

## **FINAL STATEMENT OF REASONS**

### **UPDATE OF INITIAL STATEMENT OF REASONS**

The Office of the State Fire Marshal (SFM) has considered all relevant matters presented to it; has Amended the Initial Statement of Reasons which includes additional necessity statements, made modifications to the regulatory text, the documents incorporated by reference and a document relied upon, has made notice to the public for a second (2<sup>nd</sup>) 15-Day public comment period and recommends approval of the proposed regulatory action.

In order to finalize our submittal to the Office of Administrative Law, the Office of the State Fire Marshal is requesting to incorporate by reference all the prior rulemaking file which was withdrawn on November 17, 2016, Reference number 2016-1006-04S.

Pursuant to Health and Safety Code Section 13110, with reference to 13110 Health and Safety Code, the State Fire Marshal shall adopt regulations and standards deemed necessary to ensure fire safety in all types of occupancies in California. Regulations shall include those related to construction, modification, installation, testing, inspection, labeling, listing, certification, registration, licensing, reporting, operation, and maintenance. In response, the SFM has proposed regulations for automatic fire extinguishing systems certification in CCR, Title 19, Division 1, Chapter 5.5. developing a certification and registration program and establishing a minimum statewide training standard for those who install or work on life safety fire suppression systems in California.

### **PUBLIC COMMENT PERIODS**

The original text of proposed regulations was made available to the public for 45 days from February 12, 2016, through March 28, 2016. A public hearing was conducted on April 7, 2016. Modifications were made to the text of proposed regulations and made available for public comment for 15 days from July 27, 2016 to August 11, 2016. As a result of the public comments received and further SFM review, additional minor and non-substantial modifications were made to the text of regulations and Forms AES 1005, AES 1005A and AES 1007, including deletion of previous Forms AES 1008 and AES1009; and those modifications were made available for public comment for a second (2<sup>nd</sup>) 15 days from December 21, 2016 to January 5, 2017. There were no further comment periods.

## **SUMMARY OF PROPOSED MODIFICATIONS**

### **MODIFIED REGULATORY TEXT AS A RESULT OF PUBLIC COMMENTS RECEIVED DURING THE 2<sup>nd</sup> 15 DAY COMMENT PERIOD:**

The SFM received public comments from 33 individuals as a result of the 2<sup>nd</sup> 15-Day modified text of regulations made available to the public for comment from December

21, 2016 to January 05, 2017. As a result of the public comments received and further SFM review, the following non-substantial edits to the text for clarity and consistency were made as follows:

§925(a) was amended to change “as described” to “as defined” to better clarify the section as the reference is to a definition not a description.

§938(a)(3) was amended to add “or federally” after State of California as it was erroneously omitted from the text changes made prior to the 2<sup>nd</sup> 15-day comment period. This keeps the language consistent with sections 937(d)(2) and 939(a)(3)(A) which uses this language.

§938(e) was amended to add “apprenticeship program” after “additional,” and remove “as approved by the California Apprenticeship Council” after occupation at the end of the sentence. These amendments are made because federal apprenticeship programs are not under the oversight of the California Apprenticeship Council and description clarifies the type of standard needed.

§944(a) and §944(b) was amended to un-capitalize “N” in the word “Notice” as they were capitalized in error. §944(b) also amended “and” after application to “with” for clarify so funds will be included when an application is submitted.

§946.1(c) moved acronym “(ANSI)/” after Institute in front of IACET to be consistent with reference in first sentence of §946.

§947(3)(d) and §947(3)(e) was amended to add “th” after 18 and before month, for grammatical correctness and clarity as it refers to the “18<sup>th</sup>” month.

No additional changes to the proposed regulatory text were necessary.

#### **MODIFIED DOCUMENTS INCORPORATED BY REFERENCE FOR THE 2<sup>ND</sup> 15-DAY COMMENT PERIOD:**

Form AES-1007 was updated to change §948.1 to §946.1 to reflect the renumbering of the referenced section.

Form AES-1008 was removed and is no longer applicable as the section on the form pertaining to the Job Related Training and Experience Review (JRTER) program has been removed from these proposed regulations.

Form AES-1009 was removed and is no longer applicable as the section on the form pertaining to the JRTER program has been removed from these proposed regulations. No additional changes to the documents incorporated by reference were necessary.

#### **MODIFIED DOCUMENTS RELIED UPON FOR THE SECOND (2<sup>ND</sup>) 15-DAY COMMENT PERIOD:**

AES Fire Sprinkle Fitter Certification Profile Flow Chart was updated to reflect the removal of the JRTER program. No additional changes to the documents relied upon were necessary.

All the above changes in the Summary of Proposed Modifications are nonsubstantial modifications or editorial corrections which add clarity or consistency to their respective sections and keep with the intent of the proposed sections.

### **INCORPORATION BY REFERENCE DOCUMENTS - FORMS**

The proposed regulations incorporate by reference the following administrative forms consisting of the following documents: AES 1005, AES 1005A, AES 1006, and AES 1007 dated December 4, 2015. Any forms or standards incorporated by reference in this action are formal publications reasonably available from a commonly known source, were available from the Office of the State Fire Marshal (OSFM) at any time during the rulemaking action and were also available on the OSFM website or from the OSFM at any time during the rulemaking action. Neither the forms nor standards incorporated by reference in this action will be printed in the California Code of Regulations because to do so would be cumbersome, unduly expensive, and otherwise impractical.

### **SMALL BUSINESS EFFECTS**

The State Fire Marshal has determined that the proposed regulations have no substantial effect to small business. The State Fire Marshal has not identified any alternatives that would lessen any adverse impact on small business and still allow the State Fire Marshal to effectively enforce the regulations. No commenter proposed an alternative to lessen any adverse economic impact on small business.

### **CONSIDERATION OF ALTERNATIVES**

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

### **ALTERNATIVES TO THE REGULATION**

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

1. Require use of specific methods, approaches and format for assessing economic impact. This alternative was rejected because some agencies already have methods, approaches and information that yield valid results. To require them to adopt new methods and approaches for this one subset of regulations would not be cost-effective. The proposed regulation, which is not a major regulation, had an economic impact assessment prepared in accordance with Government Code 11346.3(b).

2. Require to revert back to the originally proposed text of regulations. This alternative was rejected because changes to the original text were made with consideration from the comments received from industry leaders after the 45 and 15-day comment periods.
3. Require a certification program based upon a minimum of two-years of experience in the field and a State administered certification exam. This alternative was rejected because it does not meet the industry standards through the Division of Apprenticeship Standards (DAS). The Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup's (consisting of all facets of the industry), determined the proposed 5-year apprenticeship program and hours of experience should be the minimum requirements to be consistent with what industry standards require allowing time to achieve 7,000 hours in 5 years. These hours are also consistent with Federal and other State agency programs for sprinkler fitters.
4. Require that, instead of a JRTER, have a training program offered through the Junior College system throughout the State that would be two-years in length and be without limitations as to pay scales and supervision ratios. This alternative was rejected because the JRTER is designed for the purpose of certifying work experience and training hours previously completed for an individual performing the installation of fire suppression systems and, therefore, cannot be replaced by a training program that is not comparable. These proposed regulations recognize four state-wide apprenticeship programs by which an individual may obtain training. The OSFM has no control over development and approval of apprenticeship programs; however the OSFM has included the JRTER as an option which does not address pay scales. The proposed regulations are based on the Automatic Extinguishing Systems Advisory Committee recommendations to include a supervision ratio.
5. Require a certification program that tests for competency of individuals without requiring an apprenticeship program. This alternative was rejected because it does not meet the industry standards. Simply testing for competency without requiring that individuals possess the minimum experience and training to install automatic extinguishing systems will not ensure quality installations. The Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup's (consisting of all facets of the industry), determined that the requirement of minimum training, experience, and knowledge is necessary to ensure sprinkler fitters are installing automatic extinguishing systems correctly.

6. Require to allow for training and development through the participation in other specialized training programs offered by NFPA, National Institute for Certification of Engineering Technologies (NICET) or other accredited programs. This alternative was rejected because the AES workgroup deemed that the NICET did not cover the areas for installation, only design and maintenance. Other specialized training programs offered by NFPA or other accredited institutions may be used for CEUs but, in lieu of state or federally approved apprenticeship programs, would not be adequate in providing the amount of training, experience, and work hours compared to an apprenticeship program.
7. Require using nationally recognized testing organizations such as National Institute for Certification of Engineering Technologies (NICET) to evaluate for competency. This alternative was rejected because as part of the proposed regulations the OSFM is already looking into contracting a 3-rd party vendor to develop and administer the examinations to evaluate for competency.
8. Require that two half-day seminars, run by the OSFM, be given each year (one every 6-months) to keep fitters up-to-date with current industry codes, trends, and materials. This alternative was rejected because NFPA, NFSA and other organizations already provide updates and more frequently offered training for the industry. The requirement of a certified fire sprinkler fitter to complete three units of OSFM approved continuing education is to keep in line with ever-changing National Standards and state building codes. This will ensure all fire sprinkler fitters are keeping up-to-date with industry codes, trends, and materials.
9. Require that fitters be registered instead of licensed or certified. This alternative was rejected because these regulations were created to ensure those individuals who install, alter, or repair water-based fire protection systems possess the knowledge, training, and experience to do so. A registration program does not accomplish this goal as a registration program will not certify that these individuals possess the qualifications necessary to adequately install, alter, or repair water-based fire protection systems.

### **ALTERNATIVES DETERMINATION**

The State Fire Marshal 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 State Fire Marshal would be more effective in carrying out the purpose for which the action is proposed nor would they be as effective. They also would not be less burdensome to affected private persons or businesses than the proposed action, nor would they be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provisions of the law.

**LOCAL MANDATE DETERMINATION**

The proposed regulation does not impose any mandate on local agencies or school districts.

**COORDINATION WITH FEDERAL LAW**

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

**SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE  
2<sup>nd</sup> 15-DAY NOTICE OF MODIFICATIONS PERIOD FROM DECEMBER 21, 2016  
THROUGH JANUARY 5, 2017****1. Mr. Randy D. Roxson, Sprinkler Fitters Association of California (SFAC).**

**COMMENT #1:** Commented that the SFAC commends Interim State Fire Marshal Michael Richwine for his efforts in redrafting a more viable and sensible certification program.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal accepts and appreciates the comment.

**COMMENT #1a:** Commented that the SFAC agrees with the State Fire Marshal that over 50% of all the C-16 contractors throughout the state, both union and non-union, are already in compliance, making the impact of this proposed rulemaking minimal.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal accepts and appreciates the comment.

**COMMENT #1b:** Commented that the SFAC believes the proposed rulemaking is all inclusive and makes training and education available to all via approved and monitored Division of Apprenticeship Standards apprenticeship programs and Department of Labor approved programs.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal accepts and appreciates the comment.

**COMMENT #1c:** Commented that the SFAC commends Interim State Fire Marshal Michael Richwine for removing the proposed Job Related Training & Experience Review Program.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal accepts and appreciates the comment.

**COMMENT #1d: Section 923, Exception (2).** Commented that SFAC is disappointed that the underground water supply lines were not included in the scope and encourages the State Fire Marshal to continue to study this issue.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. However, to limit underground work in the scope of these regulations to C-16 contractors only, would be inconsistent and in conflict with other state regulations that allow other types of licensed contractors to do underground sprinkler work. Furthermore, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

## **2. Mr. Todd Stephens, The Brown Company.**

**COMMENT #2:** Commented that they would like clarification on the role of Manufacturer's Representatives in the new certification program. Can manufacturer's representatives repair or replace their equipment?

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal appreciates the comment. However, it is not the intent of these regulations to require fire pump manufactures representatives, or specialty contractors that only install items such as water storage tanks, tank heaters, engineered and pre-engineered to be certified now. It is not within the scope of this regulatory action but is scheduled to be addressed in the future.

**COMMENT #2a:** Asked if manufacturer's representatives are exempt while making repairs/installations or is a C-16 required to be present?

