

INITIAL STATEMENT OF REASONS

Pursuant to Health and Safety Code Sections 13110, the State Fire Marshal (SFM) shall adopt regulations and standards deemed necessary to control the service, testing, and maintenance of automatic extinguishing systems. In adopting these regulations, the SFM shall consider the standards of the National Fire Protection Association (NFPA). The SFM may determine that the public interest and public welfare will be adequately served by:

The development of a Certification and Registration program for fire sprinkler installers, qualifying individuals as "certified fire sprinkler fitters" for water-based fire protection systems, excluding one and two-family residential sprinkler systems.

Requiring "apprentices" to be registered with the OSFM and enrolled in a California State or federally approved fire sprinkler apprenticeship program or Job Related Experience Program.

Requiring "trainees" not registered for an apprenticeship program to be registered with the OSFM and work for one (1) year under the direct supervision of an OSFM "certified fire sprinkler fitter".

The collection of fees for the administration of the program.

SPECIFIC PURPOSE AND RATIONALE

In California, fire sprinklers and other automatic fire extinguishing systems (herein "Fire Suppression Systems") may only be installed by a contractor company licensed by the Contractors State Licensing Board. However, the fire sprinkler fitter, who actually installs fire sprinklers in high-rise buildings, hotels, apartments, hospitals, schools, day care facilities, and industrial buildings, are not required to be, registered, or even certified. Nor are they required to be trained or have any experience with installing these life safety systems. Fire sprinkler fitters in California are not required to complete an apprenticeship program, or have any training or experience for that matter.

The NFPA Standards 11, 11A, 13, 13R, 14, 15, 16, 20, 22, 24 and 750, address the water based national standard of care for the installation of fire suppression systems, and are adopted by the SFM. Accordingly, it states, "sprinkler systems and private fire service mains are specialized fire protection systems and shall require knowledgeable and experienced design and installation". In California, the person who designs the fire sprinkler system must be licensed, but not the person who installs it. While California adopts the national standard of care, the installer of these life safety systems are not required to demonstrate his or her knowledge or experience, nor have any.

Although those who hold a C-16 Fire Protection Contractor's License from the Contractor's State License Board (CSLB), have hands-on experience at a journey-level by completing an apprenticeship program or are experienced workers, they are not trainees, and must equate four (4) years of practical experience in one trade. This practical experience is verified by a person who has firsthand knowledge of their experience during the time period covered. Their completed works have been observed and thus are qualified fitters licensed with the CSLB. However, employees of licensed

contractors are not held to the same standard. CSLB requires a licensed company to have insurance; however, there is no requirements that the licensed company's installers must prove they have the necessary skills and qualifications to safely install a fire sprinkler system. A C-16 Fire Protection Contractor license holder can employ, under his/her responsibility, an installer who may not have all the required training and/or experience to safely install an automatic fire sprinkler system. There are concerns regarding public safety from the Fire Service that fire suppression systems installed in California are not done in a safe manner by qualified and trained persons. The OSFM's intent is to establish a Fire Suppression System Certification Program to address the public safety and industry concerns that fire sprinklers are not being installed in accordance with California law.

The certification of the individual fitter is a mechanism to demonstrate that the actual fitter has the requisite knowledge and experience to work on these life safety systems. The development of an OSFM Certification and Registration program for fire sprinkler installers, allows those who do not hold a C-16 Fire Protection Contractor's License from the CSLB, a path towards certification and qualified installation of life safety systems.

The Department of Industrial Relations has approved four statewide sprinkler fitter apprenticeship programs in California that would be a viable training source and qualify under this proposed regulation. This proposed regulation would also permit those who have completed a federally approved apprenticeship program, meeting specified criteria, to participate in the proposed certification program of the SFM.

Certification of knowledge and experience is merely a preventative measure that is designed to reduce the likelihood, or risk a fire sprinkler system is improperly installed and will not perform as required during a catastrophic fire incident. Certification of knowledge and experience is designed to prevent the loss of life, whether it is a first responder or member of the public.

While other states and several major cities across the nation have laws that require training through apprenticeship programs, and through various levels, require all fire sprinkler fitters to be licensed, registered, or certified to work on fire sprinkler systems, California does not. Only the individual C-16 Fire Protection Contractor license holder meets the training standards required through the CSLB.

Fire Protection Systems, under existing law may be installed, by unqualified persons. Fire departments across the state have shared many stories describing faulty and inadequate work on fire suppression systems in their respective jurisdictions. The fire sprinkler or fire extinguishing system may pass the test conducted by the fire authority having jurisdiction, yet could still be defective due to the work completed on it by a person not trained nor properly supervised. For the life of the building, that Fire Safety

System will not operate as designed when that moment comes for it to perform its life saving and fire protection purpose.

The answer is to establish a minimum statewide training standard for those who install or work on these life safety systems. This proposed regulation will establish a minimum training standard for those persons who install or work on fire suppression systems in California and develop a certification and registration program for those sprinkler installers.

