

NOTICE OF PROPOSED RULEMAKING

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

The State Fire Marshal proposes to adopt the proposed regulations described below after considering all comments, objections or recommendations regarding the proposed action.

WRITTEN COMMENT PERIOD

The State Fire Marshal will accept written comments regarding this regulatory action from October 29, 2010 until 5:00 PM on December 13, 2010. Please address your comments to:

OFFICE OF THE STATE FIRE MARSHAL

Attention: Diane Arend

P.O. Box 944246

Sacramento, CA 94244-2460

Or by e-mail to

diane.arend@fire.ca.gov

Or you may fax your comments to:

Attention: Diane Arend

(916) 327-4998

PUBLIC HEARING

The State Fire Marshal has not scheduled a public hearing on this proposed action. However, The State Fire Marshal will hold a public hearing if a written request is received from any interested party or their authorized representative no later than 15 days before the end of the 45-day comment period.

AUTHORITY & REFERENCE

The State Fire Marshal 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 State Fire Marshal proposing to:

- 1) Amend Section 557.19 to add a definition for "Service Vehicle",
- 2) Amend Section 560.4 to require licensed portable fire extinguisher concerns to mark their company vehicles so that the company's business information is clearly visible on the vehicle,
- 3) Renumber existing Sections 560.4, 560.5 and 560.6 to accommodate the amendment to Section 560.4.

Health and Safety Code Section 13160 mandates the State Fire Marshal to adopt

regulation to control the servicing, including charging, and testing, of all portable fire extinguishers for controlling and extinguishing fires, and for controlling the sale and marketing of all such devices with respect to conformance with standards of their use, capacity, and effectiveness.

There currently exists a problem with a number of fire extinguisher service companies/individuals engaging in fraudulent business practices by claiming to be affiliated with a fire department or otherwise misrepresenting or not correctly identifying themselves and/or the company they represent. By amending the regulations to require fire extinguisher service vehicles to identify the business name, license and phone number, it will allow the consumer or local fire department to easily determine affiliation of the technician and eliminate the majority of these misrepresentations.

The State Fire Marshal utilized the State Fire Marshal Fire Extinguisher Advisory Committee and the California State Firefighters Association to analyze the proposed amendments and they concur with the proposed amendments.

DISCLOSURES REGARDING THE PROPOSED ACTION

The State Fire Marshal has made the following 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 private persons or directly affected businesses: The State Fire Marshal is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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.
8. Significant effect on housing costs: **None**

SMALL BUSINESS EFFECTS

The State Fire Marshal has made the initial determination that the amendments to these regulations will have no substantial effect to small businesses and the State Fire Marshal has not identified any alternatives that would lessen any adverse impact, if any, on small businesses. There is no effect on small business because small businesses are not involved in the enforcement of vehicle markings for these fire extinguisher companies.

CONSIDERATION OF ALTERNATIVES

The State Fire Marshal must determine that no reasonable alternative considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed action.

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

CONTACT PERSON

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:

Diane Arend, Senior Deputy State Fire Marshal
P.O. Box 944246
Sacramento, CA 94244-2460
Or by e-mail to
diane.arend@fire.ca.gov

Or you may fax your comments to:
Attention: Diane Arend
(916) 327-4998

Alternate Contact:

James Parsegian, Senior Deputy State Fire Marshal
P.O. Box 944246
Sacramento, CA 94244-2460
Telephone: (916) 445-8415
E-mail: 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 this date, this notice is published in the Notice Register the State Fire Marshal 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 upon which the changes are based is available from the contact person as shown. Copies may be obtained by contacting Diane Arend at the address or telephone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the 45-day comment period, the State Fire Marshal may adopt the proposed regulations substantially as described in this notice. 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 State Fire Marshal adopts (amends or repeals) the regulations as revised. Requests for copies of any modified regulations should be sent to Diane Arend at the address indicated above. The State Fire Marshal will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Diane Arend at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of proposed regulations, highlighted in underline and strikeout, can be accessed though our web-site at <http://osfm.fire.ca.gov>.