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal appreciates the comment. However, it is not the intent of these regulations to require fire pump manufactures representatives, or specialty contractors that repair and install items such as water storage tanks, tank heaters, engineered and pre-engineered to be certified now. It is not within the scope of this regulatory action but is scheduled to be addressed in the future.

**COMMENT #2b:** Asked if these regulations affect jockey pumps, fire pump controllers and drivers or only the wet side of the system?

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal appreciates the comment. However, it is not the intent of these regulations to require fire pump manufactures representatives, or specialty contractors that only install items such as water storage tanks, tank heaters, engineered and pre-engineered to be certified now. It is not within the scope of this regulatory action but is scheduled to be addressed in the future.

**COMMENT #2c:** Commented that the regulations should be clear that manufacturer's representatives will not be subject to sanctions for providing expertise to fire sprinkler contractors. He states they would like a clarifying exemption or conditions for involvement for manufacturer's representatives.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal appreciates the comment. However, it is not the intent of these regulations to require fire pump manufactures representatives, or specialty contractors that only install items such as water storage tanks, tank heaters, engineered and pre-engineered to be certified now. It is not within the scope of this regulatory action but is scheduled to be addressed in the future.

### **3. Mr. Craig Durand, Action Fire Protection.**

**COMMENT #3:** Commented that he opposes the proposed certification program due to the additional costs that his company and numerous other open shop fire sprinkler contractors will incur.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates Mr. Durand's comment. This comment is relevant to the costs and business effects we provided in the amended ISOR. The non-union program costs \$3K a year which includes SFM's registration for 5 years. The Office of the State Fire Marshal finds that any potential cost to persons or businesses are insignificant in comparison to the benefit of a properly installed fire sprinkler system, which saves lives, prevents injury, reduces the amount of destruction to property, and preventing unnecessary displacement of people and businesses. The impact of fire is 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 throughout the United States have shown that with training and education for individuals who install fire suppression systems it will reduce the likelihood of a catastrophic fire, and will ultimately lessen the adverse impact on people and businesses.

Additionally, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed text of modifications for the 2nd 15-day comment period, documents incorporated, or documents relied upon.

### **4. Mr. Chip Lindley, Fire Sprinkler Contractor Association (FSCA)**

**COMMENT #4:** Commented that the FSCA opposes the proposed certification program.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment. This comment is relevant to the costs and business effects we provided in



the amended ISOR. The non-union program costs \$3K a year which includes SFM's registration for 5 years. The Office of the State Fire Marshal finds that any potential cost to persons or businesses are insignificant in comparison to the benefit of a properly installed fire sprinkler system, which saves lives, prevents injury, reduces the amount of destruction to property, and preventing unnecessary displacement of people and businesses. The impact of fire is 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 throughout the United States have shown that with training and education for individuals who install fire suppression systems it will reduce the likelihood of a catastrophic fire, and will ultimately lessen the adverse impact on people and businesses. Certifying fire sprinkler fitters ensures those who install these life-saving devices have the experience, knowledge, and training to properly do so.

Additionally, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed text of modifications for the 2nd 15-day comment period, documents incorporated, or documents relied upon.

**COMMENT #4a:** Commented that the FSCA feels that the costs associated with implementation would cause harm to the industry, fitters, contractors, and their customers.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment. This comment is relevant to the costs and business effects we provided in the amended ISOR. The Office of the State Fire Marshal finds that any potential cost to persons or businesses are insignificant in comparison to the benefit of a properly installed fire sprinkler system, which saves lives, prevents injury, reduces the amount of destruction to property, and preventing unnecessary displacement of people and businesses. The impact of fire is 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 throughout the United States have shown that with training and education for individuals who install fire suppression systems it will reduce the likelihood of a catastrophic fire, and will ultimately lessen the adverse impact on people and businesses.

Additionally, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed text of modifications for the 2nd 15-day comment period, documents incorporated, or documents relied upon.

**COMMENT #4b:** Commented that the FSCA has not seen widespread examples of poor workmanship in the fire sprinkler industry and that the level of workmanship has improved over the years.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment. However, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon and noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #4c:** Commented that the FSCA thinks there is a lack of infrastructure in place to administer a proposed program for almost 7,000 sprinkler fitters and the timeframes being discussed seem unrealistic.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment. The timeframes are based on the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup's advice, the OSFM deemed that these are sufficient timeframes. In accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

#### **5. Mr. Jim Shehan, Champion Fire Systems, Inc.**

**COMMENT #5: Section 933(b) and (c).** Commented it is unclear under "deceptive practices" that it states anybody doing solicitation shall have a sprinkler fitter card. Does this mean salesmen, receptionists, and anyone helping in the solicitation process must get a sprinkler fitter card?

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal appreciates the comment. Subsection (c) refers to subsection (b) above it when contacting a prospective buyer (i.e. a business owner or owner's representative), which is specific to a certification or registration holder. Therefore, when a company has an individual who has met the certification qualifications with the OSFM and has other employees helping through other means of correspondence, those other employees should follow the same identifying actions listed in subsection(b).

**COMMENT #5a:** Asked if the intent is to make every fire sprinkler company that is not union make all their employees an apprentice even if they have been fitting fire sprinklers longer than most of the union company employees?

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. Employees who meet the certification qualifications may be certified during the implementation period without going through an apprenticeship program.

Furthermore, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #5b: Section 947.** Commented that the JRTER program should be put back in?

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, the JRTER program was removed because the Office believed that individuals would be better served if their training and experience was evaluated and verified by their employers during the implementation period, not the OFSM. Employees who meet the certification qualifications may be certified during the implementation period without going through an apprenticeship program. The removal of the JRTER program will also ensure consistency in training of all pipefitters.

**COMMENT #5c:** Commented that the fees will not cover the costs of the program?

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The Office has completed a fiscal analysis to determine all costs related to running this program. This analysis has been posted along with the other documents required by the APA during the public comment period. That analysis shows that the \$150 certification/registration fee is adequate, now, to cover the costs.

## 6. Mr. Jeff Bridges, JB Fire Protection Inc.

**COMMENT #6:** Commented that they object to the rulemaking process because the amended ISOR refers to “after public comment and consultation...” as rationale for changes and this suggests the OSFM continued to accept comments after the close of the comment period.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal (OSFM) understands the comment. However, the language “...*after public comment and consultation...*” was about comments received within the comment period timelines and to consultations made with program staff, the department and the Office of Administrative Law (OAL). The “public” comment period is closed but the rulemaking file is not closed until the agency submits for final review to OAL, however, during that process may still re-open to make amendments, corrections or deletions and re-close the file again.

**COMMENT #6a: Section 923, Exception (2).** Commented that they object to the removal of underground piping in the scope.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. However, to limit underground work in the scope of these regulations to C-16

contractors only, would be inconsistent and in conflict with other state regulations that allow other types of licensed contractors to do underground sprinkler work. Furthermore, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #6b: Section 947.** Commented that the JRTER program should be restored because the Department of Industrial Relations (DIR) lacks a residential PWR for sprinkler fitters which will necessitate paying the residential fitter apprentice a commercial fitter wage.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment; however, apprenticeship wages are not within the scope of these regulations. In accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #6c: Form 399.** Commented that the form 399 estimates do not demonstrate the necessity of the regulations.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment; however, the purpose of Form 399 is not to demonstrate necessity for the proposed regulations, only the economic impact. In accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #6d: Section 923, Exception (1).** Commented that the justification used for the proposed regulations in Commercial and Multi-family residential also applies to one and two-family residences yet one and two-family residences are excluded from the proposed regulations.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment; however, there are several exceptions in law allowing a home owner to build their residence and install a fire suppression system. Requiring certification for installers of one and two-family dwellings under the exception would make a certification program unattainable at this time.

**COMMENT #6e:** Commented that there is a lack of evidence to support the regulations, specifically, that inadequately trained or supervised fitters is not listed as a prevalent cause of poor performance of sprinklers, per NFPA studies.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. However, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period. Furthermore, this comment was already responded to in the 45-day and 1st 15-day comment periods.

**COMMENT #6f:** Commented that the proposed regulations will saddle contractors, consumers and workers with higher costs.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment. However, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #6g:** Commented that the proposed regulations will extremely overwhelm the existing single source for merit shop contractor's apprenticeship training.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment. However, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #6h:** Commented that the proposed regulations will drive up prices for consumers and further exacerbate an existing problem of compliance.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment. However, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #6i:** Asked for the clarification of recognition of the Federal Apprenticeship and a delay in the enactment of any fitter certification program for at least 12 months.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, the implementation timeframe is based on the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup's advice, and the OSFM deemed that this is a sufficient timeframe for implementation.

## 7. Mr. Wayne Weisz, Cen-Cal Fire Systems, Inc.,

**COMMENT #7: Section 938(a)(3).** Commented this is the only section that references a State of California approved fire sprinkler fitter apprenticeship program where as throughout the text the references are to *both* state and federally approved apprenticeship programs. The commenter believes Section 938(a)(3) should be changed to reference both state and federally approved apprenticeship programs.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal accepts the comment, after further review of Section 938(a)(3). The proposed text has been revised to: *“...State of California or federally approved....”*

## 8. Mr. Jerry Costello, Advance Fire Protection.

**COMMENT #8:** Commented it is critical to the operation of a sprinkler system that the installer is knowledgeable and the workmanship is proper and is therefore in support of the sprinkler fitter certification program.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal accepts and appreciates Mr. Costello’s comment.

## 9. Mr. Allen Quirk, California Association of Life Safety and Fire Equipment (CAL SAFE).

**COMMENT #9: Section 924.1(d).** Commented that in the definition of “Correction Order” is broad and undefined. CAL SAFE recommends the definition: “Identifying what is wrong” should be revised to require the issuer specifically identify the violation that has occurred and to which the correction order is to apply. Otherwise, contractors will be subject to corrections orders that are vague, unclear, and unenforceable.

**RESPONSE:** CAL FIRE - Office of the State Fire Marshal understands the comment. However, the Office used nationally recognized documents to develop this definition and there is no need for further clarification.

**COMMENT #9a: Section 928(b).** Commented that the term “of issuance” should be further clarified. What date is this referring to? The date the violation is written? The date delivered to the certification holder? The date it is delivered to the contractor?

**RESPONSE:** CAL FIRE – Office of the State Fire Marshal understands the comment. However, similar to any other citation issued, Notice of Violations or Correction Orders will be issued on site. Therefore, further clarification is not needed.

**COMMENT #9b: Section 933.** Commented entire section should be deleted from the proposed regulations. They believe this Section permits enforcement by civil or criminal

lawsuits brought against C-16 contractors by consumers and other businesses, including unions and this was never authorized by the enacting statute.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment. However, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #9c: Section 934.** Commented the 72-hour timeframe is unreasonable and imposes unrealistic burdens on both employers and the OSFM. CAL SAFE believes the OSFM should follow the 20-day reporting requirement by the EDD.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal rejects the comment concerning the 72-hour notification. It was previously addressed in the original 45-day comment period, which stated, *"in order to maintain consistency with all other licensing and certification programs it has been determined that this timeframe has been tried and tested and found to work effectively."* Additionally, based on the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup's advice, the OSFM deemed that 72 hours is enough time to inform the Office.

**COMMENT #9d: Section 937(a).** Commented that the "1 year from their date of hire" timeframe for trainees to work within the scope of these regulations will cause a shortage of workers. They recommend the language: "...one (1) year from their date of hire, transfer, promotion or one year from the date these regulations become effective, whichever is later."

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, when referring to the trainee's date of hire, it is implied that the date of hire is the date the trainee began work within the scope of these regulations and has 1 year from the date of hire to enroll in an approved apprenticeship program. Additionally, based on the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup's advice, the OSFM deemed 1 year is enough time.