EXISTING LAW

Health and Safety Code Section 13195 et seq. requires all businesses, or otherwise companies that perform maintenance, servicing, and testing of all automatic fire extinguishing systems, which includes Fire Safety Systems, to be licensed to do so. Such statute authorizes the SFM to adopt regulations as necessary to administer such a program and to collect a fee to offset any costs that it may incur.

Business and Professions Code Section 7026.12 requires fire sprinkler and extinguishing system companies to be licensed by the Contractors State License Board to install a fire protection system, excluding an electrical alarm system.

Penal Code Section 386 makes it a felony to fraudulently install or maintain a fire sprinkler or fire extinguishing system.

SUMMARY

This proposed regulation will expand current requirements by:

- Requiring a certificate of registration to be issued by the SFM for any person who installs, modifies, or alters a fire suppression system, except systems installed pursuant to NFPA 13D (i.e., one- and two-family dwellings, townhouses, and manufactured housing).
- Requiring persons who work on Fire Suppression Systems, except systems installed pursuant to NFPA 13D (one- and two-family dwellings, townhouses, and manufactured housing) after 18 months either to be enrolled in, or to have successfully completed any state or federally approved apprenticeship program recognized by the SFM or an OSFM training program.
- Requiring an apprentice to possess a registration card from the SFM that demonstrates their enrollment in an approved apprenticeship program permitting them to install Fire Suppression Systems if supervised by a certified sprinkler fitter.
- Authorizing the SFM to issue a certificate of registration to a fire sprinkler fitter who demonstrates completion of an approved apprenticeship program and passes a written examination given by the SFM.
- Issuing of a Certificate to those that meet minimum historical recognition provisions. This is to include currently licensed C-16 contactors.

- Authorizing individual C-16 contractor licensees to take the written examination given by the SFM.
- Authorizing the SFM to collect an annual fee for the actual costs of administering and enforcing the fire sprinkler fitter certification-and registration program.
- Establishing the minimum hours and subjects required to complete the OSFM training standard.
- Requiring minimum annual continuing education.
- Establishing an approval process for submitting continuing education unit training courses and establishing a review fee.
- Authorizing the SFM and/or local enforcing agencies to issue Stop Work Orders.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, OR REPORT

In connection with proposing the regulation amendments, the SFM consulted with the SFM Automatic Extinguishing Systems Advisory Committee consisting of local fire, industry and regulatory personnel and the State Board of Fire Services to provide recommendations and review the proposed regulations. In response to AB 433, chaptered September 27, 2013, the California SFM convened, through the Automatic Extinguishing Systems (AES) Advisory Committee, the AES Program Certification Workgroup. The purpose of the Workgroup was to develop a regulation for the Certification and Registration program for Fire Sprinkler Installers. Also, in connection with proposing the regulation amendments, the State Fire Marshal consulted with the State Fire Marshal Automatic Extinguishing System Advisory Committee consisting of local fire, industry and regulatory personnel and the State Board of Fire Services to provide recommendations and review the proposed regulations. These were conversations only, and there were no documents relied upon in connection with these consultations.

NECESSITY

The State of California has adopted Chapter 9 of Title 24 to protect Californians and their lives and property from the adverse effects of fire. As such, there is an increased use of Fire Protection Systems in California. Due to the increasing use of Fire Protection Systems throughout the state, the complexity of materials, changes in construction standards, and the increased complexity of Fire Protection systems, additional training and education are required. These regulations will provide a program to ensure those installing these systems are adequately trained and educated to meet the fire protection needs in California.

CONSIDERATION OF REASONABLE ALTERNATIVES TO THE REGULATION AND THE STATE FIRE MARSHAL'S REASONS FOR REJECTING THOSE ALTERNATIVES

The SFM staff has thoroughly reviewed this proposed regulatory action, including both the positive and negative impacts it will place upon the industry. No alternatives considered by the SFM would be more effective in carrying out the purpose of these proposed regulations or be less burdensome to the affected parties than the proposed regulations. Currently there is no other certification program that can be an alternative.

The closest certification is provided by National Institute for Certification in Engineering Technologies (NICET). This certification program is for engineering technicians engaged in the layout and detailing of water-based fire protection systems that must meet code and statutory requirements but does not include the installation of those systems.

REASONABLE ALTERNATIVES – SMALL BUSINESSES

The proposed regulations have no substantial effect to small businesses. The SFM has identified no alternatives that would lessen the economic impact, if any, on small businesses and still allow the OSFM to effectively enforce the regulations. These regulations accomplish the goal of ensuring that those who install water-based fire protection systems are trained and qualified. Currently, enrolling into any one of the five approved options for apprenticeship training programs is voluntary. Unfortunately, this voluntary alternative fails to ensure that those individuals who install water-based fire protection systems are trained and qualified to do so.

