. Robert Nolan		A											
19. James Carver		A											
TOTAL		8	4				11-0	11-0					
QUORUM (9)		YES / NO				YES / NO							



**TITLE 19. PUBLIC SAFETY  
DIVISION 1. STATE FIRE MARSHAL  
CHAPTERS 3 AND 12**

**557.1. "A" Definitions.**

(a) Accurate Scales, Extinguisher Maintenance,

(1) An accurate scale for extinguishers with a gross weight of 60 lbs (27.24 kg) or less must have a minimum graduation not larger than 4 ounces (0.114 kg) and must be accurate to plus or minus 4 ounces (0.114 kg).

(2) An accurate scale for extinguishers with a gross weight of 61 lbs (27.69 kg) or more must be weighed on scales that have a minimum graduation not larger than 8 ounces (0.227 kg) and shall be accurate to plus or minus 8 ounces (0.227 kg).

(3) An accurate scale is one that can demonstrate accuracy by the use of a 10 lb. (4.54 kg) Class 7 test weight as defined by ASTM E617-97. The test weight shall accompany the scale at all times.

(4) Accurate scales must have a maximum weight that equals or exceeds the gross weight of any extinguishers being maintained.

(b) Accurate Scales, Cartridge Maintenance

(1) An accurate scale for weighing cartridges is one with a minimum graduation not larger than 1/100 of the cartridge being weighed and that is accurate to plus or minus one scale graduation.

(2) An accurate scale is one that can demonstrate accuracy by the use of a 1 lb. (.454 kg) Class 7 test weight as defined by ASTM E617-97. The test weight shall accompany the scale at all times.

(c) Accurate Scales, commercial applications (legal for trade)

(1) An accurate scale for commercial applications is one that complies with Sections 12500 (a) and 12501.1 of the California Business and Professions Code and Section 4000, Title 4 of the California Code of Regulations.

(d) Advertise. As used herein includes, but not by way of limitation, the issuance of any card, sign, or device to any person, the causing, permitting, or allowing of any sign or marking on or in any building or structure, or in any newspaper, magazine, or by airwave or any electronic transmission, or in any directory under a listing for inspection testing, maintenance or service covered by this Chapter, with or without any limiting qualifications.

~~(d)~~(e) AFFF. Aqueous Film Forming Foam.

~~(e)~~(f) ANSI. American National Standards Institute, Inc.

~~(f)~~(g) Approved. Refers to approval by the State Fire Marshal as a result of investigations or tests conducted or supervised by him, or by reason of tests by recognized testing laboratories, national authorities, technical or scientific organizations.

~~(g)~~(h) Annual Maintenance. The type of fire extinguisher maintenance that is required to be performed annually, pursuant to Section 575.1. For annual maintenance, the year shall start on the first day maintenance is performed and end one calendar year later.

Note: Authority cited: Section 13160, Health and Safety Code. Reference: Sections 13166, 13170, 13172, 13174, 13179 and 13189, Health and Safety Code

**557.3. "C" Definitions.**

(a) Capacity. The amount of extinguishing agent contained in any portable fire extinguisher as measured in U.S. gallons, pounds or S.I. units (See Section 557.19).

(b) Cartridge operated fire extinguishers. Extinguishers in which expellant gas is stored in a separate cartridge or in a gas cylinder located within or adjacent to the shell containing the extinguishing agent. These extinguishers are actuated by releasing the cartridge gas which expels the agent.

(c) Category 1, 2 or 3 violation means the failure of a person to comply with any regulation, information request or order that directly affects the public safety or results in fraudulently obtained economic benefit.

(d) Category A or B violation means the failure of a person to comply with any administrative or none public safety regulation.

~~(e)~~(e) Certificate of Registration. A document issued by the State Fire Marshal to any qualified person authorizing that person to perform any specific act.

~~(d)~~(f) Charge. Any substance or compound of substances used as an extinguishing agent, or as an expellant force for an extinguishing agent.

~~(e)~~(g) Charging. The act of placing any "charge" within any portable fire extinguisher.

