

Honorable Mayor and Members
of the Torrance City Council
City Hall
Torrance, California

Members of the Council:

**SUBJECT: Fire Department – Opposition to Assembly Bill 2288 (Torrice):
Automatic Fire Extinguishing Systems Certificate of Registration /
Sprinklers**

RECOMMENDATION

Recommendation of the Fire Chief that Council authorize the Fire Chief to send a letter of opposition to Assembly Member Alberto Torrico opposing AB 2288.

BACKGROUND/ ANALYSIS

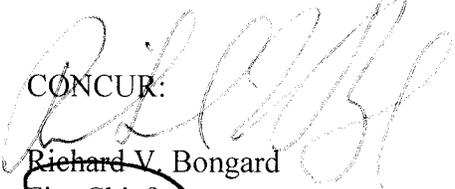
In April, 2007, the State Fire Marshal (SFM) adopted new fire sprinkler regulations that restricted the business / system owners' ability to perform a basic water flow test. Unfortunately, it also restricted local fire authorities / fire inspectors from doing the same during annual fire inspections. The changes mandate a new regular visit to businesses, schools, state buildings, hospitals, apartment buildings, care facilities, at a cost. There have arisen concerns of procedure, necessity, unanticipated /unknown new costs, lack of background verifications, and enforcement capability by local fire authorities and the SFM. AB2288 will make law a new installation licensing program that will apply the maintenance changes of April, 2007, which are currently being appealed by businesses in the Torrance community via the regulatory process. Please see Attachment B for a list of concerns.

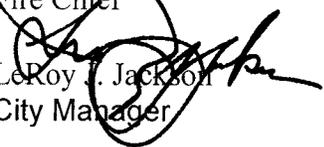
Respectfully submitted,

RICHARD V. BONGARD
Fire Chief

By Bob Gebel
Assistant Fire Marshal

CONCUR:


Richard V. Bongard
Fire Chief


LeRoy T. Jackson
City Manager

Attachments A: Letter of Opposition for AB 22288 (Torrice)
B: Keypoint Concerns of AB2288

June 24, 2008

Assembly Member Torrico
State Capitol
Sacramento, CA 95814

RE: Assembly Bill 2288 (Torrico) – Fire Sprinkler Installation / Licensing
OPPOSE

Dear Assembly Member Torrico,

On behalf of the City of Torrance, we would like to express our opposition to Assembly Bill 2288. Existing state law recognizes the value and importance of fire safety devices, such as sprinkler systems. We know you have been, and remain, an ardent proponent of all necessary fire protection systems and safety requirements to protect the public. Although AB228 is well intentioned to the development of a sprinkler installation licensing program, please consider the following:

- 1) Licensing programs should be developed in regulation, not by legislation. Exercising the existing regulatory procedures allowing for input from the Fire Service, State Fire Marshal, affected consumers /stakeholders, and sprinkler associations is the appropriate avenue to assure development of a program.
- 2) There has been no data or documentation to substantiate that a problem of installation, subsequent failures, property losses, etc even exists. We have been unable to find any reasons or data to question the proven effectiveness of current state regulations, programs for installation, design, plan check, and fire authority final inspection in place today.
- 3) AB2288 is inclusive of, and will apply to, recent regulatory maintenance changes made in April, 2007 (T19 S904.1, 904.2, NFPA25 3.3.20) by the SFM. By these changes, an AB2288 licensee will only be allowed to perform a water flow test at new annual costs to our businesses, schools, manufacturers, care facilities, etc. AB2288 precludes both the owner of the system and even our own Fire Department inspectors, from performance of this simple test (accepted practice for 22 years). It is an annual cost that is unnecessary and avoidable.
- 4) AB2288 creates an unfunded mandate for enforcement to our Fire Department. Consumer protection safeguards for issues that result, and will assuredly impact the Torrance community, have not been addressed to our satisfaction.

Fire sprinkler systems have been proven to dramatically reduce the loss of life and property caused by fire. The City of Torrance is committed to preservation of proven effectiveness and operational reliability of sprinkler systems. We believe the many unanswered concerns adequately support our opposition to AB2288.

Sincerely,

Richard V. Bongard
Fire Chief
City of Torrance Fire Department

Keypoint Concerns

AB2288 – Torrico (D) Fremont

In April, 2007, the State Fire Marshal adopted new fire sprinkler regulations that restricted the business / system owners' ability to perform a basic annual water flow test. Unfortunately, it also restricted local fire authorities / fire inspectors from doing the same during fire inspections. The changes mandated a new annual visit to businesses, schools, state buildings, hospitals, apartment buildings, care facilities, etc., by C16 licensees or anyone they employ, at cost. There have arisen concerns of procedure, necessity, unanticipated /unknown new costs, lack of background verifications, and enforcement capability by local fire authorities and the SFM. AB2288 will make law and apply regulatory sprinkler maintenance changes of April, 2007...and much more!!!!

AB2288 is sponsored by two California sprinklerfitter unions. It purports to improve sprinkler installation via a new licensing program with an array of testing criteria. There has been minimal input accepted from state or national sprinkler associations, the Fire Service, or effected stakeholders. No one knows the views of the SFM, or their position (policy precludes). They may not even want to administrate another licensing program

- Licensing programs should not be cast in legislation. Existing regulatory process is the proper format to develop any licensing program. Regulation correctly provides a process for all affected parties to participate, create and modify these type programs.....not by seeking additional legislation.
- Where is the problem?? What exactly is it? No one seems to know. The proponents have *not* provided data/documentation of any type (system failures, property loss, nonactivations, related deaths, etc.). Necessity and problem have not been established in order to assure a licensing program will resolve it.
- AB2288 does not only apply to sprinkler system installations, but will also apply to all aspects of system modification, inspection, testing, and maintenance (MITM). Enforcement will be difficult / impossible as it creates an unfunded state mandate to local fire authorities. Compliance could be seen as the “cost of doing business” or “fire safety reasons”. It may negatively impact the SFM and local fire authority.
- No economic impact assessment to California business / schools, etc. has been defined. AB2288 fails to consider new annual costs certain as a result of existing regulations. Current or alternative programs / procedures were possibly not considered. (CSLB C-16, design criteria/building/fire plan check and final inspection procedures). AB2288 omits sprinkler associations' input and proven training programs.
- AB2288 accomplishes the same as the existing Contractors State Licensing Board C16 installation program. However, CSLB does have criminal authority / staff to pursue installation abuse, fraud, etc. The SFM is restricted by AB2288 to suspension/revocation/fines. Allows a licensee to work with a suspended license – provided they don't supervise. Also requires SFM to issue 60 day notice of intent to suspend.
- AB2288 does not require background verifications. Everyone is entitled to some assurance that persons entering for reasons of fire safety have been vetted somewhere in the system. Fire alarm installers have both FBI and DOJ checks required by the Department of Consumer Affairs.
- *6/09/08 –New proposed amendment will require AB2288 licensees only install NFPA 13D plastic systems in all new home construction (possible adoption of International Residential Code, Sept.' 08).*

AB2288 LEGISLATIVE STATUS – currently in the Senate Business and Professions Committee