ECONOMIC IMPACT ANALYSIS AND ASSESSMENT

The SFM has assessed whether or not and to what extent this proposal would have, and the cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The analysis of the economic impact this proposed regulation will have on business and private persons is as follows:

Private persons and individuals who install water-based fire sprinkler systems will pay \$150.00 annually to the SFM to be certified or registered. These individuals will be required to pay this fee each year they work within the scope of these regulations. This figure was derived from the expenditures of the staff and overhead to run such a program and the projected revenue from the 8,000 certified or registered individuals in California. The derived figure is 1.2 million dollars. In addition, these individuals will be required to take 24-hours of approved continuing education units every three (3) years to maintain their skills, knowledge and abilities as technology, and state and local standards are changed and modified within the continuously-changing national and state standards for the installation of water-based fire protection systems.

Continuing Education Course approval fee to establish the California Office of State Fire Marshal, hereafter known as the OSFM, policy on the approval of those who want to deliver Continuing Education Unit courses of instruction for the Certified Sprinkler Fitter Program as referenced in Title 19, California Code of Regulations, Section 948.1. It is the intent that this process will be straightforward and the applicants will be advised of the status of their application in writing by the OSFM. A Continuing Education Unit, hereafter known as the CEU, is defined as a partnership between approved individuals, and the OSFM to deliver approved by the OSFM curriculum regionally. Accredited Regional Training Program developed this fee for the OSFM State Fire Training Unit.

The OSFM fees for this program are very similar, therefore using the nonrefundable fee of \$500.00 is established for processing an application for a CEU course registration and listing and will be on the OSFM approved training list located on the OSFM website for three (3) years.

With regard to the economic impact to C-16 licensed fire protection contractors, some have expressed concerns that wages demanded from their work force will rise as their respective employees move forward from one period to another within their particular apprenticeship-training program. This is the current standard practice for C-16 fire protection contractors who draw their labor force from the current state and federally approved sprinkler fitter apprenticeship programs. Experiences in other states have proven that these companies will continue to remain competitive in the industry. However, contractors who are not currently participating in state or federally approved apprenticeship programs are still expressing concerns that their companies will not remain competitive.

What is known is that most of the licensed C-16 fire protection contractors are currently doing what these proposed regulations would require, and yet remain competitive in the industry. C-16 fire protection contractors all have established profit margin goals. They vary depending upon their individual company. When the cost of labor increases, they must make a choice of raising their cost of their product, or reducing their profit margins to accommodate the cost increase. If the cost of labor does increase due to these regulations, only a portion of the industry not currently working with apprenticeship training programs will be affected, but not significantly affected where they will be eliminated or unable to be competitive. Those C-16 fire protection contractors not currently utilizing the state and federally approved training programs will be required to adjust their business models with respect to the training requirements associated with this regulation. This will be a potential economic impact that will be offset by the benefit to the public in terms of increased safety from the effects of fire.

Some C-16 fire protection contractors have expressed concern that these regulations will cause a labor shortage. This claim is without merit. Research from the study groups revealed that four of the five approved sprinkler fitter apprenticeship programs are training at full capacity now and have realized no shortage of people applying for and enrolling into their particular sprinkler fitter apprenticeship program. Additionally, existing journeyman will fall under the provisions of the "historical recognition" clause and will be certified immediately upon application, review, and approval by the SFM. Moreover, those who are currently enrolled in any one of the five approved programs will only need to apply for registration and pay the fee.

It is most important to note the these proposed regulations have very specific built-in measures that are intended to reduce any potential burden, such as a legacy provision, ability to use untrained and unqualified installers under supervision, separate

certification and registration requirements for residential and commercial construction, and establishing a delayed implementation period making it effective at a later date. Thus, the proposed regulation is designed to have no significant impact on any business involved with the installation of water-based fire protection.

The SFM finds that any potential costs to persons or business are insignificant in comparison to the benefit of a properly installed fire sprinkler system will have; such as the saving of lives, preventing injury, a reduction to the amount of destruction to property, and the unnecessary task of displacing people and businesses. A fire sprinkler system that is improperly installed and fails in its time of need affects consumers and the general welfare of the people even further than the loss of life, injury, property and the displacement of persons and business. Should a fire sprinkler system fail and cause the loss of life, property, injury and/or the displacement of businesses and people, litigation most always follows. The costs of litigation ultimately adversely impacts insurance rates, etc. When insurance rates rise, all businesses are adversely affected.

The impacts of fire are significant. The catastrophic result of a fire spreading without containment substantially increases the likelihood of the loss of life, injury and property, and causes the displacement of business and people and many other collateral adverse effects. Similar regulations have shown that adequate training and education for those who install fire sprinkler systems will reduce the likelihood of an uncontained catastrophic fire, which will ultimately lessen the resulting adverse impact on people and business.

Furthermore, there is no law or regulation in California that requires anyone who installs, alters, or repairs fire sprinklers systems to demonstrate, show, or verify they have had any such training, or have had any such training, other than the company itself being licensed by the Contractors State Licensing Board. Anyone working under a licensed contractor can install, alter, or repair fire sprinkler systems in California, unlike many other states and local communities.

