



STATE FIRE MARSHAL
FIRE EXTINGUISHER ADVISORY COMMITTEE

April 25, 2023, Meeting Minutes, 10:00 A.M. to 3:00P.M. Pacific Daylight Time (PDT)

Office of the State Fire Marshal, 2nd Floor
715 P Street, Sacramento, CA 95814
Hybrid Zoom Meeting Conference Call

Meeting ID: 863 0319 5956

MEMBERS PRESENT

Robert Vasquez, California Association of Life Safety and Fire Equipment (CAL SAFE)
Edie Wade, Brooks Equipment
Randy Dysart, CAL SAFE (retired)
Perry "Mike" Goth, Victorville Fire Department
Darrell Hefley, Jorgensen Company
Isaac DeFee, Cintas Corporation
Randy Rousseau, La Sierra Fire Equipment
J.R. Nerat, Presto
James Knowles, Amerex

MEMBERS ABSENT

Marcus Hernandez, City of Morgan Hill
Rebeca Leda, Sacramento Metropolitan Fire District
Shelly Beach, San Bernadino County Fire Department
John Huffman (Alternate), Jorgensen Company
Garth Embree (Alternate), Amerex

GUESTS PRESENT

None

OSFM STAFF

Jeffrey Schwartz, Chairperson, OSFM

Frank Bigelow, OSFM

Brice Bennett, OSFM

Cortney Walker, OSFM

Megan Lopes, OSFM

1. CALL TO ORDER

A. Welcome and Logistics Briefing

Chairperson Jeffrey Schwartz called the meeting to order at 10:05 A.M. Pacific Daylight Time (PDT).

B. Roll Call/Determine Quorum

Roll call was conducted by Megan Lopes and determined that a quorum (9 of 12) of members was present.

C. Introductions

All attendees introduced themselves.

D. Approval of Previous Minutes

Chairperson Jeffrey Schwartz asked for approval of the minutes for the January 24, 2023 meeting. It was moved by Member Edie Wade to approve the minutes as presented; motion seconded by Member Darrell Hefley. Motion was carried with a unanimous vote in favor of approval of the January minutes as presented.

E. Announcements

Chairperson Jeffrey Schwartz introduced Assistant Deputy Director Frank Bigelow. Chief Frank Bigelow stated he looked forward to meeting everyone in person at some point. He oversees two divisions as Assistant Deputy Director, the Community Wildfire Preparedness and Mitigation Division and the Fire Engineering and Investigations Division. He stated he will be attending these meetings to get to know everyone and learn about what is going on in the industry. Chief Frank Bigelow thanked everyone for their participation and looked forward to today's meeting.

Chairperson Jeffrey Schwartz announced Chief Daniel Berlant is currently the acting State Fire Marshal. Chief Greg Andersen was unable to attend today but wanted to express appreciation to the committee. Chairperson Jeffrey Schwartz stated he is starting to transition out of the position of chairperson and Deputy Brice Bennett will be taking over in that position. Interviews will also be conducted for the new AES Program Coordinator relieving Deputy Brice Bennett from his duties in AES and solely with the FE program.

Deputy Brice Bennett stated there are continuously new in coming concern licenses and inspections being performed and he is eager to get out and learn from the industry.

2. OLD BUSINESS

A. Title 19 Portable Fire Extinguishers Regulations Update

Chairperson Jeffrey Schwartz stated the regulations package is still in the queue with Code Development. The goal is to have the regulations package out for public comment in the Fall timeframe, but it is dependent upon the internal review process. A staff member within the division was promoted to work on regulations. Megan Lopes was promoted and is still working in regulations while training the other staff member.