**COMMENT #9e: Section 938(a)(3).** Commented section does not state that a "federally" approved fire sprinkler fitter apprenticeship program is acceptable. This conflicts with other sections of the proposed regulations. CAL SAFE recommends the language be changed to: "Provide proof of acceptance into a State of California **or** **federally** approved fire sprinkler fitter apprenticeship program."

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal accepts the comment, after further review of Section 938(a)(3). The proposed text has been revised to: *"...State of California or federally approved..."*

**COMMENT #9f: Section 939.** Commented CAL SAFE opposes the certification mandate to C-16 contractors with active licenses. CAL SAFE believes there should not be certification or registration exam requirements with a \$150 fee beyond the verification by the OSFM of a C-16 license that is active and in good standing. CAL SAFE believes C-16 licensees are already legally licensed by the CSLB to do the job.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. However, these regulations are for certifying individuals in the work consisting of installation, alteration or repair of all water-based fire protection systems. The California Contractor's State Licensing Board licenses companies to perform installation, alteration or repair of all water-based fire protection systems. Therefore, if an individual C-16 license holder is personally performing the work of installation, alteration or repair of water-based fire protection systems he or she must be certified. The only way to be SFM certified is to meet the requirements of these regulations.

**COMMENT #9g: Section 945(d)(1).** Commented contractors will not be able to comply with this section as there is no state for federally approved fire sprinkler apprenticeship program for Multi-Family Residential Fire Sprinkler Systems.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, those who have completed 3500 hours currently in a state or federally approved apprenticeship program may apply for certification for multi-family residential certification.

**COMMENT #9h: Section 945(c) and (d)(2).** Commented that in the OSFM has exceeded their authority by inserting in the section the term “under penalty of perjury” and must be deleted. Only the Legislature can establish a new crime. CAL SAFE suggests an alternative might be to require the employer to submit the experience on company letterhead and permit the OSFM to refer a contractor, the OSFM believes willfully and intentionally misstated experience and hours, to the CSLB for appropriate discipline.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, the OSFM is not establishing a new crime but using current law that was already in the State of California which attests that the person providing the statement is true and correct.

**COMMENT #9i: Section 947. Job Related Training and Experience Review.**

Commented CAL SAFE disagrees with the deletion of Section 947 – JRTER and the rationale provided for the deletion. The JRTER was one alternate pathway for current or future workers employed by C-16 contractors to become certified without going through an apprenticeship program and many in the workgroup understood that there would be an alternative to the apprenticeship/journeyman process.



**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, the JRTER program was removed due to the fact the Office felt that individuals would be better served if their training and experience was evaluated and verified by their employers during the implementation period, not the OFSM. Furthermore, requiring entry into a state or federally approved apprenticeship program allows for consistency in training among all pipefitters.

**COMMENT #9j: Section 947.** Commented that they are concerned that the proposed regulations were marketed to industry as a “certification process for sprinkler fitters” but now equals a mandated apprenticeship program that seeks to layer new public works apprenticeship requirements on private works of C-16 contractors.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment. However, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #9k: Section 947.** Commented the removal of the JRTER regulations will not allow for an alternative means to use one’s training and experience to qualify as a Commercial Fire Sprinkler Fitter until they have completed an apprentice program, resulting in no new qualified Commercial Fire Sprinkler Fitters Certified from the current C-16 contractor’s work force for at least 5 years. This will create a shortage of installers that will result in the disruption of installations, alterations and repairs which will impact public safety. Those employees currently working but have not gained the experience necessary to qualify for a Commercial Fire Sprinkler Fitter Certification will need to start over by enrolling in a 7,000-hour apprenticeship program.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, employees who meet the certification qualifications as an apprentice or currently licensed C-16 may be SFM certified during the implementation period without going through an apprenticeship program by registering with the SFM within 1 year from their date of hire. This allows the ability for currently skilled workers to continue installations, alterations and repairs without disruption. Additionally, those individuals who do not qualify for SFM certification during the implementation period can be evaluated by any of the California apprenticeship programs which may determine completion time for their program to be less than 5 years.

**COMMENT #9l: Section 947.** Commented the revised section does not provide for an individual who qualifies as a Multi-Family Residential Journeyman Fire Sprinkler Fitter during the Implementation Period to ever upgrade or progress to a Commercial Fire Sprinkler Fitter Certification. CAL SAFE believes the regulations should include the

means to apply their 3500 hours of verified work experience towards upgrading to the Commercial Fire Sprinkler Fitter Certification.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The regulations state that anybody who meets the commercial qualifications can apply to be a commercial certified sprinkler fitter at any time. Additionally, those individuals who do not qualify for certification during the implementation period can be evaluated by any of the California apprenticeship programs which may determine completion time for their program.

**COMMENT #9m: Section 947.** Commented section fails to indicate if a journeyman Multi-Family Residential Fire Sprinkler Fitter can ever work on a Commercial system. This should be clarified.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, the definitions clarify the scope and state as follows:

1. Commercial Certification is: ***“A certification allowing individuals to perform the installation of water-based fire protection systems in “any” occupancy.”***
2. A Multi-Family Residential Certification is: ***“A certification allowing individuals to perform the installation of water-based fire protection systems in multi-family residential structures only and who has met the requirements in Section 945.”***

Therefore, a journeyman Multi-Family Residential Fire Sprinkler Fitter who has met the requirements in 945(d), (i.e. 3500 hours and 2 years of experience), but does not qualify for Commercial certification during the implementation period can be evaluated by any of the California apprenticeship programs which may determine completion time for their program. The regulations do not prohibit an individual who is certified for multi-family residential from utilizing that experience and obtaining certification for commercial systems. Certified commercial fitters can work on residential as it states in the definition of “Commercial Certification” that individuals can perform installation of water-based fire protection systems in “any” occupancy.

**COMMENT #9n: Section 947.** Commented the deletion of JRTER, the implementation period needs to be significantly extended to avoid a bottleneck in the number of skilled workers on the effective date of this regulation.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The original implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff without the JRTER in the proposed language. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and accepted by the State Fire Marshal.

**COMMENT #9o: Section 947 (c) and (e).** Commented that they propose a 60-month (5-year) implementation period.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and accepted by the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

**10. Mr. Corey Riley, Pacific Advocacy Group on behalf of the Greater Bay Area Chapter of the American Fire Sprinkler Association (GBA AFSA-CA)**

**COMMENT #10: Section 923, Exception (2).** Commented they object to the removal of underground work and fire suppression water storage tanks and associated systems.

**RESPONSE:** To limit underground work in the scope of these regulations to C-16 contractors only would be inconsistent and in conflict with other state regulations that allow other types of licensed contractors to do underground sprinkler work.

Furthermore, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #10a: Section 934.** Commented that notifying the OSFM within 72 hours from date of hire is an unreasonable timeframe and imposes unrealistic burdens on both employers and OSFM. They suggest one week as a more reasonable time.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. However, based on the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup’s advice, the OSFM deemed that 72 hours is enough time. Furthermore, in accordance with Government Code Section 11346.9(a)(3), the comment was not specifically directed at the proposed text of modifications in the 2<sup>nd</sup> 15-day comment period, documents incorporated, or documents relied upon.

**COMMENT #10b: Section 937(a).** Commented that in regards to, that the “1 year from their date of hire” timeframe for trainees to work within the scope of these regulations will cause a shortage of workers. They recommend the language: “...one (1) year from their date of hire **“or one year from the date these regulations become effective, whichever is later.”**”

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, when referring to the trainee’s date of hire, it is implied that the date of hire is the date the trainee began work within the scope of these regulations. Additionally, based on the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup’s advice, the OSFM deemed that 1 year is sufficient time.

**COMMENT #10c: Section 938(a)(3).** Commented section does not state that a “federally” approved fire sprinkler fitter apprenticeship program is acceptable. This conflicts with other sections of the proposed regulations. GBA AFSA-CA recommends the language be changed to: “Provide proof of acceptance into a State of California **or federally** approved fire sprinkler fitter apprenticeship program.”

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal accepts the comment, after further review of Section 938(a)(3). The proposed text has been revised to: “...*State of California or federally approved*...”

**COMMENT #10d: Section 938(e).** Commented because apprentices in a Federally approved apprenticeship program are not subject to the supervision of California Apprenticeship Council, this language is inconsistent and should be change to “...any additional standards for this occupation as approved by the California Apprenticeship Council *provided for in the program standards*.”

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal agrees with the comment in part. The language has been changed to: “(e) A person registered as an apprentice shall perform tasks within the scope of this Chapter and meet any additional apprenticeship program standards for this occupation”.

**COMMENT #10e: Section 946.1.** Commented ANSI/IACET certification is extremely costly and this mandate will reduce the number of entities who can provide CEU. There is also no mention in Form 399 of the cost to CEU providers to obtain this certification.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, there are already numerous nationally recognized entities such as American Fire Sprinkler Association (AFSA), National Fire Sprinkler Association (NFSA), National Fire Protection Association (NFPA), etc. that can currently provide CEUs. The workgroup and committee determined the proper way to ensure fire sprinkler fitters maintain proficiency in the installation of water-based fire protection systems is to require CEUs. The ANSI standard was adopted because it provides standardization at a national level.

**COMMENT #10f: Section 946.1(c).** Commented the language should be changed to read: “All CEU’s shall be in accordance with an accredited institution. An accredited institution is a community college, junior college, university, **or State or Federally**

**approved apprenticeship program.** A technical or vocational school, or any private educational agency accredited by the American National Standards Institute (ANSI)/International Association of Continuing Education and Training (IACET) **is also an accredited institution.**

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, this definition was developed in accordance with the ANSI/IACET standard; therefore, further clarification is not needed. CEU's are generally issued by an entity who has been accredited. All State apprenticeship program are accredited through an accredited institution.

**COMMENT #10g: Section 947(a)(1).** Commented the timeframes for fitter certification are wholly inadequate and the 180 days should be changed to 18 months.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal's Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee's implementation timeframe and therefore, no changes were made in the proposed text.

**COMMENT #10h: C Section 947(b).** Commented one year should be changed to three years.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal's Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee's implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #10i: Section 947(c).** Commented the 2<sup>nd</sup> year should be changed to 4<sup>th</sup> year.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal's Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee's implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #10j: Section 947(d).** Commented that 18 months should be changed to 5<sup>th</sup> year.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #10k: Section 947(e).** Commented that 18 month should be changed to 6<sup>th</sup> year.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

#### **11. Mr. Rigoberto B. Vazquez, Advanco Fire Protection, Inc.**

**COMMENT #11: Section 923.** Commented they object to the removal of underground work and fire suppression water storage tanks and associated systems.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. However, to limit underground work in the scope of these regulations to C-16 contractors only would be inconsistent and in conflict with other state regulations. Furthermore, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #11a: Section 934.** Commented that 72 hours is an unreasonable timeframe and imposes unrealistic burdens on both employers and OSFM. They suggest a more reasonable time would be one week.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. However, based on the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup’s advice, the OSFM deemed that 72 hours is enough time to notify the Office. Furthermore, in accordance with Government Code Section 11346.9(a)(3), this comment this comment is irrelevant because it is not

specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #11b: Section 937(a).** Commented that the “1 year from their date of hire” timeframe for trainees to work within the scope of these regulations will cause a shortage of workers. They recommend the language: “...one (1) year from their date of hire **or one year from the date these regulations become effective, whichever is later.**”.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, when referring to the trainee’s date of hire, it is implied that the date of hire is the date the trainee began work within the scope of these regulations. The OSFM deemed that 1 year is enough time based on the advice of the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup.

**COMMENT #11c: Section 938(a)(3).** Commented it does not state that a “federally” approved fire sprinkler fitter apprenticeship program is acceptable. This conflicts with other sections of the proposed regulations. GBA AFSA-CA recommends the language be changed to: “Provide proof of acceptance into a State of California **or federally** approved fire sprinkler fitter apprenticeship program.”.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal accepts Mr. Vazquez’s comment, after further review of Section 938(a)(3). The proposed text has been revised to: “...*State of California or federally approved*...”