Research shows sixteen other states and communities already require some method of certifying individual installers of water based fire protection systems to ensure that they have the necessary training, education, and skill to do so. Those fire protection contractors in these other states have not realized significant economic impacts because of the requirements in their respective states. Any cost impact to business's this proposed regulation may affect, will be minimal for those in the business of contracting for installation of water-based fire sprinkler systems and will be insignificant in comparison to the benefit of a properly installed fire sprinkler system; such as the saving of a life or lives, preventing injury, the reduced amount of destruction to property, and the unnecessary task of displacing people and businesses. The impacts of fire are significant. The catastrophic result of a fire spreading without containment substantially increases the likelihood of the loss of life, injury, and property.

The displacement of people and businesses due to an uncontained fire is an economic burden to the state and the local economy. Nevertheless, this cost is real. Moving patients and seniors from hospitals, assisted living facilities, and nursing homes due to a destructive fire and an inoperable fire sprinkler system has significant costs, and not only monetarily, but emotionally to the displaced victims. The same holds true with the displacement of students of all educational levels. Finally, there is an economic impact to the taxpayers to first responders who lose their lives or are injured on the job. These economic impacts are immeasurable.

Many of our buildings throughout California are equipped with a fire sprinkler system. Yet, if they fail to work properly, the results are devastating. Existing law ensures nothing nor does it reduce the risk that a fire sprinkler be installed, repaired, or altered improperly so that in its time of need, it will work properly and protect the lives and property

The SFM concludes that the proposed regulatory action, within the State of California, would have no significant adverse economic impact and would not affect:

The Creation or Elimination of Jobs within the State of California

The SFM has determined that this regulatory proposal will not have an impact on the creation or elimination of jobs. During the creating of the regulations, representatives of the fire sprinkler industry were consulted and the consensus of the representatives was that by adding these regulations changes, there would be no impact on the industry.

The Creation of New Businesses or the Elimination of Existing Businesses within the State of California

The SFM has determined that this regulatory proposal will not have an impact on the creation of new businesses or the elimination of existing businesses. The proposed regulations implement, interpret, and make specific sections 13110 of the Health and Safety Code, and will better protect the public from a fire sprinkler system being improperly installed with no direct impact on the creation or elimination of business.

The Expansion of Businesses Currently Doing Business within the State of California

The SFM has determined that this regulatory proposal will not have a significant impact on the expansion of existing businesses within the State of California. Currently anyone working under a licensed contractor can install, alter, or repair fire sprinkler systems in California. These regulations would require those individuals to possess a certification and would benefit all California businesses that do this work, and it will not have a significant impact on either the businesses within the regulated industry or the businesses who are recipients of the services provided by this industry.

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The SFM has determined that this regulatory proposal will benefit the public health, safety, and general welfare of California residents and to first responders by lessening the likelihood of the occurrence of an inoperable water-based fire sprinkler system in its time of need. The proposed regulations are beneficial to lessening the adverse effect that an uncontrolled fire has on lives, property, survivors, and businesses and ultimately promotes the health, safety, and general welfare of the public.

Small Business Determination: The SFM has determined that the proposed regulations may affect small business, yet those impacts, if any to small business are insignificant.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The SFM can find no facts, documents, testimony, or evidence that this action will have a significant adverse economic impact on any business. Currently, most of those C-16 fire protection contractors licensed in California are already doing what the proposed regulation will ultimately require them to do. The remaining contractors will be required to do the same by using certified fire sprinkler fitters and to enroll those into an approved apprenticeship program who are not yet trained, fully trained or qualified. Because of the number of approved programs that may be utilized pursuant to the proposed regulation, and the “built-in” measures to reduce the burden, such as a legacy provision, ability to use untrained and unqualified installers under supervision, separate certification and registration for residential and commercial construction, and an implementation period to make it effective at a later date, this proposed regulation will have no significant impact on any business in the water-based trained, fully trained or qualified fire protection industry.

COORDINATION WITH FEDERAL LAW

The SFM has determined that this proposed regulatory action neither conflicts with nor duplicates any federal regulation contained in the Code of Federal Regulations.

SPECIFIC SECTIONS WHICH HAVE BEEN ADOPTED:

Chapter 5.5 Automatic Fire Extinguishing Systems Certification

Article 1. Administration

Section 920. Authority is being proposed to establish where the authority for the program has come from.

Necessity: The OSFM proposes section because of comments from Certification Task Force and Automatic Extinguishing Systems Advisory Committee. They deemed it necessary to enact, through regulation, certification of automatic fire extinguishing system installers under the authority of the California SFM.

Section 921. Title is being proposed to establish the title of the sub-section in Title 19 of the California Code of Regulations.

Necessity: This proposed section is to identify the administrative, enforcement and oversight authority of the office of the California State Fire Marshal as the executor of Chapter 5.5, Division 1 of Title 19 of the California Code of Regulations.

Section 922. Purpose is being proposed to establish the purpose of the sub-section in Title 19 of the California Code of Regulations.

Necessity: This section is proposed to positively impact the level of quality of water-based fire protection system installations, and to enhance the assurance of California property owner's and the general public that these systems are reliable and will properly operate in order to minimize fire loss to property, and to save lives.

Section 923. Scope (a) is being proposed to establish the scope of these regulations.