~~(f)~~(h) Chemical. Any substance or compound of substances used as an extinguishing agent or as an expellant force for an extinguishing agent.

~~(g)~~(i) Classes of fire:

(1) CLASS A. Fires in ordinary combustible materials such as wood, cloth, paper, rubber, and many plastics.

(2) CLASS B. Fires in flammable or combustible liquids, such as oils, greases, tars, oil base paints, lacquers, and flammable gases.

(3) CLASS C. Fires involving energized electrical equipment when electrical non-conductivity of the extinguishing media is of importance.

(4) CLASS D. Fires in combustible metals, such as magnesium, titanium, sodium, lithium, and potassium.

(5) CLASS K. Fires in cooking appliances that involve combustible cooking media (vegetable or animal oils and fats).

~~(h)~~(j) Compressed Gas Cylinders. Compressed gas cylinders and cartridges are those containing any material or mixture having an absolute pressure exceeding 40 p.s.i. at 70 degrees Fahrenheit.

(k)Conviction. Means being found guilty of any felony, misdemeanor or administrative offense in California or in any other State or place, including entering a plea of nolo contendere or no contest and, including any conviction which has been expunged.

~~(k)~~(l) Cylinder, D.O.T. Compressed gas cylinders and cartridges manufactured to D.O.T. standards which are either:

(1) High pressure - Service pressure of 501 p.s.i.g. or higher at 70 degrees Fahrenheit and all cylinders containing carbon dioxide, and

(2) Low pressure - Service pressure of 500 p.s.i.g. at 70 degrees Fahrenheit or lower.

~~(k)~~(m) Cylinder, Non-D.O.T. Low pressure containers typically used for cylinder operated dry cylinder operated chemical, and pressurized water-based type extinguishers.

Note: Authority: Section 13160, Health and Safety Code. Reference: Sections 13163-13164, 13174-13182, 13184-13186 and 13188-13189, Health and Safety Code.

### **557.5. "E" Definitions**

(g) Exchange. The placement of a portable fire extinguisher that has all of the required services in place of a portable fire extinguisher that requires service.

Note: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

### **557.19 "S" Definitions**

(d) Service Vehicle. A properly equipped vehicle used for the inspection, maintenance, service, or test of portable fire extinguishers.

Note: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

### **560.6. Condemned Extinguisher Portable Fire Extinguisher Exchanges**

Exchanges of portable fire extinguishers as defined in Section 557.5 are not allowed. Exception: As allowed in Section 575.1 and 591.5

Note: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

### **563.1. Instruction Manual.**

An extinguisher instruction manual shall be provided to the owner or the owner's agent giving condensed instructions and cautions necessary to its installation, operation, inspection and maintenance. This manual shall be provided upon the sale or transfer of the extinguisher. The manual ~~may~~ shall be specific to the extinguisher involved or it may cover many types.

Note: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

### **575.1 Maintenance and Required Service Intervals**

(i) Exchanges of portable fire extinguishers in lieu of completing the required maintenance or repair are not allowed. Portable fire extinguishers shall not be removed from the premises for internal maintenance or repair without being temporarily replaced by a fire extinguisher suitable for the type of hazard being protected and shall be of at least equal rating and size. The replacement extinguisher shall be labeled as "LOANER" on the back of the Annual Maintenance tag. The owner's original unit shall be returned within 60 calendar days. Documentation must be left with the customer that contains the following:

- (1) Specific reason for removal
- (2) Date of removal
- (3) Serial number of extinguisher removed
- (4) Signature by the owner or owner's representative
- (5) Concern name
- (6) License number
- (7) Technician's name
- (8) Certificate of Registration number

Note: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, 13162, 13177 and 13190.3 Health and Safety Code.