**COMMENT #11d: Section 938(e).** Commented because apprentices in a Federally approved apprenticeship program are not subject to the supervision of California Apprenticeship Council, this language is inconsistent and should be change to “...any additional standards for this occupation as approved by the California Apprenticeship Council ***provided for in the program standards.***”

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal agrees with the comment in part. The language has been changed to: “(e) A person registered as an apprentice shall perform tasks within the scope of this Chapter and meet any additional apprenticeship program standards for this occupation”.

**COMMENT #11e: Section 946.1.** Commented that ANSI/IACET certification is extremely costly and this mandate will reduce the number of entities who can provide CEU. There is also no mention in Form 399 of the cost to CEU providers to obtain this certification.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, there are already numerous nationally recognized entities such as American Fire Sprinkler Association (AFSA), National Fire Sprinkler Association

(NFSA), National Fire Protection Association (NFPA), etc. that can currently provide CEUs. The workgroup and committee determined the proper way to ensure fire sprinkler fitters maintain proficiency in the installation of water-based fire protection systems is to require CEUs. The ANSI standard was adopted because it provides standardization at a national level.

**COMMENT #11f: Section 946.1(c).** Commented the language should be changed to read: “All CEU’s shall be in accordance with an accredited institution. An accredited institution is a community college, junior college, university, **or State or Federally approved apprenticeship program.** A technical or vocational school, or any private educational agency accredited by the American National Standards Institute (ANSI)/International Association of Continuing Education and Training (IACET) **is also an accredited institution**”.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, this definition was developed in accordance with the ANSI/IACET standard; therefore, further clarification is not needed. CEU’s are generally issued by an entity who has been accredited. All State apprenticeship program are accredited through an accredited institution.

**COMMENT #11g: Section 947(a)(1).** Commented the timeframes for fitter certification are wholly inadequate and the 180 days should be changed to 18 months.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #11h: Section 947(b).** Commented one year should be changed to three years.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.



**COMMENT #11i: Section 947(c).** Commented the 2<sup>nd</sup> year should be changed to 4<sup>th</sup> year.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #11j: Section 947(d).** Commented that 18 month should be changed to 5<sup>th</sup> year.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #11k: Section 947(e).** Commented that 18 month should be changed to 6<sup>th</sup> year.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

## **12. Mr. Walt Sarratt, Golden State Fire Protection, Inc.**

**COMMENT #12: Section 947.** Commented that they oppose the removal of JRTER from the proposed regulations as it causes further unwarranted burden for non-union C-16 licensed fire sprinkler contractors

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, the JRTER program was removed due to the fact the Office felt that individuals would be better served if their training and experience was evaluated and verified by their employers during the implementation period, not the OFSM. Furthermore, by requiring entry into a state or federally approved apprenticeship

program allows for consistency in training among all pipefitters and ensures quality installation.

**COMMENT #12a:** Commented that inadequately installed, trained or supervised fitters is not, per NFPA studies, or most prevalent causes of poor performance.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment. This comment was already responded to in the 45-day and first 15-day comment periods. In accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #12b:** Commented that an extensive cost impact study needs to be completed to assess the effect on the industry, not only to assess the effects this regulation will have on cost and wages, but also to assess the effects this will have on creating a labor shortage.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment. However, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

### **13. Mr. Terry Householder, General Underground Fire Protection, Inc. (GUFP).**

**COMMENT #13: Section 923, Exception (2).** Commented they object to the removal of underground work and fire suppression water storage tanks and associated systems.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands Mr. Householder's comment. However, to limit underground work in the scope of these regulations to C-16 contractors only would be inconsistent and in conflict with other state regulations that allow other types of licensed contractors to do underground sprinkler work. Furthermore, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #13a: Section 924.5. "J" Definitions.** Commented they object to the removal of JRTER.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, the JRTER program was removed due to the fact the Office felt that individuals would be better served if their training and experience was evaluated

and verified by their employers during the implementation period, not the OSFM. Furthermore, by requiring entry into a state or federally approved apprenticeship program allows for consistency in training among all pipefitters and ensures quality installation.

**COMMENT #13b: Section 925.** Commented they strongly oppose any certification or registration of C-16 fire sprinkler fitters with the OSFM.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. However, these regulations are for “certifying individuals” in the work consisting of installation, alteration or repair of all water-based fire protection systems. The California Contractor’s State Licensing Board “licenses companies” to perform installation, alteration or repair of all water-based fire protection systems. Therefore, if an individual C-16 license holder is personally performing the work of installation, alteration or repair of water-based fire protection systems he or she must be certified. The only way to be certified is to meet the requirements of these regulations.

**COMMENT #13c: Section 926.** Commented they strongly oppose a maximum number of directly supervised employees.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal disagrees with the comment. The Division of Apprenticeship Standards (DAS), sets the apprenticeship standard through their apprenticeship agreements throughout the state. Section 926 states those that are not in such a program can only supervise three registered individuals and their trainees. By limiting the number of individuals who can be supervised at one time ensures the quality of the installation of fire protection systems and public safety throughout the State.

**COMMENT #13d: Section 934.** Commented that 72 hours is an unreasonable timeframe and imposes unrealistic burdens on both employers and OSFM. They suggest a more reasonable timeframe should be considered.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. The OSFM deemed that 72 hours is enough time to notify the Office based on the advice of the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup. Furthermore, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #13e: Section 937(a).** Commented they strongly oppose any fire sprinkler fitter trainee registration but, if they are adopted, they propose the language: “...one (1) year from their date of hire **or one year from the date these regulations become effective, whichever is later.**”.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, when referring to the trainee’s date of hire, it is implied that the date of hire is the date the trainee began work within the scope of these regulations. Additionally, based on the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup’s advice, the OSFM deemed that 1 year is enough time.

**COMMENT #13f: Section 938.** Commented they strongly oppose any fire sprinkler fitter “apprentice” registration.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment but disagrees. The fire sprinkler fitter certification was developed by the Certification Workgroup consisting of all facets of the industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was recommended and approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s proposal. Registration and certification is intended to ensure those who install water-based fire suppression systems receive the proper training, education, and experience. Mr. Householder has not provided any alternatives, suggestions, or reasons to why he opposes the fire sprinkler fitter certification under these guidelines. Additionally, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2nd 15-day comment period.

**COMMENT #13g: Section 939.** Commented they strongly oppose any fire sprinkler fitter “certification” under these guidelines.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment but disagrees. The fire sprinkler fitter certification was developed by the Certification Workgroup consisting of all facets of the industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was recommended and approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s proposal. Registration and certification is intended to ensure those who install water-based fire suppression systems receive the proper training, education, and experience. Mr. Householder has not provided any alternatives, suggestions, or reasons to why he opposes the fire sprinkler fitter certification under these guidelines. Additionally, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2nd 15-day comment period.

**COMMENT #13h: Section 940(b).** Commented no time line shall be set to enact these regulations until the OSFM has approved and adopted a written examination.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment. The Office of the State Fire Marshal disagrees with the comment. Based on the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup's (consisting of all facets of the industry) advice to the OSFM, 6 months is a enough time for the OSFM to develop and adopt a written examination.

**COMMENT #13i: Section 945.** Commented they strongly oppose the Certification and Registration Qualifications as they believe the requirements for the California State or Federally Approved Apprenticeship Programs will create a labor shortage and increased cost throughout the State. They recommend a program similar to a driver's license.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. However, employees who meet the certification qualifications may be certified during the implementation period without going through an apprenticeship program. Additionally, those individuals who do not qualify for certification during the implementation period can be evaluated by any of the California apprenticeship programs which may determine completion time for their program to be less than 5 years and, at that time, may test through an apprenticeship program.

**COMMENT #13j: Section 947.** Commented the 180-day timeframe for implementation of fitter certification is wholly inadequate.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed and recommended by the working group consisting of industry, labor, enforcing agencies, and OSFM staff and was determined to be enough time. The workgroup proposal was approved by the State Fire Marshal's Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee's implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #13k: Section 947(a)(1).** Commented the 180-day timeframe should be changed to 18 months.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed and recommended by the working group consisting of industry, labor, enforcing agencies, and OSFM staff and was determined to be enough time. The workgroup proposal was approved by the State Fire Marshal's Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the

workgroup and committee's implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #13l: Section 947(b).** Commented that one year should be changed to three years.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed and recommended by the working group consisting of industry, labor, enforcing agencies, and OSFM staff and determined to be enough time. The workgroup proposal was approved by the State Fire Marshal's Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee's implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #13m: Section 947(c).** Commented that 2<sup>nd</sup> year should be changed to 4<sup>th</sup> year.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed and recommended by the working group consisting of industry, labor, enforcing agencies, and OSFM staff and was determined to be enough time. The workgroup proposal was approved by the State Fire Marshal's Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee's implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #13n: Section 947(d).** Commented that 18 month should be changed to 5<sup>th</sup> year.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed and recommended by the working group consisting of industry, labor, enforcing agencies, and OSFM staff and was determined to be enough time. The workgroup proposal was approved by the State Fire Marshal's Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee's implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #13o: Section 947(e).** Commented that 18 month should be changed to 6<sup>th</sup> year.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed and recommended by

the working group consisting of industry, labor, enforcing agencies, and OSFM staff and was determined to be enough time. The workgroup proposal was approved by the State Fire Marshal's Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee's implementation timeframe and, therefore, no changes were made in the proposed text.

**14. Ms. Amber Barrios, American Fire Sprinkler Association Southern California Chapter (AFSA-SO CAL).**

**COMMENT #14: Section 923, Exception (2).** Commented they object to the removal of underground work and fire suppression water storage tanks and associated systems.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. However, to limit underground work in the scope of these regulations to C-16 contractors only, would be inconsistent and in conflict with other state regulations that allow other types of licensed contractors to do underground sprinkler work. Furthermore, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #14a: Section 934.** Commented that 72 hours is an unreasonable timeframe and imposes unrealistic burdens on both employers and OSFM. They suggest a more reasonable time would be one week.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. The OSFM deemed that 72 hours is enough time to notify the Office based on the advice of the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup. Furthermore, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #14b: Section 937(a).** Commented the "1 year from their date of hire" timeframe for trainees to work within the scope of these regulations will cause a shortage of workers. They recommend the language be: "...one (1) year from their date of hire **or one year from the date these regulations become effective, whichever is later.**".

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, when referring to the trainee's date of hire, it is implied that the date of hire is the date the trainee began work within the scope of these regulations.

Additionally, based on the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup's advice, the OSFM deemed that 1 year is enough time.

**COMMENT #14c: Section 938(a)(3).** Commented it does not state that a “federally” approved fire sprinkler fitter apprenticeship program is acceptable. This conflicts with other sections of the proposed regulations. She recommends the language be changed to: “Provide proof of acceptance into a State of California **or federally** approved fire sprinkler fitter apprenticeship program.”.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal accepts the comment, after further review of Section 938(a)(3). The proposed text has been revised to: “...*State of California or federally approved*....”

**COMMENT #14d: Section 938(e).** Commented because apprentices in a Federally approved apprenticeship program are not subject to the supervision of California Apprenticeship Council, this language is inconsistent and should be change to “...any additional standards for this occupation as approved by the California Apprenticeship Council **provided for in the program standards**.”

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, the federal apprenticeship program, in the Code of Federal Regulation (CFR) Part 29, Section 29.5(7) specifically requires a ratio to be established.

**COMMENT #14e: Section 946.1.** Commented ANSI/IACET certification is extremely costly and this mandate will reduce the number of entities who can provide CEU. There is also no mention in Form 399 of the cost to CEU providers to obtain this certification.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, there are already numerous nationally recognized entities such as American Fire Sprinkler Association (AFSA), National Fire Sprinkler Association (NFSA), National Fire Protection Association (NFPA), etc. that can currently provide CEUs. The workgroup and committee determined the proper way to ensure fire sprinkler fitters maintain proficiency in the installation of water-based fire protection systems is to require CEUs. The ANSI standard was adopted because it provides standardization at a national level. Form 399 is an economic impact assessment statement to the industry and is not intended to provide economic impact for CEU providers.