Necessity: This section is to identify what the capacity of work a Certified/Registered Fire Sprinkler Fitter can provide on a water-based fire protection systems installation.

Section 923. Scope (b) is being proposed to establish the systems that are not covered in these regulations.

Necessity: This section is to clarify that these regulations will exclude the installation or modification of fire protection systems performed on one and two-family residential homes.

Section 924. (a) is being proposed to establish the definition of Alteration.

Necessity: This proposed definition is to delineate repairs or upgrades to water-based fire protection systems.

Section 924. (b) is being proposed to establish the definition of Apprentice.

Necessity: This proposed definition is to qualify the classification of an "apprentice" as a participant in a California State or Federally approved fire sprinkler apprenticeship programs.

Section 924. (c) is being proposed to establish the definition of Authority Having Jurisdiction.

Necessity: This proposed definition is to describe who is the authorized representative in their respective jurisdiction.

Section 924.1. (a) is being proposed to establish the definition of Certified Fire Sprinkler Fitter.

Necessity: This proposed definition is to describe the criteria for "journeyman" fire sprinkler fitter, which needs to be satisfied in order to work in a certified journey-level supervisory capacity on wet-system fire sprinkler installation.

Section 924.1. (b) is being proposed to establish the definition of Commercial Certification.

Necessity: This proposed definition is to clarify who is qualified and who is permitted to conduct installation on Commercial systems.

Section 924.1. (c) is being proposed to establish the definition of Correction Order.

Necessity: This proposed definition is to clarify what documentation may be required for a violation.

Section 924.2. is being proposed to establish the definition of Direct Supervision.

Necessity: This proposed definition is to describe the criteria on-site supervision is intended to describe job-specific fire sprinkler system installation oversight of “trainees” and “apprentices” by certified journey-level fire sprinkler fitter installer.

Section 924.3. (a) is being proposed to establish the definition of Fire Sprinkler Fitter.

Necessity: This proposed definition is to classify a “Fire Sprinkler Fitter” defines an individual sprinkler fitter who has complied with the certification requirements of this Chapter.

Section 924.4. is being proposed to establish the definition of Installation.

Necessity: This proposed definition is to identify those wet-system fire protection systems identified in Section 923 of this Chapter, and which are not limited to retrofits, modifications, and repairs.

Section 924.5. (a) is being proposed to establish the definition of a Job Related Experience Program (JREP).

Necessity: This proposed definition is to identify employment experience and hours that is certified by the individual’s employer.

Section 924.5. (b) is being proposed to establish the definition of a Journeyman.

Necessity: This proposed definition is to identify a journeyman as a person who has successfully completed the minimum required hours and years in a California State or federally approved fire protection system other provisions of this chapter.

Section 924.6. (a) is being proposed to establish the definition of a Licensee.

Necessity: This proposed definition is to classify a “Licensee” defined as an individual who is license holder with the California Contractor State License Board Fire Protection Contractor as a C-16, Fire Protection Contractor, who has complied with the registration requirements of that contracting agency.

Section 924.7. (a) is being proposed to establish the definition of Multi-family Residential Certification.

Necessity: This proposed definition is to identify what a certified individual can install under the provisions of this Chapter.

Section 924.7. (b) is being proposed to establish the definition of Multi-family Residential Structure.

Necessity: This proposed definition is to describe what Multi-family Residential Structure is which are covered under the California SFM's certification provisions of this Chapter.

Section 924.8. (a) is being proposed to establish the definition of Notice to Appear.

Necessity: This proposed definition is to describe the necessity to appear in court.

Section 924.8. (b) is being proposed to establish the definition of Notice of Violation.

Necessity: This proposed definition is to clarify what documentation may be required for a violation or infraction.

Section 924.9. (a) is being proposed to establish the definition of Registered Fire Sprinkler Fitter.

Necessity: This proposed definition is to classify the term "Registered" defined as an individual sprinkler fitter trainee or apprentice who has complied with the registration requirements of this Chapter.

Section 924.9. (b) is being proposed to establish the definition of Repair.

Necessity: This proposed definition is to define restoration work of a fire sprinkler system to working condition or fix damage.

Section 924.10. (a) is being proposed to establish the definition of the State Fire Marshal (SFM).

Necessity: This proposed definition is to define who the SFM is and their required experience.

Section 924.10. (b) is being proposed to establish the definition of the State Fire Marshal (SFM) Designee.

Necessity: This proposed definition is to define those that are selected by the SFM to serve in an official capacity under his/her authority.

Section 924.11. is being proposed to establish the definition of a Trainee.

Necessity: This proposed definition is to describe non-apprentice; non-certified entry-level pre-apprenticeship fitter who under this Chapter may perform work within the scope of these regulations for 90 days from his or her date of hire.

Section 924.12. is being proposed to establish the definition of what is pertained in a Water-Based Fire Protection System.

Necessity: This proposed definition is to describe the systems, which are included Water-Based Fire Protection Systems as described in the National Standards.

Section 925. (a) is being proposed to establish the requirements for those engaged in the installation of water based fire protection.