#### **591.5. Replacement Extinguishers**

Portable fire extinguishers shall not be removed from the premises for hydrostatic testing or any other purpose, without first temporarily replacing the with a fire extinguisher suitable for the type of hazard being protected and shall be at least equal rating and size replacing the extinguisher with a unit rated for the hazard being protected. Exchanges of portable fire extinguishers as defined in Sec 557.5 are not allowed as an alternative to performing the required hydrostatic testing. The replacement extinguisher shall be labeled as "LOANER" on the back of the Annual Maintenance tag. The customer's original unit shall be returned within 60 calendar days. Documentation must be left with the customer that contains the following:

- (1) Specific reason for removal
- (2) Date of removal
- (3) Serial number of extinguisher removed
- (4) Signature by the owner or owner's representative
- (5) Concern name
- (6) License number
- (7) Technician's name
- (8) Certificate of Registration number

Note: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, 13162 and 13177 Health and Safety Code.

#### **595.4. Duplicate Issuance.**

A duplicate license or Certificate of Registration may be issued by the State Fire Marshal. A written statement describing the reasons for the duplicate issuance shall be submitted by the licensee or registrant before duplicates will be issued. The statement shall explain fully the reason for the destruction of the license. ~~A fee equal to fifty percent (50%) of the original fee as prescribed in Section 560 shall be submitted for the issuance of a duplicate certificate of registration.~~

Note: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160, 13175 and 13183, Health and Safety Code.

#### **595.7. Business location.**

For purpose of licensing, post office box numbers, mail forwarding establishments, telephone answering service establishments and other such similar establishments are not acceptable as physical business locations. Licensees shall provide the State Fire Marshal with the actual physical business location from which business is conducted. This address shall match the physical address as listed on the Fire Extinguisher Concern License. Each applicant shall furnish a valid local business license from the local community that matches their physical address as listed on the "Fire Extinguisher Concern License". A licensed concern shall notify the State Fire Marshal of a change of

location on a Fire Extinguisher Concern License Status/Change application form and submit a fee of ~~\$125.00~~ as prescribed in Section 560.

Note: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160, 13163, 13164, 13169, 13170, 13172 and 13174, Health and Safety Code.

### **596. General.**

(e) All recorded dates and pressures on Annual Maintenance Tags, Verification of Service Collars and Hydrostatic Test Labels shall be indicated by perforation such as is done by a hand punch.

Note: Authority: Section 13160, Health and Safety Code. Reference: Sections 13160, 13183, 13190.1, 13190.2 and 13190.3, Health and Safety Code.

### **596.3. Attaching Tag.**

(a) One Annual Maintenance Tag shall be attached only after completing required service to each portable fire extinguisher and in such a position as to be conveniently inspected. The annual maintenance tag may be attached to the extinguisher by means of wire, string, or plastic ties or by the use of a self-adhesive tag approved by the State Fire Marshal. Self-adhesive tags shall be placed in such a position as to be conveniently read but shall not be placed on the front of the extinguisher.

(b) One Verification of Service collar shall be installed on each portable fire extinguisher as required by Section 596 ~~(d)~~ (c) (1) in the following manner;

(1) The Verification of Service collar shall be installed on the neck of the fire extinguisher cylinder while the valve assembly is removed for maintenance. After the valve assembly is replaced and the maintenance completed, the collar will be trapped by the valve assembly so the collar cannot be removed.

Note: Authority: Section 13160, Health and Safety Code. Reference: Sections 13190.1, 13190.2 and 13190.3, Health and Safety Code.

### **596.12. Permissive Use.**

Licensed concerns shall use the Seal of Registration on every Annual Maintenance tag required by this chapter, ~~and may use such seal for any of the following purposes:~~

- ~~(1) Labels for containers of approved portable fire extinguishers.~~
- ~~(2) Labels for portable fire extinguishers not otherwise prohibited by this chapter.~~
- ~~(3) Printed matter including advertising matter and copy for publication.~~
- ~~(4) Letterhead, personal cards and similar stationery.~~
- ~~(5) Stencils for any of the above.~~

Note: Authority: Section 13160, Health and Safety Code. Reference: Section 13160, Health and Safety Code.

**Article 14. WATER TYPE EXTINGUISHERS [REPEALED] Enforcement of Licensing and Certificate of Registration Requirements .**

**600. Inspection.**

During normal business hours, the State Fire Marshal or designee or the local fire authority may examine or inspect any materials, tools, or documentation of the fire extinguisher concern or service vehicle as required by this chapter to ensure compliance with all applicable laws and regulations.