**COMMENT #14f: Section 946.1(c).** Commented that in regards to the language should be changed to read: “All CEU’s shall be in accordance with an accredited institution. An accredited institution is a community college, junior college, university, **or State or Federally approved apprenticeship program**. A technical or vocational school, or any private educational agency accredited by the American National



Standards Institute (ANSI)/International Association of Continuing Education and Training (IACET) *is also an accredited institution.*

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, this definition was developed in accordance with the ANSI/IACET standard; therefore, further clarification is not needed. CEU's are generally issued by an entity who has been accredited. All State apprenticeship program are accredited through an accredited institution.

**COMMENT #14g: Section 947(a)(1).** Commented the timeframes for fitter certification are wholly inadequate and the 180 days should be changed to 18 months.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal's Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee's implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #14h: Section 947(b).** Commented that in regards to one year should be changed to three years.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal's Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee's implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #14i: Section 947(c).** Commented that in regards to 2<sup>nd</sup> year should be changed to 4<sup>th</sup> year.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal's Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee's implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #14j: Section 947(d).** Commented that 18 month should be changed to 5<sup>th</sup> year.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #14k: Section 947(e).** Commented that in regards to 18 month should be changed to 6<sup>th</sup> year.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

**15. Mr. Richard Markuson, Pacific Advocacy Group on behalf of American Fire Sprinkler Association - California Chapters (AFSA-CA)**

**COMMENT #15: Section 923, Exception (2).** Commented they object to the removal of underground work and fire suppression water storage tanks and associated systems.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. However, to limit underground work in the scope of these regulations to C-16 contractors only would be inconsistent and in conflict with other state regulations that allow other types of licensed contractors to do underground sprinkler work. Furthermore, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #15a: Section 934.** Commented that 72 hours is an unreasonable timeframe and imposes unrealistic burdens on both employers and OSFM. They suggest a more reasonable time would be one week.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. The OSFM deemed that 72 hours is enough time to notice this Office based on the advice of the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup’s advice. Furthermore, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed

at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #15b: Section 937(a).** Commented that “1 year from their date of hire” timeframe for trainees to work within the scope of these regulations will cause a shortage of workers. They recommend the language: “...one (1) year from their date of hire **or one year from the date these regulations become effective, whichever is later.**”.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, when referring to the trainee’s date of hire, it is implied that the date of hire is the date the trainee began work within the scope of these regulations. Additionally, based on the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup’s advice, the OSFM deemed that the 1 year is enough time.

**COMMENT #15c: Section 938(a)(3).** Commented it does not state that a “federally” approved fire sprinkler fitter apprenticeship program is acceptable. This conflicts with other sections of the proposed regulations. GBA AFSA-CA recommends the language be changed to: “Provide proof of acceptance into a State of California **or federally** approved fire sprinkler fitter apprenticeship program.”.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal accepts the comment, after further review of Section 938(a)(3). The proposed text has been revised to: “...*State of California or federally approved*...”

**COMMENT #15d: Section 938(e).** Commented because apprentices in a Federally approved apprenticeship program are not subject to the supervision of California Apprenticeship Council, this language is inconsistent and should be changed to “...any additional standards for this occupation as approved by the California Apprenticeship Council ***provided for in the program standards.***”

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal agrees with the comment in part. The language has been changed to: “(e) A person registered as an apprentice shall perform tasks within the scope of this Chapter and meet any additional *apprenticeship program* standards for this occupation”.

**COMMENT #15e: Section 946.1.** Commented that ANSI/IACET certification is extremely costly and this mandate will reduce the number of entities who can provide CEU. There is also no mention in Form 399 of the cost to CEU providers to obtain this certification.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, there are already numerous nationally recognized entities such as American Fire Sprinkler Association (AFSA), National Fire Sprinkler Association (NFSA), National Fire Protection Association (NFPA), etc. that can currently provide

CEUs. The workgroup and committee determined the proper way to ensure fire sprinkler fitters maintain proficiency in the installation of water-based fire protection systems is to require CEUs. The ANSI standard was adopted because it is providing standardization at a national level.

**COMMENT #15f: Section 946.1(c).** Commented the language should be changed to read: “All CEU’s shall be in accordance with an accredited institution. An accredited institution is a community college, junior college, university, **or State or Federally approved apprenticeship program.** A technical or vocational school, or any private educational agency accredited by the American National Standards Institute (ANSI)/International Association of Continuing Education and Training (IACET) **is also an accredited institution.**”

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, this definition was developed in accordance with the ANSI/IACET standard; therefore, further clarification is not needed. CEU’s are generally issued by an entity who has been accredited. All State apprenticeship program are accredited through an accredited institution.

**COMMENT #15g: Section 947(a)(1).** Commented that in regards to the timeframes for fitter certification are wholly inadequate and the 180 days should be changed to 18 months.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #15h: Section 947(b).** Commented that one year should be changed to three years.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #15i: Section 947(c).** Commented that in regards to 2<sup>nd</sup> year should be changed to 4<sup>th</sup> year.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #15j: Section 947(d).** Commented that 18 month should be changed to 5<sup>th</sup> year.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #15k: Section 947(e).** Commented that 18 month should be changed to 6<sup>th</sup> year.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

#### **16. Mr. Thomas J. McKinnon, AEGIS Fire Systems, Inc.**

**COMMENT #16: Section 923, Exception (2).** Commented they object to the removal of underground work and fire suppression water storage tanks and associated systems.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. However, to limit underground work in the scope of these regulations to C-16 contractors only would be inconsistent and in conflict with other state regulations that allow other types of licensed contractors to do underground sprinkler work. Furthermore, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed

modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #16a: Section 934.** Commented that 72 hours is an unreasonable timeframe and imposes unrealistic burdens on both employers and OSFM. They suggest a more reasonable time would be one week.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. The OSFM deemed that 72 hours is enough time to inform the Office based on the advice of the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup. Furthermore, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #16b: Section 937(a).** Commented that “1 year from their date of hire” timeframe for trainees to work within the scope of these regulations will cause a shortage of workers. They recommend the language: “...one (1) year from their date of hire **or one year from the date these regulations become effective, whichever is later.**”.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, when referring to the trainee’s date of hire, it is implied that the date of hire is the date the trainee began work within the scope of these regulations. Additionally, based on the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup’s advice, the OSFM deemed that the 1 year is enough time.

**COMMENT #16c: Section 938(a)(3).** Commented it does not state that a “federally” approved fire sprinkler fitter apprenticeship program is acceptable. This conflicts with other sections of the proposed regulations. GBA AFSA-CA recommends the language be changed to: “Provide proof of acceptance into a State of California **or federally** approved fire sprinkler fitter apprenticeship program.”.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal accepts the comment, after further review of Section 938(a)(3). The proposed text has been revised to: “...*State of California or federally approved*...”

**COMMENT #16d: Section 938(e).** Commented because apprentices in a Federally approved apprenticeship program are not subject to the supervision of California Apprenticeship Council, this language is inconsistent and should be change to “...any additional standards for this occupation as ~~approved by the California Apprenticeship Council~~ **provided for in the program standards.**”.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal agrees with the comment in part. The language has been changed to: “(e) A person registered as an

apprentice shall perform tasks within the scope of this Chapter and meet any additional apprenticeship program standards for this occupation”.

**COMMENT #16e: Section 946.1(c).** Commented that ANSI/IACET certification is extremely costly and this mandate will reduce the number of entities who can provide Continuing Education Units (CEU). There is also no mention in Form 399 of the cost to CEU providers to obtain this certification.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, there are already numerous nationally recognized entities such as American Fire Sprinkler Association (AFSA), National Fire Sprinkler Association (NFSA), National Fire Protection Association (NFPA), etc. that can currently provide CEU’s. The workgroup and committee determined that requiring CEUs is the proper way to ensure fire sprinkler fitters maintain proficiency in the installation of water-based fire protection systems. The ANSI standard was adopted because it is providing standardization at a national level. Form 399 is an assessment of the economic impact these certification regulations have on the industry and is not the economic impact for educational CEU providers.

**COMMENT #16f: Section 946.1(c).** Commented the language should be changed to read: “All CEU’s shall be in accordance with an accredited institution. An accredited institution is a community college, junior college, university, **recognized industry association, or State or Federally approved apprenticeship program.** A technical or vocational school, or any private educational agency accredited by the American National Standards Institute (ANSI)/International Association of Continuing Education and Training (IACET) **is also an accredited institution.**”

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, this definition was developed in accordance with the ANSI/IACET standard; therefore, further clarification is not needed. CEU’s are generally issued by an entity who has been accredited. All State apprenticeship program are accredited through an accredited institution.

**COMMENT #16g: Section 947(a)(1).** Commented the timeframes for fitter certification are wholly inadequate and the 180 days should be changed to 18 months.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #16h: Section 947(b).** Commented that in regards to one year should be changed to two years.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #16i: Section 947(c).** Commented the 2<sup>nd</sup> year should be changed to 3<sup>rd</sup> year.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #16j: Section 947(d).** Commented that 18 month should be changed to 4<sup>th</sup> year.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #16k: Section 947(e).** Commented that 18 month should be changed to 5<sup>th</sup> year.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.



### **17. Ms. Shelly Beach, Medley Fire Protection, Inc.**

**COMMENT #17:** Commented the proposed regulations are not in the best interest of the state or Fire Suppression industry.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment. However, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #17a:** Commented that, per NFPA studies, installation is not a reason fire suppression systems fail.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment on the NFPA study. That study has been addressed during the last two comment periods, and in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #17b: Section 947 (JRTER).** Commented that the removal of JRTER and required entry into a state or federally approved apprenticeship program is unfair to merit shop contractors. The JRTER should be added back.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, the JRTER program was removed due to the fact the Office believed that individuals would be better served if their training and experience was evaluated and verified by their employers during the implementation period, not the OFSM. Furthermore, by requiring entry into a state or federally approved apprenticeship program allows for consistency in training among all pipefitters.

**COMMENT #17c:** Commented that their needs to be another AES committee review and more information provided to show the regulation is a necessity.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment. However, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

## 18. Mr. Lyle E. Hall, Western Fire Protection, Inc.

**COMMENT #18: Section 923, Exception (2).** Commented they object to the removal of underground work and fire suppression water storage tanks and associated systems.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. However, to limit underground work in the scope of these regulations to C-16 contractors only would be inconsistent and in conflict with other state regulations that allow other types of licensed contractors to do underground sprinkler work. Furthermore, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #18a: Section 934.** Commented that 72 hours is an unreasonable timeframe and imposes unrealistic burdens on both employers and OSFM. They suggest a more reasonable time would be one week.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. The OSFM deemed that 72 hours is enough time to inform the Office and was based on the advice from the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup. Furthermore, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #18b: Section 937(a).** Commented that “1 year from their date of hire” timeframe for trainees to work within the scope of these regulations will cause a shortage of workers. They recommend the language: “...one (1) year from their date of hire **or one year from the date these regulations become effective, whichever is later.**”.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, when referring to the trainee’s date of hire, it is implied that the date of hire is the date the trainee began work within the scope of these regulations. Additionally, based on the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup’s advice, the OSFM deemed that 1 year is enough time.

**COMMENT #18c: Section 938(a)(3).** Commented it does not state that a “federally” approved fire sprinkler fitter apprenticeship program is acceptable. This conflicts with other sections of the proposed regulations. GBA AFSA-CA recommends the language be changed to: “Provide proof of acceptance into a State of California **or federally** approved fire sprinkler fitter apprenticeship program.”.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal accepts the comment, after further review of Section 938(a)(3). The proposed text has been revised to: “...*State of California or federally approved*....”