Manager Cortney Walker stated administratively the program is going well. She stated that they are working with GOVMOTUS to make it easier to obtain replacement ID cards. What she has come across lately is the second attempt or retaking of an exam that wasn't passed. With Pearson Vue, if they initially signed up to take exams for Type 1 and 2 and they did not pass Type 2. They need to retake all the exams, they cannot just retake Type 2. Member Darrell Hefley asked if they leave Type 1 blank if that would impact the result on Type 2. Manager Cortney Walker stated she would need to ask Pearson Vue. She also stated they are working with Pearson Vue on score reports for multi-exams. Currently, if a technician takes a single exam, they are provided a score report at the end, however, if they take multiple exams, they do not get a score report. She stated they are working with Pearson Vue to provide a score report for multiple exams. This does not change anything administratively for obtaining exam results, however this could give the technicians an idea if they need to schedule their second attempt. Member Randy Dysart asked if someone passes Type 1 and 2, then has to go back and take Type 3, if they then fail Type 1 and 2 and pass Type 3 on the retake would this effect getting Type 1 and 2. Manager Cortney Walker stated whatever exam is passed they are issued an ID card based on what they already passed, then she asks the technicians to reach out if they retake the other exams.

B. PFAS Extinguishers

a. PFAS Work Group Update

Member Darrell Hefley stated the group was able to meet one time before this meeting. He stated there are a lot of different laws and regulations coming out regarding PFAS and this not only effects fire suppression systems but there are a lot of products that contain the foam. The focus of this group was on the impact to the FE and AES industries. The group was tasked with providing information for an additional informational

bulletin on the industry effects with the Senate Bill 1044 being put into law. The OSFM has issued one informational bulletin already on this bill, however, the workgroup was tasked with what recommendation could be given to clarify some things in an additional informational bulletin. He stated there were several committee members who provided specific information on this issue including disposal and replacements. He stated this is a very evolving topic with new information and changes happening all the time. The workgroup agreed there are certain elements that would like to be seen in the bulletin, including what to do with foam they encounter at customer sites, foam in their inventory, as well as more definitive information on disposal precautions and resources. The workgroup did not discuss any specific language, however, did discuss having the bulletin contain specific information effecting the industry rather than a broad range of information. Member Darrell Hefley opened the floor the other committee members to comment.

Member JR Nerat stated he was asked to help put on a presentation at the NFPA conference that will cover PFAS issues. It addresses a lot of inconsistencies and confusion about firefighting foam. The EPA and industry regulations don't agree on the acceptable thresholds for exposures and destruction/disposal. He stated there is a lot of information and opinions floating around. He stated that this will continue to evolve including alternative replacements. He stated that we really need to define the scope of information that is looking to be put out in the informational bulletin.

Member Darrell Hefley stated at the meeting Robert was able to bring the websites to the group showing that some companies in California had the means to destroy the product. Member Robert Vasquez stated he would like to point out it seems as though destruction is the best-case scenario and there is a growing number of organizations willing to take it on. He stated he provided this information to the committee.

Member Darrell Hefley also stated Member Randy Rousseau was able to provide some information on a product that is different than the other destruction means. Member Randy Rousseau stated he was able to attend a National Association State Fire Marshal meeting and see a demo of a product in its pilot stage. He stated there are a lot of organizations that are in the early stages of working towards something, for example a drop off location for disposal of portable extinguishers, but they are not there yet.

Member Darrell Hefley asked what he would be looking for in the informational bulletin is in regulation there is direction on how to perform ITM on units in the field, and can we work on addressing not performing those services and advising the end user of the law and provide

information that would direct them what to do with the product for proper disposal. He is challenged with knowing how the SFM would write this bulletin, but what is critical is what one is supposed to do when they come across the foam. How would it be best to offer wording that would address an issue like that. Deputy Brice Bennet stated the next step is to tie this in with Chief Hosler who is the lead on this informational bulletin. He stated he has a meeting next week to take direction on next steps. He agreed that it is time to tie in with him and come up with an overall umbrella plan together.

Member James Knowles praised the workgroup for the comprehensive presentation. He targeted a few things such as steering away from potential replacement firefighting products because it is still on going and unfinished. He also stated that we should concentrate on advising the use, handling, disposal, destruction, and California state laws.