Note: Authority: Section 13160, Health and Safety Code. Reference: Sections 13163-13164, 13173 and 13184 Health and Safety Code.

**603. Fraudulent Impersonation.**

Any licensee, or employee thereof, who willfully wears, exhibits, or uses the authorized uniform, insignia, emblem, device, label, certificate, card, or writing of an officer or member of a fire department or a deputy state fire marshal, with the intent of fraudulently impersonating an officer or member of a fire department or the Office of the State Fire Marshal, or of fraudulently inducing the belief that he or she is an officer or member of a fire department or the Office of the State Fire Marshal as prohibited in Sections 538(e) of the Penal Code shall be subject to license denial, revocation, or suspension.

Note: Authority: Section 13160, Health and Safety Code, Section 538e, Penal Code. Reference: Sections 13186, 13188 13190 and 13190, Health and Safety Code.

**604. Assessment of Violation.**

When a fire extinguisher concern or certificate of registration holder is found to be in violation of any section of the Health and Safety Code or regulation, the licensee or certificate of registration holder shall be suspended or assessed an administrative penalty in lieu of suspension in accordance with Chapter 12.

Note: Authority: Section 13160, Health and Safety Code. Reference: Sections 13185, 13186, 13188-13189 Health and Safety Code.

**605 Category of Violation.**

When determining category of violation and days of suspension refer to Tables 6 and 7.

**Table 6**  
**Days of Suspension**

<u>Rating</u>	<u>Day of Suspension:</u>
<u>(1) Category 1</u>	<u>6 - 10 days</u>
<u>(2) Category 2</u>	<u>4 - 7 days</u>
<u>(3) Category 3</u>	<u>3 - 5 days</u>
<u>(4) Category A</u>	<u>2 - 4 days</u>
<u>(5) Category B</u>	<u>1 - 3 days</u>

**Table 7**  
**Fire Extinguisher Violation**

<u>Section Number</u>	<u>Title of Section</u>	<u>Category of Violation</u>
<u>560.2.</u>	<u>Deceptive Practices</u>	<u>1</u>
<u>560.3.</u>	<u>Employer Responsibilities</u>	<u>2</u>
<u>560.4.</u>	<u>Vehicle Marking</u>	<u>2</u>
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<u>593.1.</u>	<u>Test Pressures, High Pressure Cylinders</u>	<u>1</u>
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<u>594.2.</u>	<u>Test Equipment D.O.T. Specification Cylinders</u>	<u>A</u>
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<u>594.4.</u>	<u>Testing Procedures</u>	<u>1</u>
<u>594.5.</u>	<u>Recording of Tests</u>	<u>A</u>
<u>595.5.</u>	<u>Fire Extinguisher License Types</u>	<u>A</u>
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<u>595.6.</u>	<u>Concern Name</u>	<u>A</u>
<u>595.7.</u>	<u>Business location</u>	<u>A</u>
<u>595.8.</u>	<u>Posting of License</u>	<u>A</u>
<u>595.9.</u>	<u>Certificates of Registration</u>	<u>3</u>
<u>595.11.</u>	<u>Possession of Certificate of Registration</u>	<u>A</u>
<u>595.12.</u>	<u>Employer's Responsibility</u>	<u>B</u>
<u>595.13.</u>	<u>Insurance</u>	<u>A/2 *</u>
<u>596.</u>	<u>General</u>	<u>A</u>
<u>596.1.</u>	<u>Required Information</u>	<u>A</u>
<u>596.2.</u>	<u>Size Color and Material</u>	<u>A</u>
<u>596.3.</u>	<u>Attaching Tag</u>	<u>3</u>
<u>596.4.</u>	<u>Format</u>	<u>A</u>
<u>596.5.</u>	<u>Date Serviced and Signature</u>	<u>A</u>
<u>596.6.</u>	<u>Restrictive Use</u>	<u>3</u>
<u>596.7.</u>	<u>Removal of Tags</u>	<u>3</u>
<u>596.9.</u>	<u>Unlawful Use of Listed Label</u>	<u>3</u>
<u>596.10.</u>	<u>Marking of Fire Extinguishers</u>	<u>3</u>