**COMMENT #18d: Section 938(e).** Commented that in regards to because apprentices in a Federally approved apprenticeship program are not subject to the supervision of California Apprenticeship Council, this language is inconsistent and should be change to “...any additional standards for this occupation as ~~approved by the California Apprenticeship Council~~ ***provided for in the program standards.***”

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal agrees with the comment in part. The language has been changed to: “(e) A person registered as an apprentice shall perform tasks within the scope of this Chapter and meet any additional apprenticeship program standards for this occupation”.

**COMMENT #18e: Section 946.1.** Commented that ANSI/IACET certification is extremely costly and this mandate will reduce the number of entities who can provide CEU. There is also no mention in Form 399 of the cost to CEU providers to obtain this certification.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, there are already numerous nationally recognized entities such as American Fire Sprinkler Association (AFSA), National Fire Sprinkler Association (NFSA), National Fire Protection Association (NFPA), etc. that can currently provide CEUs. The workgroup and committee determined the proper way to ensure fire sprinkler fitters maintain proficiency in the installation of water-based fire protection systems is to require CEUs. The ANSI standard was adopted because it is providing standardization at a national level.

**COMMENT #18f: Section 946.1(c).** Commented the language should be changed to read: “All CEU’s shall be in accordance with an accredited institution. An accredited institution is a community college, junior college, university, ***or State or Federally approved apprenticeship program.*** A technical or vocational school, or any private educational agency accredited by the American National Standards Institute (ANSI)/International Association of Continuing Education and Training (IACET) ***is also an accredited institution.***”

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, this definition was developed in accordance with the ANSI/IACET standard; therefore, further clarification is not needed. CEU’s are generally issued by an entity who has been accredited. All State apprenticeship program are accredited through an accredited institution.

**COMMENT #18g: Section 947(a)(1).** Commented the timeframes for fitter certification are wholly inadequate and the 180 days should be changed to 18 months.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #18h: Section 947(b).** Commented that one year should be changed to three years.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #18i: Section 947(c).** Commented that the 2<sup>nd</sup> year should be changed to 4<sup>th</sup> year.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #18j: Section 947(d).** Commented that 18 month should be changed to 5<sup>th</sup> year.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #18k: Section 947(e).** Commented that 18 month should be changed to 6<sup>th</sup> year.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

#### **19. Mr. Kirk Page, KPS Inc.**

**COMMENT #19: Section 924.5 (JRTER).** Commented that without this provision employers do not have the option to have their own training program of apprentices based on state standards. This will give an unfair playing field for some and put some businesses out of business or unable to compete.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, the JRTER program was removed due to the fact the Office felt that individuals would be better served if their training and experience was evaluated and verified by their employers during the implementation period, not the OFSM. Furthermore, by requiring entry into a state or federally approved apprenticeship program allows for consistency in training among all pipefitters and ensures quality installation.

**COMMENT #19a: Section 924.7.** Commented the California Building Industry may start a legislative attack on Single Family Sprinkler ordinances when they start getting increases on their Multi Family products due to the added costs of this certification program.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment. However, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #19b: Section 926.** Commented there is no definition of an apprenticeship agreement in the ordinance and this will create an uneven playing field between varying apprenticeship programs.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, the apprenticeship agreement is a contract between the Department of Apprenticeship Standards and apprentices.

**COMMENT #19c: 937.3(e) and 938.4(c).** Commented direct supervision is defined as “on site” and this would not allow for the certified sprinkler fitter to leave to purchase parts or for lunch, etc.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal agrees with the comment. Lunch, breaks or leaving to purchase parts etc., is not considered on site and under the direct supervision of the certified sprinkler fitter. The apprentice or trainee must be supervised at all times while on site pursuant to the regulations and under the direct supervision of the certified sprinkler fitter when working within the scope of these regulations. The certified sprinkler fitter is not physically available to directly supervise the apprentice or trainee and is not working under the scope of these regulations when doing off-site activities, taking lunch, breaks or the like.

**COMMENT #19d: Section 939(3)(A) and 945(b)(1).** Commented and asks: why can't an apprenticeship program be a federally approved program as well?

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal rejects the comment. Both sections he refers to already contain the language, “...a State of California or federally approved....”

#### **20. Mr. Todd Golden, Sprinkler Fitters Local 709.**

**COMMENT #20:** Commented they commend the OSFM for removing the JRTER program.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal accepts and appreciates the comment.

**COMMENT #20a: Section 923, Exception (2).** Commented the only down side they see is the exemption of the underground fire main.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. However, to limit underground work in the scope of these regulations to C-16 contractors only would be inconsistent and in conflict with other state regulations that allow other types of licensed contractors to do underground sprinkler work. Furthermore, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

## **21. Mr. Randy Nelson, Fire & Security Services.**

**COMMENT #21: Section 947.** Commented that they oppose the currently proposed certification program as it sits and would like something more similar to the programs in Oklahoma and Nevada. They specifically oppose the removal of JREP/JRTER and the proposed regulations now unfairly favors the Union contractors.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the Nelson’s comment. However, the JREP/JRTER program was removed due to the fact the Office felt that individuals would be better served if their training and experience was evaluated and verified by their employers during the implementation period, not the OFSM.

## **22. Mr. Steve Romp, S Fire, Inc.**

**COMMENT #22: Section 947.** Commented that they oppose the removal of the JRTER program.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, the JRTER program was removed due to the fact the Office felt that individuals would be better served if their training and experience was evaluated and verified by their employers during the implementation period, not the OFSM. Furthermore, by requiring entry into a state or federally approved apprenticeship program allows for consistency in training among all pipefitters and ensures quality installation.

**COMMENT #22a:** Commented that they disagree with the 7000 hrs. requirement to become a Journeyman Fire Sprinkler Fitter and believes 5000 hours is more sufficient.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, the 7000 hours are to ensure an applicant applying for commercial certification has received a sufficient number of hours of training and education in a state or federally apprenticeship program on commercial installations. 5000 hours is not an adequate number of hours in this field.

**COMMENT #22b:** Commented that forcing formal training with certification for continued employment after the initial 12 month “on the job training” period would hurt small businesses. He contends formal education in a classroom setting of which there are limited locations, is not easily accessible, expensive, and would put small independent companies out of business and potentially cripple the industry.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment. However, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed

modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #22c: Section 946.** Commented there is not a need for continuing education as there are already other solid means of checks and balances in place.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment, however, disagrees. The requirement for a certified fire sprinkler fitter to complete three units of OSFM approved continuing education is to align with the ever-changing National Standards and state building codes. This will ensure all fire sprinkler fitters are keeping up-to-date with industry codes, trends, and materials. Furthermore, the continuing education requirement was developed by the Certification Workgroup consisting of all facets of the industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal's Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee's proposal.

Additionally, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #22d: Section 947.** Commented that they would like the OSFM to reconsider its position on eliminating the JRTER program.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, the JRTER program was removed due to the fact the Office felt that individuals would be better served if their training and experience was evaluated and verified by their employers during the implementation period, not the OFSM.

### **23. Mr. John A Amann, Cintas Corporation.**

**COMMENT #23:** Commented that the proposed regulations still fail to satisfy the requirements of the California Administrative Procedure Act and/or otherwise lack sufficient foundation and justification.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment. However, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #23a: Section 947.** Commented that they oppose the removal of the JRTER program and the refusal to substitute any other provision or pathway that allows



for certification without proceeding through a California or federally approved apprenticeship program.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, the JRTER program was removed due to the fact the Office felt that individuals would be better served if their training and experience was evaluated and verified by their employers during the implementation period, not the OFSM. Furthermore, by requiring entry into a state or federally approved apprenticeship program allows for consistency in training among all pipefitters and ensures quality installation.

**COMMENT #23b: New Section 947. Implementation Period.** Commented that 18 months is an insufficient amount of time to implement the proposed regulations and suggests a 5-year implementation period.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal's Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee's implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #23c:** Commented that they object to any provision of these regulations that purport to impose any additional requirement on C-16 license holders to perform any work or activity within the scope of that license.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. However, these regulations are for certifying individuals in the work consisting of installation, alteration or repair of all water-based fire protection systems. The California Contractor's State Licensing Board licenses companies to perform installation, alteration or repair of all water-based fire protection systems. Therefore, if an individual C-16 license holder is personally performing the work of installation, alteration or repair of water-based fire protection systems he or she must be certified. The only way to be certified is to meet the requirements of these regulations.

**COMMENT #23d: Section 924.1(b).** Commented it does not explicitly make allowance for certification under the exception period granted by Section 947.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal rejects the comment. Section 924.1 is the section for "C" definitions and is not the correct section for reference to an exception granted in section 947.

**COMMENT #23e: Section 928(b).** Commented that requiring correction within 72 hours “of issuance” of a Notice of Violation or Correction Order is unnecessary and unreasonable, particularly given that the term “of issuance” is vague. Cintas suggests using “served with” or some other term to indicate that the time begins to run when the alleged violator receives the Notice of Violation or Correction Order.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal rejects the comment concerning the 72-hour notification. It was previously addressed in the original 45-day comment period, which stated, *“in order to maintain consistency with all other licensing and certification programs it has been determined that this timeframe has been tried and tested and found to work effectively.”* Additionally, based on the advice from the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup, the OSFM deemed that 72 hours is enough time.

**COMMENT #23f: Section 931 and 932.** Commented the penalty provisions are unclear, appear to mandate unjustifiably and unreasonably harsh penalties for potentially trivial violations, and exceed the SFM’s authority.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, Sections 931 and 932 are consistent with other Office of the State Fire Marshal licensing and certification programs. The Health and Safety Code (HSC) Section 13110 grants the OSFM authority to write these regulations, HSC 13112 makes violations of these regulations a misdemeanor, and HSC 13104 requires the State Fire Marshal and their deputies to enforce the laws. These laws allow enforcement actions to be taken for violations with potential penalties for noncompliance of these regulations.

**COMMENT #23g: Section 933.** Commented they believe this section is wholly unnecessary and inappropriate to include in these regulations.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. However, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #23h: Section 934.** Commented the 72-hour timeframe is unreasonably and unjustifiably short. They suggest a more reasonable time would be at least 10 business days or 20 days, like EDD.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. However, based on the advice from the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup, the OSFM deemed that this is enough time. Furthermore, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the

proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #23i: Section 938(a)(3).** Commented that in regards to it only references a State of California approved apprenticeship program and should be, “...**a State of California or federally-approved...**”

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal accepts the comment, after further review of Section 938(a)(3). The proposed text has been revised to: “...*State of California or federally approved....*”

**COMMENT #23g: Section 946.** Commented that limiting all CEUs to a single accrediting agency will increase the costs of such programs, limit the scope of available programs, and perhaps preclude wholly appropriate and necessary topics from being addressed by CEU classes. Cintas suggests CEUs be approved by the SFM and that the SFM identify criteria for evaluating and determining CEUs.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup determined the proper way to ensure fire sprinkler fitters maintain proficiency in the installation of water-based fire protection systems is to require CEUs. The ANSI standard was adopted because it provides standardization at a national level. Therefore, the OSFM will not require additional staffing to develop, maintain, and certify criteria for continuing education.

#### **24. Mr. J.C. Hoiland, Orange County Fire Protection.**

**COMMENT #24: Section 937.** Commented the “1 year from their date of hire” timeframe for trainees to work within the scope of these regulations does not take into account an employee that was hired and worked in another trade or position for more than a year to become a trainee. They recommend the language: “...one (1) year from their date of **hire, transfer, promotion or one year from the date these regulations become effective, whichever is later.**”

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, when referring to the trainee’s date of hire, it is implied that the date of hire is the date the trainee began work within the scope of these regulations. Additionally, based on the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup’s advice, the OSFM deemed that 1 year is enough time.

**COMMENT #24a: Section 938.** Commented section only references a State of California approved apprenticeship program and should be, “...**a State of California or federally-approved...**” **RESPONSE:** The Office of the State Fire Marshal accepts the

comment, after further review of Section 938(a)(3). The proposed text has been revised to: "...State of California or federally approved..."