Member Darrell Hefley opened the floor to other members of the committee for questions or input. Member JR Nerat stated he agreed that getting some feedback would be great. The presentation that he is working on has three modes each that have gotten push back. Specifically, incineration causing hazards. A lot of the hardware the foam goes through also needs to be properly cleaned in order to not put PFAS back into the environment. Also, the cost of destruction may lead to unwanted consequences such as the product entering the environment.

Member Darrell Hefley asked if the work group should wait on further work until after the meeting with Chief Hosler. Chairperson Jeffrey Schwartz confirmed yes, that we will regroup after the meeting. He also addressed that this workgroup also applies to AES. Member Darrell Hefley stated it was mentioned in the AES committee and they had no additional members join, however, with workgroup members participating in both committees they considered both industries in the work group.

Chairperson Schwartz thanked everyone for their diligence and information provided.

3. NEW BUSINESS

There was no new business.

4. OPEN FORUM

Chairperson Schwartz opened the floor to open forum.

Member Randy Dysart stated when the fee schedule came out the fee for replacement certificate was pretty expensive and asked if any work has

been done to address that. Chairperson Schwartz stated unless the regulation is changed it will remain 50% of the fee for replacement. Member Randy Dysart stated the cards are not holding up all that well. Manager Cortney Walker stated that we just purchased a new card printer with the hope that we will be able to print higher quality cards that will last longer. She stated multiple conversations have been and will continue to be had regarding this issue and the proper system for replacing cards that have undergone normal wear.

Chairperson Jeffrey Schwartz stated there are extinguishers out there that are not UL listed for sale. He stated he gets requests regarding the law allowing an exception for industrial use. He asked the committee how they felt about a non-listed extinguisher used in an industrial setting to supplement a NFPA 10 extinguisher.

Member Randy Rousseau stated it is unacceptable if not UL listed.

Member James Knowles agreed, without a third party or state approval there is no way to confirm the function of the extinguisher.

Member Randy Rousseau stated it is a public safety risk. In a panic, someone may end up grabbing the unlisted extinguisher rather than the proper listed extinguisher.

Member James Knowles stated without knowing the proper rating for the hazard, it can be a major safety issue.

Member Edie Wade stated an industrial setting is an environment where you want to ensure you have the proper protection.

Member Randy Dysart stated he doesn't think there is any provision for supplementary extinguisher in the code. He also asked, would it be compatible with the primary? There are way too many questions.

Member Darrell Hefley stated in terms of allowing this exception, how do you then know what is being used? Also, people will start thinking it is a compliant extinguisher and facilities may only contain the unlisted extinguisher.

Member Randy Rousseau stated you may also create a niche market where someone will create widgets to use it as a secondary back up.

Member Robert Vasquez stated this is already happening and allowing an exception is a very fine line.

Member JR Nerat stated from a code and liability standpoint NFPA stated it must be listed and labeled to identify the specific standard. A supplemental extinguisher still needs to be listed and labeled to meet the requirements of NFPA 10. He said without this you can claim anything.

Chairperson Jeffrey Schwartz thank everyone for their input and asked for any other comments.

Member James Knowles stated he would feel exactly the same way if it was a residential setting because you are putting an extinguisher in the hands of laymen that hasn't been tested.

Member Randy Rousseau agreed, because at least in an industrial setting there is some amount of training for the user.

Chairperson Jeffrey Schwartz stated the law states a letter of exemption can be given for an industrial setting. He stated that is why that setting was specifically referenced.

Member JR Nerat stated one of the distinctions is between equipment versus other exemptions such as class D using soda ash.

Chairperson Jeffrey Schwartz thanked everyone for their input and agreed with their direction.

5. PUBLIC COMMENT

There was no public comment.

6. MEETING ADJOURNMENT

The next committee meeting is scheduled for July 25, 2023, at 10:00 A.M. (PDT). A motion to adjourn was made by Member James Knowles and seconded by Member Edie Wade. Motion was carried with a unanimous vote to adjourn the meeting. Chairperson Jeffrey Schwartz adjourned the meeting at 11:07 A.M. (PDT).