Necessity: The OSFM proposes this section to establish in regulation the requirement identified in AB 433 for certifications and registrations for those individuals who perform the work of installation of water-based fire protection systems. This section specifically identifies the one certification and two types of registrations. It establishes the requirement of submitting the necessary application and support documentation to receive a certification or registration card that will be necessary to perform this work.

Section 925. (b) is being proposed to establish that an application is required for certification and registration as well as for processing other items.

Necessity: The OSFM proposes this section to delineate that applications shall be made in writing to the OSFM on forms we provide.

Section 925. (c) is being proposed to establish the acceptable form of payment for the certification and registrations.

Necessity: The OSFM proposes this section to identify the specific forms of payment acceptable to the CAL FIRE/Office of the State Fire Marshal, Cashiers Unit/AES Program that will accompany these applications.

Section 925. (d) is being proposed to identify the location for the receipt of payment.

Necessity: The OSFM proposes this section to state the address to which the application and accompanying fees are to be delivered.

Section 925.1 is being proposed to create a fee schedule.

Necessity: The OSFM proposes this section to delineate the various fees for each of the certification, and registrations as well as the fees associated with processing other items.

Section 926. is being proposed to establish the ratio of certified to registered workers.

Necessity: The OSFM proposes to establish span of control for a Certified Fire Sprinkler Fitter whose company is part of one of the State approved Apprenticeship Programs will follow the guidelines as set forth by their agreement with the Division of Apprenticeship Standards and no more than two trainees. For those companies that are not in an approved Apprenticeship Program will revert to the minimum standard without trainees. This control limit for span of control is based upon, difficulty of the tasks, education and experience of the workers, education and experience of the supervisor, and the safety of the workers. Therefore, these ratios will allow that the

scope of these regulations to be met, while reducing the financial impact of both industry and therefore all end users that includes Schools and Government Facilities in the State of California.

Section 927. is proposed to give the SFM or code officials the authorization to inspect jobsites ensuring installers are certified or registered.

Necessity: The OSFM proposes this section so the SFM or code officials the authorizations to inspect jobsites to ensure installers are certified or registered.

Section 928. is proposed to give authorization to cite and prosecute those found out of compliance with this regulation.

Necessity: The OSFM proposes this section to aid in enforcement and accountability of those not complying with this regulation.

Section 929. is proposed to give the SFM or code officials the authorizations to stop work being performed in violation of this Chapter.

Necessity: The OSFM proposes this section to aid in enforcement and accountability of those not complying with this regulation. This authority is granted in the California Building Codes and referenced herein to reinforce the application of this authority to these regulations.

Section 930. is proposed to give reporting criteria to local entities taking action against a registered Trainee, Apprentice, or Certified Fire Sprinkler Fitter.

Necessity: The OSFM proposes this section to provide a mechanism for local authorities to notify the OSFM of enforcement actions taken.

Section 931. is proposed to list penalties for failure to comply with this regulation.

Necessity: The OSFM proposes this section to set forth potential consequences and penalties for violations of these regulations as set forth in Health & Safety Code Sections 13112 and 13197.6.

Section 932. is proposed to list consequences for failure to comply with this regulation.

Necessity: The OSFM proposes this section set forth potential consequences and penalties for violations of these regulations as set forth in Health & Safety Code 13197.6.

Section 933. is proposed to provide a meaning of what deceptive practices are.

Necessity: The OSFM proposes this section to stay consistent with enforcement language of all other programs within the OSFM and duplicates language that already exists.

Section 934. is proposed to list employer responsibilities.

Necessity: The OSFM proposes this to ensure employers are aware of their responsibilities to utilize only certified or registered fire sprinkler fitters.

Section 935. is proposed to provide notice to holders of certifications and registrations that should their credentials lapse without being renewed at the appropriate renewal period, upon the attempt to renew after lapse, that application will be treated as and considered an original application.

Necessity: The OSFM proposes this to provide an administrative process and to provide notice to the holder of the credential of the consequences of not properly renewing their registration or certification. It is necessary to inform the holder of credentials of the administrative process for handling an attempted renewal after lapse. It is necessary to describe the administrative process of processing an expired credential and the manner in which the SFM will administratively process a lapsed renewal. It is necessary to inform the holder of the lapsed credential that the application for renewal would be treated as an original application and that the applicant would be required to prove qualification and take a written examination. It is necessary to place the responsibility on those who hold the credentials, otherwise without harsh consequences; the SFM would be unnecessarily burdened having to track down those who have not renewed.

Section 936. is proposed to establish the minimum age requirement to be issued a registration of certification.

Necessity: The OSFM proposes this to provide a minimum age for participation and notice of the minimum age required to possess a registration and certification.

Section 937. is proposed to authorize the SFM to issue a duplicate registration or certification and the process for which the holder must take to be issued a duplicate credential.

Necessity: The OSFM proposes to inform the holder of the registration or certification the process in which the State Marshal may issue a duplicate registration or certification. It is also necessary to provide such an administrative process in regulation so that the SFM may administratively address issuing duplicate credentials.