**COMMENT #24b: Old Section 947 (JRTER).** Commented they oppose the removal of the JRTER in that it does not provide a pathway for certification, other than an apprenticeship program and will cause a shortage of fitters.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, the JRTER program was removed due to the fact the Office felt that individuals would be better served if their training and experience was evaluated and verified by their employers during the implementation period, not the OFSM. Furthermore, by requiring entry into a state or federally approved apprenticeship program allows for consistency in training among all pipefitters and ensures quality installation.

**COMMENT #24c: Section 947(c) and (e).** Commented the "2<sup>nd</sup> year" should be changed to "60 months" and "18 month" should be changed to "60<sup>th</sup> month".

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal's Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee's implementation timeframe and, therefore, no changes were made in the proposed text.

## 25. Mr. Patrick Hulleman, Thorpe Design, Inc.

**COMMENT #25: Section 923, Exception (2).** Commented that in they object to the removal of underground work and fire suppression water storage tanks and associated systems.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. However, to limit underground work in the scope of these regulations to C-16 contractors only would be inconsistent and in conflict with other state regulations that allow other types of licensed contractors to do underground sprinkler work. Furthermore, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #25a: Section 934.** Commented 72 hours is an unreasonable timeframe and imposes unrealistic burdens on both employers and OSFM. They suggest a more reasonable time would be one week.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. However, based on the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup's advice, the OSFM deemed that 72 hours is enough time. Furthermore, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #25b: Section 937(a).** Commented that the "1 year from their date of hire" timeframe for trainees to work within the scope of these regulations will cause a shortage of workers. They recommend the language: "...one (1) year from their date of hire **or one year from the date these regulations become effective, whichever is later.**".

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, when referring to the trainee's date of hire, it is implied that the date of hire is the date the trainee began work within the scope of these regulations. Additionally, based on the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup's advice, the OSFM deemed that 1 year is enough time.

**COMMENT #25c: Section 938(a)(3).** Commented that in regards to it does not state that a "federally" approved fire sprinkler fitter apprenticeship program is acceptable. This conflicts with other sections of the proposed regulations. GBA AFSA-CA recommends the language be changed to: "Provide proof of acceptance into a State of California **or federally** approved fire sprinkler fitter apprenticeship program."

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal accepts the comment, after further review of Section 938(a)(3). The proposed text has been revised to: "*...State of California or federally approved....*"

**COMMENT #25d: Section 938(e).** Commented that in regards to because apprentices in a Federally approved apprenticeship program are not subject to the supervision of California Apprenticeship Council, this language is inconsistent and should be change to "...any additional standards for this occupation as ~~approved by the California Apprenticeship Council~~ **provided for in the program standards.**

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal agrees with the comment in part. The language has been changed to: "(e) A person registered as an apprentice shall perform tasks within the scope of this Chapter and meet any additional apprenticeship program standards for this occupation".

**COMMENT #25e: Section 946.1.** Commented that ANSI/IACET certification is extremely costly and this mandate will reduce the number of entities who can provide

CEU. There is also no mention in Form 399 of the cost to CEU providers to obtain this certification.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, there are already numerous nationally recognized entities such as American Fire Sprinkler Association (AFSA), National Fire Sprinkler Association (NFSA), National Fire Protection Association (NFPA), etc. that can currently provide CEUs. The workgroup and committee determined the proper way to ensure fire sprinkler fitters maintain proficiency in the installation of water-based fire protection systems is to require CEUs. The ANSI standard was adopted because it provides standardization at a national level.

**COMMENT #25f: Section 946.1(c).** Commented the language should be changed to read: “All CEU’s shall be in accordance with an accredited institution. An accredited institution is a community college, junior college, university, **or State or Federally approved apprenticeship program.** A technical or vocational school, or any private educational agency accredited by the American National Standards Institute (ANSI)/International Association of Continuing Education and Training (IACET) **is also an accredited institution.**”

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, this definition was developed in accordance with the ANSI/IACET standard; therefore, further clarification is not needed. CEU’s are generally issued by an entity who has been accredited. All State apprenticeship program are accredited through an accredited institution.

**COMMENT #25g: Section 947(a)(1).** Commented that in regards to the timeframes for fitter certification are wholly inadequate and the 180 days should be changed to 18 months.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #25h: Section 947(b).** Commented one year should be changed to three years.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup

proposal was approved by the State Fire Marshal's Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee's implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #25i: Section 947(c).** Commented the 2<sup>nd</sup> year should be changed to 4<sup>th</sup> year.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal's Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee's implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #25j: Section 947(c), Section 947(d).** Commented that 18 month should be changed to 5<sup>th</sup> year.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal's Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee's implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #25k: Section 947(e).** Commented 18 month should be changed to 6<sup>th</sup> year.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal's Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee's implementation timeframe and, therefore, no changes were made in the proposed text.

## **26. Ms. Heather McNeil, Automatic Fire Sprinkler Inc.**

**COMMENT #26:** Commented that they are opposed to the proposed regulations.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment. However, in accordance with Government Code Section 11346.9(a)(3), this

comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #26a: Section 922.** Commented the first sentence incorrectly references “these regulations and standards” and should be changed to “these regulations” per Section 921.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal appreciates the comment. However, the OSFM disagrees, the current language further clarifies the regulations and standards.

**COMMENT #26b: Section 924.3.** Commented the removal of the JRTER program because the effect on residential work will be substantial because the DIR lacks a residential PWR for sprinkler fitter which will necessitate paying the residential fitter apprentice the commercial fitter wage.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, the JRTER program was removed due to the fact the Office felt that individuals would be better served if their training and experience was evaluated and verified by their employers during the implementation period, not the OFSM. Furthermore, by requiring entry into a state or federally approved apprenticeship program allows for consistency in training among all pipefitters and ensures quality installation.

**COMMENT #26c: Section 924.8(b).** Commented the definition for Notice of Violation should include a provision that the notice be in writing.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment. However, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #26d: Section 924.10(a).** Commented the definition of SFM fails to address the duties, purview, etc. of the SFM.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment. However, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #26e: Section 924.12(a).** Commented the definition only limits the systems mentioned, wet, dry, pre-action, and deluge.



**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal disagrees with the comment. This definition was developed to limit the types of systems covered under the regulations at this time, additional systems may be added in future regulatory actions.

**COMMENT #26f: Section 925.** Commented the term “as described” should be changed to “as defined.”

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal accepts the comment, after further review of Section 925. The proposed text has been revised to: “...systems as defined in Section 924.12....”

**COMMENT #26g: Section 926.** Commented this section needs to clarify the number of apprentices a Certified Fire Sprinkler Fitter may supervise.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal rejects the comment. Section 926 states, “...*may supervise the number of apprentices permitted in their Apprenticeship Agreement...*” and, since this number may be different for each apprentice, the OSFM cannot put a set number in this provision.

**COMMENT #26h: Section 927.** Commented a definition of what constitutes a violation should be included.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment but rejects the comment. In accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period. Violations are any act of doing something that is not allowed by a law or regulation. HSC, Section 13196, Enforcement of Regulations and Building Standards states, “*The regulations and building standards adopted pursuant to Section 13195 shall be enforced pursuant to Sections 13145 and 13146.*”

HSC Section 13145 states, “*The State Fire Marshal, the chief of any city, county, or city and county fire department or district providing fire protection services, or a Designated Campus Fire Marshal, and their authorized representatives, shall enforce in their respective areas building standards relating to fire and panic safety adopted by the State Fire Marshal and published in the California Building Standards Code and other regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic.*”

Therefore, any violation of the California Building Standards Code and other regulations that have been formally adopted by the State Fire Marshal is considered a violation. These proposed regulations once adopted will fall into this category.

**COMMENT #26i: Section 928(b).** Commented 72 hours is not a reasonable amount of time and suggests 3 workdays instead.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. However, based on the advice of the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup, the OSFM deemed that this is a sufficient amount of time. Furthermore, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #26j: Section 929.** Commented the SFM, SFM Designee or AHJ should conform to a mandatory time limit to conduct the investigation.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal rejects the comment. The timeframe for investigations is determined by multiple factors. These factors include: but are not limited to, the investigator's caseload, the amount of resources, and special circumstances that can cause delays. Therefore, based on the advice of the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup, the OSFM deemed that a time limit should not be set.

**COMMENT #26k: Section 930.** Commented the section should clarify either calendar days or working days and the word "may" should be changed to either "shall" or "will."

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the concern. It was previously addressed in the original 45-day comment period, which stated, *"to stay consistent with other licensing programs the timeframes are based on calendar days not working days."* Additionally, based on the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup's advice, the OSFM deemed that this is a sufficient amount of time.

**COMMENT #26l: Section 932.** Commented section should clarify as either calendar days or working days.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the concern. It was previously addressed in the original 45-day comment period, which stated, *"to stay consistent with other licensing programs the timeframes are based on calendar days not working days."*

**COMMENT #26m: Section 934.** Commented 72 hours is unreasonable and suggests 3 working days instead.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. However, based on the advice of the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup, the OSFM deemed that 72 hours is enough time to inform the Office. Furthermore, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #26n: Section 937.** Commented the section "... (1) year from their date of hire" should be changed.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, when referring to the trainee’s date of hire, it is implied that the date of hire is the date the trainee began work within the scope of these regulations. Additionally, based on the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup’s advice, the OSFM deemed that the 1 year is enough time.

**COMMENT #26o: Section 940.** Commented it should be clarified as either calendar days or working days.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. It was previously addressed in the original 45-day and first 15-day comment periods, which stated, *"to stay consistent with other licensing programs the timeframes are based on calendar days not working days."*

**COMMENT #26p: Section 940.** Commented that 72 hours should be changed to 3 working days.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. However, based on the advice of the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup, the OSFM deemed that 72 hours is enough time to inform the Office. Furthermore, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #26q: Section 947.** Commented the references to Section 926 and 945 appear to be incorrect.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal disagrees with the comment. Upon further review of Section 947, the references to Section 926 and 945 are correct.

**COMMENT #26r: Section 947(d)&(e).** Commented that "18 month" should be changed to "commencing on the 18<sup>th</sup> month...", correct grammar by adding "and" after correction, added the "th" after 18.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal accepts the comment after further review of Section 947(d) and (e). The proposed text has been revised to: *"Commencing on the 18<sup>th</sup> month..."* and *"...cease to have effect on the 18<sup>th</sup> month..."* respectively.

**27. Ms. Al Saia, Fire Safety First.**

**COMMENT #27: Section 922.** Commented there is no factual basis to support the premise that the performance and reliability of water-based fire suppression systems are in any way compromised due to installation or repair from a non-certified fitter.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment. However, this comment has already been address in the 45-day and first 15-day comment periods, and in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #27a: Section 945.** Commented there should be provisions that plainly and fully provide “grandfathering” waiver or exclusions for existing fitters with equivalent work experience.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal rejects the comment. There are already provisions in the proposed regulations for an implementation period, which will allow for existing fitters with equivalent work experience to obtain certification.

**COMMENT #27b: Section 947.** Commented employees of a C-16 contractor should not be required to obtain a Certified Sprinkler Fitter Card.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. However, these regulations are for certifying individuals in the work consisting of installation, alteration or repair of all water-based fire protection systems. The California Contractor’s State Licensing Board licenses companies to perform installation, alteration or repair of all water-based fire protection systems. Therefore, if an individual C-16 license holder is personally performing the work of installation, alteration or repair of water-based fire protection systems he or she must be certified. The only way to be certified is to meet the requirements of these regulations.