<u>596.11.</u>	<u>Seal of Registration</u>	<u>A</u>
<u>596.12.</u>	<u>Permissive Use</u>	<u>A</u>
<u>596.13.</u>	<u>Unlawful Use</u>	<u>3</u>
<u>596.14.</u>	<u>Cease Use Order</u>	<u>3</u>
<u>600.</u>	<u>Inspection</u>	<u>2</u>
<u>602.</u>	<u>Advertisement</u>	<u>2</u>
<u>603.</u>	<u>Fraudulent Impersonation</u>	<u>1</u>

\*The maximum daily penalty is to be used \$250.00

Note: Authority: Section 13160, Health and Safety Code. Reference: Sections 13185, 13186, 13188-13189 Health and Safety Code.

## **Title 19 California Code of Regulations**

### **Chapter 12. ~~Portable Internal Combustion Engine-Driven Pumps~~ Enforcement.**

#### **Article 1. Administrative**

##### **1920. Scope:**

These regulations shall apply to the enforcement of regulations developed in accordance with Sections 13160-13190.4 of the Health and Safety Code.

Note: Authority: Sections 13160 and 13188, Health and Safety Code. Reference: Section 13160-13190.4, Health and Safety Code.

##### **1921. Violation of Laws and Regulation.**

(a) The State Fire Marshal or designee may suspend or revoke the company or individual license when it has been determined that the licensee has violated provisions of the Health and Safety Code or the regulation adopted pursuant to Health and Safety Code.

(b) In determining the severity of the suspension the State Fire Marshal or designee shall consider the following factors:

(1) The nature and severity of the violation;

(2) The good or bad faith exhibited by the concern or their employees;

(3) The history of previous violations;

(4) The extent to which they have cooperated with the State Fire Marshal or the investigator;

(5) The extent to which they have mitigated or attempted to mitigate any damage or injury caused by his/her violation;

(6) Number and type of violations;

(7) Any factors in extenuation or aggravation related to the violation; and

(8) Other matters as may be appropriate.

Note: Authority: Sections 13160 and 13188, Health and Safety Code. Reference: Section 13160-13190.4, Health and Safety Code.

## **Article 2. Definitions.**

### **1922. Definitions.**

For the purpose of this Chapter, the meaning of the following terms shall be as set forth in this Article.

Note: Authority: Sections 13160, Health and Safety Code. Reference: Section 13160-13190.4, Health and Safety Code.

#### **1922.1. “C” Definition.**

(a) Company as used herein means a concern.

Note: Authority: Sections 13160, Health and Safety Code. Reference: Section 13160-13190.4, Health and Safety Code.

#### **1922.2. “I” Definition.**

(a) Individual as used herein means Certification of Registration or license holder regulated under Title 19 California Code of Regulation.

Note: Authority: Sections 13160, Health and Safety Code. Reference: Section 13160-13190.4, Health and Safety Code.

#### **1922.3. “L” Definition.**

(a) License as used herein means any individual or company regulated under Title 19 California Code of Regulation.

Note: Authority: Sections 13160 Health and Safety Code. Reference: Section 13160-13190.4, Health and Safety Code.

## **Article 3. Enforcement.**

### **1924. General Provisions.**

1924.1. Notice of Defense. The State Fire Marshal or designee may issue a notice of defense containing an order to pay an administrative penalty in lieu of suspension. In no event shall the administrative penalty in lieu of suspension be more than \$250.00 per day or exceed \$10,000.00 for each decision. The number of days of suspension shall be determined in accordance with Section 1926. When the number of days of

suspension is not listed the suspension shall be determined by the State Fire Marshal or designee.

Note: Authority: Sections 13160, Health and Safety Code. Reference: Section 13160-13190.4, Health and Safety Code.

**1924.2. Separate Offense.** (a) A person is guilty of a separate offense for each individual violation they commit, or permits to be committed and administrative penalty in lieu of suspension shall be initially assessed at \$150.00 per day.