Section 938. is proposed to permit persons not qualified or eligible to register as an apprentice or certify as a sprinkler fitter to work under very specific circumstances and by very specific terms and conditions.

Necessity: The OSFM proposes to establish the classification Fire Sprinkler Trainee and to permit the fire protection contractor to employ a person without any fire sprinkler fitter training education or experience while they await entry into an approved apprenticeship program, which is the reason for the one year time frame. It is necessary to describe the terms and conditions of that employment.

Section 939. is proposed to establish the terms and conditions of holding an Apprentice Registration from the SFM's Office and to describe the conditions for renewal, work supervision and the limitations of this registration.

Necessity: This proposed section is necessary to inform the holder of an Apprentice Registration of the terms and conditions of holding a registration and its limitations. It is also necessary to provide that apprentices work under direct supervision to ensure quality work, and provide a valid date of registration and annual renewal to ensure registrations are current.

Section 940. is proposed to establish the terms and conditions of holding a Sprinkler Fitter Certificate from the SFM's Office and to describe the conditions for renewal and the limitations of this certificate.

Necessity: The OSFM proposes to inform the holder of a Sprinkler Fitter Certificate of the terms and conditions of holding a certificate and its limitations. It is also necessary to provide the dates of validity of the certificate and term for renewal.

Section 941. is proposed to provide notice to every person prior to performing any task within the scope of a certified sprinkler fitter that they must first pass a written examination. This provides the applicant who fails to pass the written examination an administrative process and notice thereof on the manner in which to proceed in order to re-examine, and provides the process for those who fail to take the written examination after making application; provides the ability for the applicant to challenge any question on the written examination. It provides the ability for the SFM to determine the validity of the challenged question and to make the final determination. In addition, this stipulates the holder of a certificate notice that every three (3) years the SFM will review the holder's compliance with the continuing education requirements. It will specify to the holders of certifications, that should their credentials lapse without being renewed at the appropriate renewal period, an application will be treated as and considered an original application. Finally, it will require the SFM track all Trainee and Apprentice Registration holders and Sprinkler Fitter Certificate holders on a web-accessible database.

Necessity: The OSFM proposes to notice to every person prior to performing any task within the scope of a certified sprinkler fitter that they must first pass a written examination; and describes the process the applicant must take to re-examine if they should fail the examination. To provide a process and the holder of a certificate with notice that every three (3) years the SFM will review the holder's compliance with the continuing education requirements of this Chapter and the of managing those who fail to take the written examination after making application. This will also allow the applicant the ability to challenge any question on the written examination and to establish the process in which to do that, in addition to the SFM to determine the validity of the challenged question and to make the final determination. This will also provide a process for and notice to holders of certifications that should their credentials lapse without being renewed at the appropriate renewal period, that upon the attempt to

renew after lapse, their application will be treated as and considered an original application. This will also permit the SFM the authority to track all Registration holders and Sprinkler Fitter Certificate holders on a web-accessible database.

Section 942. is proposed to provide a requirement that the registered Fire Sprinkler Trainee carry their respective proof of registration upon their person when working within the scope of this Chapter.

Necessity: The OSFM proposes so that state or local fire officials may determine at the project site the holder's eligibility and if they are working within the scope of this Chapter.

Section 943. is proposed to provide a requirement that the registered Apprentice carry their respective proof of registration upon their person when working within the scope of this Chapter.

Necessity: The OSFM proposes so that state or local fire officials may determine at the project site the holder's eligibility and if they are working within the scope of this Chapter.

Section 944. is proposed to provide a requirement that the certified Sprinkler Fitter carry their respective proof of certification upon their person when working within the scope of this Chapter.

Necessity: The OSFM proposes so that state or local fire officials may determine on the project site the holder's eligibility and if they are working within the scope of this Chapter.

Section 945. is proposed to provide provisions for annual renewal of certification and registration as well as expired certification and registration.

Necessity: The OSFM proposes to ensure fitters remain current in their profession and meet the intent of these regulations. Renewal of a registration that has expired is required to ensure all standards are met. Annual renewal includes verification of continuing education every third year.

Section 946. is proposed to specify the minimum qualifications required to apply for certification and the type of documentation required be submitted in conjunction with the certification application.

Necessity: The OFSM has developed this certification process to increase the quality of water-based fire protection systems installation. Requiring training through State or Federally approved programs increases the possibility of successful certification and quality installations. The requirement to submit proof of such training is necessary for verification, quality assurance, and specifies minimum qualifications for commercial and multi-family certifications.

Section 947. is proposed to specify the minimum experience to apply for certification and the type of documentation required be submitted in conjunction with the certification application for those not in an apprenticeship program.

Necessity: The OFSM has developed this experience to increase the quality of water-based fire protection systems installation. This augments those who are not in a state or federally approved program and still increases the possibility of successful certification and quality installations.

Section 947.1. is proposed to specify the minimum qualifications subjects and hours to apply for Commercial certification and the type of documentation required be submitted in conjunction with the certification application for those not in an apprenticeship program.