**28. Mr. Bill Gray, Foothill Fire Protection, Inc.**

**COMMENT #28: Section 923, Exception (2).** Commented the removal of underground work and fire suppression water storage tanks and associated systems.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. However, to limit underground work in the scope of these regulations to C-16 contractors only would be inconsistent and in conflict with other state regulations that allow other types of licensed contractors to do underground sprinkler work. Furthermore, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed

modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #28a: Section 934.** Commented that 72 hours is an unreasonable timeframe and imposes unrealistic burdens on both employers and OSFM. They suggest a more reasonable time would be one week.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. However, based on the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup's advice, the OSFM deemed that 72 hours is enough time to inform the Office. Furthermore, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #28b: Section 937(a).** Commented the "1 year from their date of hire" timeframe for trainees to work within the scope of these regulations will cause a shortage of workers. They recommend the language: "...one (1) year from their date of hire **or one year from the date these regulations become effective, whichever is later.**".

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, when referring to the trainee's date of hire, it is implied that the date of hire is the date the trainee began work within the scope of these regulations. The OSFM deemed that 1 year is enough time based on the advice from the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup.

**COMMENT #28c: Section 938(a)(3).** Commented it does not state that a "federally" approved fire sprinkler fitter apprenticeship program is acceptable. This conflicts with other sections of the proposed regulations. GBA AFSA-CA recommends the language be changed to: "Provide proof of acceptance into a State of California **or federally** approved fire sprinkler fitter apprenticeship program."

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal accepts the comment, after further review of Section 938(a)(3). The proposed text has been revised to: "...*State of California or federally approved*...."

**COMMENT #28d: Section 938(e).** Commented because apprentices in a Federally approved apprenticeship program are not subject to the supervision of California Apprenticeship Council, this language is inconsistent and should be change to "...any additional standards for this occupation as ~~approved by the California Apprenticeship Council~~ **provided for in the program standards.**

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal agrees with the comment in part. The language has been changed to: "(e) A person registered as an

apprentice shall perform tasks within the scope of this Chapter and meet any additional apprenticeship program standards for this occupation”.

**COMMENT #28e: Section 946.1.** Commented that ANSI/IACET certification is extremely costly and this mandate will reduce the number of entities who can provide CEU. There is also no mention in Form 399 of the cost to CEU providers to obtain this certification.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, there are already numerous nationally recognized entities such as American Fire Sprinkler Association (AFSA), National Fire Sprinkler Association (NFSA), National Fire Protection Association (NFPA), etc. that can currently provide CEUs. The workgroup and committee determined the proper way to ensure fire sprinkler fitters maintain proficiency in the installation of water-based fire protection systems is to require CEUs. The ANSI standard was adopted because it provides standardization at a national level.

**COMMENT #28f: Section 946.1(c).** Commented that in regards to the language should be changed to read: “All CEU’s shall be in accordance with an accredited institution. An accredited institution is a community college, junior college, university, **or State or Federally approved apprenticeship program.** A technical or vocational school, or any private educational agency accredited by the American National Standards Institute (ANSI)/International Association of Continuing Education and Training (IACET) **is also an accredited institution.**”

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, this definition was developed in accordance with the ANSI/IACET standard; therefore, further clarification is not needed. CEU’s are generally issued by an entity who has been accredited. All State apprenticeship program are accredited through an accredited institution.

**COMMENT #28g: Section 947(a)(1).** Commented the timeframes for fitter certification are wholly inadequate and the 180 days should be changed to 18 months.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #28h: Section 947(b).** Commented one year should be changed to three years.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #28i: Section 947(c).** Commented that 2<sup>nd</sup> year should be changed to 4<sup>th</sup> year.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #28j: Section 947(d).** Commented 18 month should be changed to 5<sup>th</sup> year.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #28k: Section 947(e).** Commented 18 month should be changed to 6<sup>th</sup> year.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

### **29. Mr. Bill Norwood, Alwest Fire Protection**

**COMMENT #29:** Commented that the imposition of training will not present any safer buildings but will increase costs and slow production.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment. However, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #29a:** Commented that the proposed licensing is a detriment to the intended safety of California citizens and there are not enough documented cases of neglect by (untrained fitters) to justify the program.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment. However, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

### **30. Mr. Ethan Conrad, Ethan Conrad Properties, Inc.,**

**COMMENT #30:** Commented that the imposition of training will not present any safer buildings but will increase costs and slow production.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment. However, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #30a:** Commented that he does not believe that an installer holding a card from a classroom will do any better than a man who has learned solely in the field.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment. However, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.



**31. Mr. Dana Del Gizzi,**

**COMMENT #31:** Commented that he is unaware of any fire sprinkler systems failing because of improper pipe fitting.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment. However, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #31a:** Commented that he believes the rigorous tests that fire sprinkler systems undergo before they are signed off by the inspectors are enough to verify compliance.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment. However, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #31b:** Commented that he does not understand where section 13110 of the Health and Safety Code or Section 3 of Article XIII A of the California Constitution applies to the labor of the people of California. Hence he does not know what gives the OSFM the authority to charge him or any other man a fee to work.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, the Health and Safety Code (HSC) Section 13110 grants the OSFM authority to write these regulations, HSC 13112 makes violations of these regulations a misdemeanor, and HSC 13104 requires the State Fire Marshal and their deputies to enforce the laws.

**COMMENT #31c: Section 931.** Commented that he thinks the provision to charge individuals with a misdemeanor exceeds the scope of the Fire Marshal's authority.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, the Health and Safety Code (HSC) Section 13110 grants the OSFM authority to write these regulations, HSC 13112 makes violations of these regulations a misdemeanor, and HSC 13104 requires the State Fire Marshal and their deputies to enforce the laws. Furthermore, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #31d:** Commented that the proposed regulations are onerous, excessive, and unnecessary.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment. However, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

### **32. Mr. Richard Quick, Quick Action Fire Protection**

**COMMENT #32: Section 946.** Commented that the imposition of training will not present any safer buildings but will increase costs and slow production.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment, however disagrees with the comment. The benefits of a properly installed fire sprinkler system include: saving lives, preventing injuries, reducing the amount of destruction to property, and preventing unnecessary displacement of people and businesses. The impact of fire is 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 throughout the United States have shown that with training and education for individuals who install fire suppression systems it will reduce the likelihood of a catastrophic fire, and will ultimately lessen the adverse impact on people and businesses. This outweighs the costs associated with the imposition of training.

Additionally, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #32a: Section 946.** Commented he believes training for most of the fitters will be in the field, not the classroom and he personally believes there is not enough documented cases of neglect by untrained fitters to justify the program.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal appreciates the comment, however, the OSFM disagrees with the comment. Similar regulations throughout the United States have shown that with training and education for individuals who install fire suppression systems it will reduce the likelihood of a catastrophic fire, and will ultimately lessen the adverse impact on people and businesses. Furthermore, classroom training will ensure sprinkler fitters keep abreast of ever-changing National Standards and state building codes.

Based on a survey conducted in September 2014 with fire departments in California, statistics show of those departments that responded 97% of inspections did not meet installation requirements and had to return for re-inspection. During the Public Hearing conducted on April 7, 2016, Fire Protection Engineers and inspectors, who inspect fire suppression systems for their agencies, provided testimony stating they have witnessed improper installation in the field. Additionally, department and agency inspectors do not have the time or the work force to do comprehensive inspections of fire suppression systems. They are relying on the sprinkler fitter's knowledge and training to ensure that the system is installed properly.

Additionally, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

### **33. Ms. Rhonda Hill, MIC Treatment and Maintenance**

**COMMENT #33: Section 923, Exception (2).** Commented that they object to the removal of underground work and fire suppression water storage tanks and associated systems.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. However, to limit underground work in the scope of these regulations to C-16 contractors only would be inconsistent and in conflict with other state regulations that allow other types of licensed contractors to do underground sprinkler work. Furthermore, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #33a: Section 934.** Commented that 72 hours is an unreasonable timeframe and imposes unrealistic burdens on both employers and OSFM. They suggest a more reasonable time would be one week.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal understands the comment. However, based on the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup's advice, the OSFM deemed that 72 hours is enough time to inform the Office. Furthermore, in accordance with Government Code Section 11346.9(a)(3), this comment is irrelevant because it is not specifically directed at the proposed modifications to the text, documents incorporated, or documents relied upon noticed in the 2<sup>nd</sup> 15-day comment period.

**COMMENT #33b: Section 937(a).** Commented the "1 year from their date of hire" timeframe for trainees to work within the scope of these regulations will cause a

shortage of workers. They recommend the language: "...one (1) year from their date of hire **or one year from the date these regulations become effective, whichever is later.**".

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, when referring to the trainee’s date of hire, it is implied that the date of hire is the date the trainee began work within the scope of these regulations. The OSFM deemed that 1 year is enough time based on the advice of the Automatic Extinguishing Systems Advisory Committee and the Certification Workgroup.

**COMMENT #33c: Section 938(a)(3).** Commented it does not state that a “federally” approved fire sprinkler fitter apprenticeship program is acceptable. This conflicts with other sections of the proposed regulations. GBA AFSA-CA recommends the language be changed to: “Provide proof of acceptance into a State of California **or federally** approved fire sprinkler fitter apprenticeship program.”.

**RESPONSE:** The CAL FIRE - Office of the State Fire Marshal accepts the comment, after further review of Section 938(a)(3). The proposed text has been revised to: “...*State of California or federally approved*....”

**COMMENT #33d: Section 938(e).** Commented because apprentices in a Federally approved apprenticeship program are not subject to the supervision of California Apprenticeship Council, this language is inconsistent and should be change to “...any additional standards for this occupation as approved by the California Apprenticeship Council ***provided for in the program standards.***”

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal agrees with the comment in part. The language has been changed to: “(e) A person registered as an apprentice shall perform tasks within the scope of this Chapter and meet any additional apprenticeship program standards for this occupation”.

**COMMENT #33e: Section 946.1.** Commented that ANSI/IACET certification is extremely costly and this mandate will reduce the number of entities who can provide CEU. There is also no mention in Form 399 of the cost to CEU providers to obtain this certification.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, there are already numerous nationally recognized entities such as American Fire Sprinkler Association (AFSA), National Fire Sprinkler Association (NFSA), National Fire Protection Association (NFPA), etc. that can currently provide CEUs. The workgroup and committee determined the proper way to ensure fire sprinkler fitters maintain proficiency in the installation of water-based fire protection systems is to require CEUs. The ANSI standard was adopted because it provides standardization at a national level.

**COMMENT #33f: Section 946.1(c).** Commented the language should be changed to read: “All CEU’s shall be in accordance with an accredited institution. An accredited institution is a community college, junior college, university, **or State or Federally approved apprenticeship program.** A technical or vocational school, or any private educational agency accredited by the American National Standards Institute (ANSI)/International Association of Continuing Education and Training (IACET) **is also an accredited institution.**”

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. However, this definition was developed in accordance with the ANSI/IACET standard; therefore, further clarification is not needed. CEU’s are generally issued by an entity who has been accredited. All State apprenticeship program are accredited through an accredited institution.

**COMMENT #33g: Section 947(a)(1).** Commented the timeframes for fitter certification are wholly inadequate and the 180 days should be changed to 18 months.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #33h: Section 947(b).** Commented one year should be changed to three years.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee’s implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #33i: Section 947(c).** Commented the 2<sup>nd</sup> year should be changed to 4<sup>th</sup> year.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal’s Automatic Extinguishing Systems

Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee's implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #33j: Section 947(d).** Commented 18 month should be changed to 5<sup>th</sup> year.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal's Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee's implementation timeframe and, therefore, no changes were made in the proposed text.

**COMMENT #33k: Section 947(e).** Commented the implementation period, which states shall cease to have effect 18 months from the effective date of the chapter, should be changed to 6 years instead.

**RESPONSE:** The CAL FIRE – Office of the State Fire Marshal understands the comment. The implementation period timeframe was developed by the working group consisting of industry, labor, enforcing agencies, and OSFM staff. The workgroup proposal was approved by the State Fire Marshal's Automatic Extinguishing Systems Advisory Committee and submitted to the State Fire Marshal. The State Fire Marshal agreed with both the workgroup and committee's implementation timeframe and, therefore, no changes were made in the proposed text.