

## **NOTICE OF PROPOSED RULEMAKING**

### **OFFICE OF THE STATE FIRE MARSHAL California Code of Regulations Title 19**

The State Fire Marshal (SFM) is providing notice to adopt proposed regulations related to the inspection, testing and service of portable fire extinguishers as described below after considering all comments, objections or recommendations regarding the proposed action.

#### **WRITTEN COMMENT PERIOD**

The SFM will accept written comments regarding this proposed regulatory action for at least 45 days beginning November 2, 2012 until 5:00 PM on December 17, 2012.

Comments may be submitted to the SFM via:

- Email: [diane.arend@fire.ca.gov](mailto:diane.arend@fire.ca.gov); or
- Fax: (916) 445-8459; or
- US Mail (**postmarked no later than December 17, 2012**):

Office of the State Fire Marshal  
P.O. Box 944246  
Sacramento, CA 94244-2460  
Attn: Diane Arend, Senior Deputy State Fire Marshal

#### **PUBLIC HEARING**

The SFM has not scheduled a public hearing on this proposed action. However, the SFM will hold a public hearing if a written request is received from any interested party or their authorized representative no later than 15 days prior to the end of the 45-day written comment period, pursuant to Government Code Section 11346.8.

#### **AUTHORITY & REFERENCE**

The SFM is proposing this regulatory action pursuant to Health and Safety Code Section: 13160 with reference to 13160, Health and Safety Code.

#### **INFORMATIVE DIGEST - POLICY STATEMENT OVERVIEW**

The SFM is proposing to amend various sections of California Code of Regulations (CCR), Title 19, Chapter 3, Fire Extinguishers, Sections 557.4, 557.5, 557.8, 557.13, 557.23, 561.2, 567, 567.8, 573, 574.4, 575.1, 575.3, 575.6, 575.8, 575.13, 575.16, 577.2, 578.6, 591.6, 592.1, 592.2, 593.1, 594.3, 594.4, 594.5, 595.5 and 596 related to the inspection, testing and service of portable fire extinguishers. Amendments consist of maintenance for electronic monitoring,

extinguisher cabinets and water mist portable fire extinguishers; updating language to be consistent with national standards, updating reference standards for testing portable fire extinguishers; and editorial corrections.

### **ANTICIPATED BENEFITS**

The regulatory changes are anticipated to benefit consumers by: exempting pressurized water and vehicle mounted fire extinguishers from being disassembled during annual maintenance with a cost savings of approximately \$8-10 dollars per fire extinguisher annually; clarifying and allowing when re-use of antifreeze and the agent of loaded stream fire extinguishers can occur; allowing more public and private entities to perform annual maintenance on their own fire extinguishers resulting in cost savings for annual maintenance dependent on the number of fire extinguishers they own; and the elimination of the requirement of a verification of service collar on all Carbon Dioxide fire extinguishers which eliminates removal of the valve assembly and internal examination when re-charging the extinguisher, resulting in a cost savings to the consumer of approximately \$10-15 dollars per extinguisher.

These regulatory changes will bring CCR, Title 19, Chapter 3, in line with national standard, NFPA Standard 10 Portable Fire Extinguisher 2010 Edition.

The existing adopted standards currently in Title 19 regulations are out of date.

We are proposing to adopt by reference the most current UL test standards: UL 711, Standard for Fire Extinguishers, Rating and Fire Testing 7<sup>th</sup> Edition, 2009;

UL Subject 711A, Fire Test Method for Portable Hand-Held Extinguishers Intended For Use on Residential Cooking Equipment July 21, 2005;

UL 154, Standard for Carbon Dioxide Fire Extinguishers, 9<sup>th</sup> Edition, 2009;

UL 299, Standard for Dry Chemical Fire Extinguishers, 10<sup>th</sup> Edition, 2009;

UL Subject 299D, Dry Chemical Fire Extinguishers for Residential Cooking, July 9, 2010 as amended;

UL 626, Standard for Water Fire Extinguishers, 8<sup>th</sup> Edition, 2007;

UL 8, Standard for Water Based Agent Fire Extinguishers, 6<sup>th</sup> Edition, 2005;

UL 2129 and Standard for Halocarbon Clean Agent Fire Extinguishers 2<sup>nd</sup> Edition, 2005.