Necessity: The OFSM has developed this minimum number of subjects and hours will increase the quality of water-based fire protection systems installation. This can supplement those who are not in a state or federally approved program and still increases the possibility of successful certification and quality installations. The requirement to submit proof of such training is necessary for verification and quality assurance.

Section 947.2. is proposed to specify the minimum qualifications subjects and hours to apply for Multi-Family Residential certification and the type of documentation required be submitted in conjunction with the certification application for those not in an apprenticeship program.

Necessity: The OFSM has developed this minimum number of subjects and hours to increase the quality of water-based fire protection systems installation based on the apprenticeship standards of California. This can supplement those who are not in a state or federally approved program and still increases the possibility of successful certification and quality installations. The requirement to submit proof of such training is necessary for verification and quality assurance.

Section 948. is being proposed to specify the minimum continuing education requirements that all certified fire sprinkler fitters must obtain in order to maintain a valid Certificate of Registration within in the minimum required period.

Necessity: The OSFM recognizes installation codes, requirements, and technical advances within the fire protection industry change at various frequencies. This has an impact on the proper installation of water-based fire protection systems, therefore the OFSM has determined that 24 hours of State, approved continuing education units within a three (3) year period is an adequate amount of time and hours for certified fire sprinkler fitters to receive instruction on new and/or existing codes.

Section 948.1. is being proposed to specify the requirements for registration of continuing education courses, which all certified fire sprinkler fitters must meet in order to obtain a valid Certificate of Registration within in the minimum required period.

Necessity: The OSFM recommends identifying the requirements for those who wish to perform this training for those individuals who need the training to maintain certification. It has also been determined that the frequency for this approved continuing education units within a three (3) year period is an adequate amount of time and hours for certified fire sprinkler fitters to receive instruction on new and/or existing codes and therefore needs to be renewed upon the completion of those three (3) years.

Section 949. is being proposed to establish minimum qualifications in which an applicant can verify, through proper documentation, he or she meets the minimum qualifications of the certification program.

Necessity: The OSFM recognizes that there will be applicants who have verifiable work experience that meets or exceeds the scope of these regulations. This requirement will establish a minimum standard for all applicants to insure quality fire protection system installations.

Section 949. (a)(1) is proposed to recognize current professionals and does not require them to test if they meet requirements that indicate they have the knowledge and experience consistent with the intent of these regulations.

Necessity: The OSFM proposes to test current professionals with adequate knowledge and experience is an unnecessary burden on the individual and industry; eliminating testing of these persons will also assist in the implementation of these regulations without disruption to the industry.

Section 949. (a)(2) is proposed to establish the minimum requirements that must be met to in order to be certified without testing.

Necessity: The OSFM proposes to provide provisions that identify the necessary education and experience for individuals installing fire protection systems on or before the effective date of these regulations are necessary to ensure these individuals are qualified without the need to test.

Section 949. (a)(3) is being proposed to establish a grace period for implementation of this program.

Necessity: The OSFM proposes to provide this certification and registration program as a new requirement for persons involved with the installation of water-based fire protection systems (sprinkler, standpipe, fire pumps, et all). There will need to be a period for the individuals who are currently performing these tasks to be notified and allowed to apply for their proper certification or registrations. This period also allows the SFM's office time to process the initial group of applications that will be submitted. With this being a new regulation and there will be an unknown number of individuals who will be applying for certification and registration, it is unknown the time allowances required to accommodate the application and processing of certifications and registrations by the SFM's Office. The grace period is added as a method to allow for program implementation as allowed in other fitter certification programs and so as not to interfere with current work or create a shortfall of qualified labor.

Section 949. (a)(4) is being proposed to delay the requirement for enrollment in an apprenticeship program.

Necessity: The OSFM proposes to provide a number of individuals who are currently performing these tasks who will not meet the work history requirements of this chapter and who are not currently enrolled in an apprenticeship program. The worker must apply and meet certain requirements to be accepted in the state or federally recognized programs that will be acceptable under this chapter. This provision is recognizing the process and time required to be placed in an apprentice program. The intent of allowing this grace period is to prevent the immediate lack of available registered apprentices and creating an immediate work force reduction and so as not to interfere with current work or create a shortfall of qualified labor.

Section 949. (a)(5) is being proposed to end the grace period for implementation of this program.

Necessity: The OSFM proposes to provide this certification and registration program. This is to end the grace period, which was added to allow for program implementation as allowed in other fitter certification programs and so as not to interfere with current work or create a shortfall of qualified labor, and all requirements are met.

Section 949. (b) is being proposed to end the historical recognition and grace period for implementation of this program.

Necessity: The OSFM proposes the regulation section pertaining to the implementation of the historical recognition and implementation period will not be to have effect after a specific date, unless further action is taken to extend the law.

Section 950. is being proposed to be adopted to designate the forms to be used for the program.

Necessity: The OFSM has developed these forms to keep them uniform throughout the state. They are to reflect and clarify the format the current forms are to be used in accordance with the fee schedule in section 925.1.