(b) Second and subsequent decision of the same or additional sections are multiplied by the number of occurrences and are assessed at \$250.00 per day.

Note: Authority: Sections 13160, Health and Safety Code. Reference: Section 13160-13190.4, Health and Safety Code.

**1924.3. Statement of Accusation.** (a) Any person served with a Statement of Accusation and notice of defense may contest the penalty by submitting a written request for a hearing within 15 calendar days of service of the notice of defense. Such hearings shall be conducted pursuant to the Administrative Procedure Act, Chapters 4.5 and 5, commencing with Section 11400 of Part 1 of Division 3 of Title 2 of the Government Code.

(b) In addition to requesting a hearing as described in Subsection (a), the person may, within 15 calendar days of service of the notice of defense, submit a written request for an informal conference with the State Fire Marshal or designee. If a settlement is reached, it shall be binding to both parties and have the same standing as a suspension.

(c) If the Statement of Accusation is affirmed or modified following the informal conference, the person may request a hearing as provided in Subsection (a) within 15 calendar days from the informal conference. The cited person shall not be permitted to request another informal conference.

(d) If the Statement of Accusation is dismissed after the informal conference, the request for a hearing, if any, shall be deemed to be withdrawn.

Note: Authority: Sections 13160, Health and Safety Code. Reference: Section 13160-13190.4, Health and Safety Code.

**1924.4. Submittal of Request for Hearing.** Submittal of a written request for a hearing as provided in Section 1924.3(a), or informal conference as provided in Section 1924.3(b), or both will stay the time period in which to abate the violation.

Note: Authority: Sections 13160, Health and Safety Code. Reference: Section 13160-13190.4, Health and Safety Code.

**1924.5. Failure to Comply with Notice of Defense.** If the written request for a hearing as provided in Section 1924.3(a) or an informal conference as provided in Section 1924.3(b) or both is not submitted within 15 calendar days from service of the notice of defense, the person is deemed to have waived their right to a hearing or an informal conference.

Note: Authority: Sections 13160, Health and Safety Code. Reference: Section 13160-13190.4, Health and Safety Code.

**1924.6. Failure to Pay Fine.** If the person fails to pay the entire administrative penalty within the time allowed, the balance due for the administrative penalty shall be added to the renewal fee for the license and the license shall not be renewed until the fee is paid in full.

Note: Authority: Sections 13160, Health and Safety Code. Reference: Section 13160-13190.4, Health and Safety Code.

**1924.7. Request for New License.** A Licensee shall not apply for a new license until the a suspension or administrative penalty is fulfilled.

Note: Authority: Sections 13160, Health and Safety Code. Reference: Section 13160-13190.4, Health and Safety Code.

#### **Article 4. Programs**

##### **1926. Assessment of Violation.**

(a)When a licensee is found to be in violation of any section of the Health and Safety Code and regulation they may be assessed an administrative penalty in lieu of suspension as prescribed by Chapter 3 Fire Extinguishers.

(b)When a licensee is found to be in violation of any section of the Health and Safety Code and regulation they may be assessed an administrative penalty in lieu of suspension as prescribed by Chapter 5 Automatic Extinguishing Systems.

Note: Authority: Sections 13195, Health and Safety Code. Reference: Section 13165-13194, Health and Safety Code.

#### **Article 5. Posting of Conviction**

##### **1929. Posting of Revocation, Suspension or Administrative Fine in Lieu Suspension.**

When a license is denied, revoked, suspended or an administrative fine in lieu of suspension is assessed the following information shall be posted for not less than 36 months on the State Fire Marshal website. The following information shall be posted.

(a) Company Name,

- (1) License number,
- (2) Owner/Manager(s) name, and
- (3) Section(s) violated.
- (4) Date of Action

(b) Individual Name,

- (1) License number,
- (2) Employing company (name) and (license number), and
- (3) Section(s) violated.
- (4) Date of Action

Note: Authority: Sections 13188.4, Health and Safety Code. Reference: Section 13160-13190.4, Health and Safety Code.

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