These updated adopted references are the current standards that all portable fire extinguishers are designed, tested and manufactured to and are consistent and compatible with existing state regulations.

Further, the SFM consulted with the SFM Fire Extinguisher Advisory Committee for recommendations and analysis of the proposed amendments and they concur with the proposal.

### **CHANGED OR MODIFIED SECTIONS**

**Section 557.4 “D” Definitions** is being proposed to be amended to more clearly define a Dry Chemical Closed Recovery System.

**Section 557.5 "E" Definitions** is being proposed to be amended to add a definition of Electronic Monitoring and Fire Extinguisher Cabinet.

**Section 557.8 "H" Definitions** is being proposed to be amended to more clearly define Halon Closed Recovery System.

**Section 557.13 "M" Definitions** is being proposed to be amended to add a definition of Master Gauge.

**Section 557.23 "W" Definitions** is being proposed to be amended to add a definition of Water Mist Fire Extinguisher.

**Section 561.2** is being proposed to be amended to update the editions of the currently adopted national test standards and to add and amend additional national test standards used to test and label portable fire extinguishers.

**Section 567** is being proposed to be amended to direct technician to the fire extinguisher nameplate for specific requirements to the placement and selection of fire extinguishers containing halogenated agent. Also, indicating the placement of wheeled fire extinguishers.

**Section 567.8** is being proposed to be amended to delete the temperature requirements for placement and selection of fire extinguishers by using the manufacturer's specifications.

**Section 573** is being proposed to be amended to add specific requirements for the placement of detailed warning signs concerning fire extinguisher use, and the selection of fire extinguishers used for the protection of Commercial Cooking Operations.

**Section 574.4** is being proposed to be amended to change terminology from Halon to halogenated, which is the broader category of agents.

**Section 575.1** is being proposed to be amended to change terminology from Halon to halogenated, which is the broader category of agents.

**Section 575.3** is being proposed to be amended to clearly identify which fire extinguishers are not required to be internally examined annually and to add additional fire extinguishers. This section also clarifies the items required to be removed or examined on the fire extinguisher during the annual internal examination.

**Section 575.6** is being proposed to be amended to update the edition of the national test standard used for Halon closed recovery systems and to move the

requirement to 561.2 Fire Test and Performance Standards. It also will require the recovery system to be listed.

**Section 575.8** is being proposed to be amended to delete the obsolete solid-type AFFF and FFFP fire extinguisher requirements.

**Section 575.13** is being proposed to add loaded stream fire extinguishers and amended to clearly identify the requirements for internal maintenance of antifreeze and loaded stream fire extinguishers.

**Section 575.16** is being proposed to be amended to add the requirements for the water mist fire extinguishers.

**Section 577.2** is being proposed to be amended to identify additional obsolete fire extinguishers which cannot be serviced.

**Section 578.6** is being proposed to be amended to change terminology from Halon to halogenated, which is the broader category of agents.

**Section 591.6** is being proposed to be amended to clearly identify when a fire extinguisher, which has been exposed to heat and flames, has to be examined.

**Section 592.1** is being proposed to be amended to update the section with current federal regulations.

**Section 592.2** is being proposed to be amended to include the requirement for hydrostatic testing of high-pressure and low-pressure accessory hoses used on wheeled extinguishers and to add the requirements for hydrostatic testing of accessory hoses on wheeled fire extinguishers.

**Section 593.1** is being proposed to be amended to direct service technicians to the proper D.O.T. reference for hydrostatic testing of fire extinguishers.

**Section 594.3** is being proposed to be amended to require a master gauge to test all system gauges for accuracy and also requires a log of the test.

**Section 594.4** is being proposed to be amended to direct service technicians to the proper D.O.T. reference for hydrostatic testing of fire extinguishers and to clarify that all hoses be must removed during tests. This will also amend the terminology from Halon to halogenated, which is the broader category of agents as well as stipulate that gases cannot be used as the sole medium for testing.

**Section 594.5** is being proposed to be amended to require the hydrostatic test log be maintained for thirteen years.

**Section 595.5** is being proposed to be amended to clarify what type of maintenance a Type L can perform and to include an exception for the experience requirements for the license.

**Section 596** is being proposed to be amended to remove the requirement for the verification of service collar on carbon dioxide extinguishers.

### **DISCLOSURES REGARDING THE PROPOSED ACTION**

The State Fire Marshal has made the following initial determinations:

1. Mandate on local agencies and school districts: **None**
2. Cost or savings to any other State agency: **None**
3. Cost to any local agency or school district which must be reimbursed in accordance with Government Code, Sections 17500-17630: **None**
4. Other non-discretionary cost or savings imposed upon local agencies: **None**
5. Cost or savings in federal funding to the State: **None**
6. Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other States: **None**
7. Cost impact on representative private persons or directly affected businesses:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action are provided as follows:

- ▶ Specific section that has an economic impact to portable fire extinguisher service companies: **594.3(a)(5)**. By adding the requirement for a master gauge to test all system gauges for accuracy, the economic impact will be a one time expenditure of approximately \$100 dollars to about 425 service companies. The master gauge is used to ensure that the gauges being used are accurate, which will prevent a possible safety hazard when servicing fire extinguishers.
  - ▶ Specific section that has an economic impact on consumers: **577.2(12)**. If a consumer happens to possess a fire extinguisher that falls into the obsolete category, they will need to replace it with one that currently meets California standards at a cost of \$40-\$60, however, the majority of these fire extinguishers have already been removed from service.
8. Significant effect on housing costs: **None**

### **RESULTS OF THE ECONOMIC IMPACT ASSESSMENT**

Adoption of these regulations will not:

- a) create or eliminate jobs within California;
- b) create new businesses or eliminate existing businesses within California;
- or
- c) affect the expansion of businesses currently doing business within California.

The SFM has assessed whether or not and to what extent this proposal will affect the following:

- d) the benefits of the regulations to the health and welfare of California residents, worker safety and the State's environment.

These regulations will update and improve minimum non-building standards and requirements for the prevention of fire and for the protection of life and property against fire and panic, which will provide increased protection of public health and safety, worker safety, and the environment

### **SMALL BUSINESS EFFECTS**

The SFM has made the initial determination that the amendments to these regulations will have no substantial effect to small businesses and the SFM has not identified any alternatives that would lessen any adverse impact, if any, on small businesses. The \$100.00 cost for the Master Gauge is a one-time expense to the fire extinguisher service companies.

### **CONSIDERATION OF ALTERNATIVES**

The SFM has determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the SFM would be more effective in carrying out the purpose for which the action is proposed, or would be as effective or less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The SFM invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

### **CONTACT PERSON(S)**

Inquiries concerning the proposed regulatory action, or requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations or other information upon which the rulemaking is based may be directed to:

- Office of the State Fire Marshal:

Diane Arend, Senior Deputy SFM, Regulations Coordinator  
(916) 324-9592  
[diane.arend@fire.ca.gov](mailto:diane.arend@fire.ca.gov)

James Parsegian, Supervising Deputy SFM, Fire Extinguisher Program  
(916) 445-8415  
[James.parsegian@fire.ca.gov](mailto:James.parsegian@fire.ca.gov)

**AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The Office of the State Fire Marshal will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office, shown above. As of the date this notice is published in the Notice Register the SFM's rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons for the proposed action. The full text of the regulations, along with the Final Statement of Reasons (FSOR) upon which the changes are based is available from the contact person as shown above. Copies may be obtained through the contact at the address or telephone number listed above.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

Following the 45-day comment period, the SFM may adopt the proposed regulations substantially as described in this notice. However, if modifications are made which are sufficiently related to the originally proposed text, the modified text – with changes indicated – shall be made available to the public for at least 15 days before the SFM adopts, amends, or repeals the regulations as revised. Requests for copies of any modified regulations should be sent to the contact person at the address indicated above. The SFM will accept written comments on the modified regulations for 15 days after the date on which they are made available. NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

**AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons (FSOR) may be obtained by contacting the contact person at the above address.

**AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons (ISOR) and the text of proposed regulations, highlighted in underline and strikeout, may be accessed through the SFM web-site at <http://osfm.fire.ca.gov>.