

**SB1178 & HB2649
(CERTIFICATION OF FIRE EQUIPMENT TECHNICIANS)**

TESTIMONY ON BEHALF OF

THE PENNSYLVANIA ASSOCIATION OF FIRE EQUIPMENT DISTRIBUTORS



BEFORE THE

**HOUSE & SENATE VETERANS AFFAIRS
&
EMERGENCY PREPAREDNESS COMMITTEES**

**HEARING ROOM #1
NORTH OFFICE BUILDING
HARRISBURG, PA**

**SEPTEMBER 24, 2017
10:00 A.M.**

Good morning Chairman Vulakovich, Chairman Costa, Chairman Barrar, Chairman Sainato, Senator Browne, members of the House and Senate Veterans Affairs and Emergency Preparedness Committees, staff and esteemed guests. My name is Todd VanWagner and I am the President of the Pennsylvania Association of Fire Equipment Distributors (PaFED) and beside me today is Bill Bowman, who is the former President and current Legislative Chairman of the association. We appreciate the opportunity to be here with you this morning to testify in support of SB1178 & HB2649, which we believe represent long overdue and common-sense public policy initiatives that would protect the health, safety and welfare of the residents, businesses and property in the Commonwealth from fire and fire hazards.

By way of background, PaFED is comprised of fire equipment distributors and service providers, as well as the industry's manufacturers and suppliers. Every year since its inception in 1988, PaFED members meet regionally and on a statewide basis to discuss common concerns, share ideas and address key issues impacting primary fire equipment industry technologies that include: 1) Portable Fire Extinguishers; 2) Fire Alarm Systems; 3) Kitchen Fire Suppression Systems; 4) Fire Sprinkler Systems; and 5) Special Hazard Fire Suppression Systems. The mission of PaFED is to continuously work towards improving the economic environment, business performance, and technical competence of companies operating in the fire equipment industry in Pennsylvania by:

- Interacting with authorities that have compliance and enforcement jurisdiction over the fire equipment industry and other governmental officials to secure the adoption of uniform standards and ordinances governing the installation, monitoring, maintenance and repair of mandated fire equipment, including the uniform interpretation thereof;
- Researching industry trends and statistics that lead to the adoption of trade policies and practices that stabilize the fire equipment industry and protect the public interest;

- Gather and disseminate information to its membership, state and local elected officials and other regulatory bodies that improve fire protection throughout the Commonwealth and likewise increase the competence of the fire equipment industry through education and mandated training;
- Furthering the joint interest of and build good will between distributors, dealers and manufacturers of the fire equipment industry; and
- Cooperating and working with insurance companies and government officials with jurisdiction over matters affecting the fire equipment industry, manufacturers of fire equipment and all other trade associations or individuals who may be of assistance in furthering the general purposes of the association.

Given the mission of PaFED, when Senate Resolution 6 (SR6) was enacted to convene a special commission to recommend improvements to the delivery of emergency services in this Commonwealth, the members of our association jumped at the opportunity to educate local and state elected officials about our industry and shed light on dangerous activities occurring in the marketplace. As a participant in the SR6 proceedings, I would like to commend both Committees, staff and all stakeholders that were involved for their hard work and dedication to protecting the health, safety and welfare of the Commonwealth. It was an honor and privilege for our members to participate in the Commission's subcommittee deliberations throughout the state and we are hopeful to continue to build upon the relationships we formed and look forward to participating in future legislative deliberations. It is also important for me to note that while PAFED primarily focuses its efforts on addressing industry related issues pertinent to the Commonwealth of Pennsylvania, like SR6 and the important legislation that will be discussed today, the association is actively involved in, and coordinates its efforts with, the National Association of Fire Equipment Distributors (NAFED), the Fire Equipment Manufacturers Association (FEMA), the National Fire Protection Association (NFPA) and Underwriters

Laboratories (UL), as well as many other national, regional and related organizations, as applicable to the situation or issue.

When talking about public safety and the delivery of emergency services, arguably, the members of PaFED provide the first line of emergency response to ensure that Commonwealth schools, governments, businesses and private residences are equipped with state and locally mandated fire equipment suppression systems that protect against personal and property losses. For specific examples of the dangerous activities PaFED is witnessing in the marketplace, we encourage you to review “Attachment A” at the end of our written testimony, which highlights how unlicensed, uneducated, untrained, and uncertified workmanship potentially threatens Commonwealth life and property. Hence the importance of SB1178 and HB2649.

The members of PaFED strongly support the enactment of the legislation to establish statewide licensing of fire equipment businesses and the certification of fire equipment technicians to establish a minimum level of excellence, professionalism, and standardization for all fire protection installation and service companies to follow. This will ensure that a consistent baseline competency is offered to the marketplace for the proper installation, maintenance and inspection of portable fire extinguishers, fire suppression systems and building fire alarm systems. Specifically, the legislation would:

- Require all fire equipment service companies operating in the state of Pennsylvania to be licensed with the Office of State Fire Commissioner.
- Establish different levels of licensure for a company based upon the business lines offered by the company. There would likewise be different fees associated with each level of license (i.e. Fire Extinguisher only, Fire Extinguisher and Suppression System, Fire Extinguisher, Suppression System and Fire Alarm, and Fire Extinguisher, Suppression System, Fire Alarm, and Sprinkler Systems).

- Require all technicians installing, maintaining, servicing and inspecting fire equipment in the state of Pennsylvania to be properly certified through a recognized certification program as established by professional disciplines. Again, business entities/companies would be required to be licensed, not individual technicians.
- Each licensed company operating in the state of Pennsylvania would be required to verify a technician's certification as part of their license application with the Office of State Fire Commissioner and notify the office about changes in certified technicians operating under their company license.
- Require all fire equipment service companies providing service on fire equipment and fire equipment systems to pay an annual registration fee for licensing in the state of Pennsylvania.
- Require all companies providing fire equipment service within the state of Pennsylvania to maintain the adequate levels of business insurance (general liability, umbrella, workman's comp and automotive).
- Require all technicians in the state of Pennsylvania to maintain current and reputable certification for the classification of work they perform.
- Prevent individual municipalities from requiring additional licensing or registration beyond what would be required by the State of Pennsylvania.
- Require all licensed companies operating in the state of Pennsylvania to receive and display their PA Fire Equipment Licensed contractor number issued by the State Fire Commissioner's Office.

- Require the Office of State Fire Commissioner to enforce the requirements contained in the bill.

We as an association are committed to working with all interested stakeholders in the development of legislation to improve our industries. We recently met with representatives of the Pennsylvania and National Fire Sprinkler Associations after they expressed concerns with certain provisions of the bill as it is currently drafted. As a result, we have pledged to work together towards the development of legislation that ensures each of the associations' concerns are addressed, as I believe we share the same goal: protecting Commonwealth residents and property from fire and fire hazards.

PAFED understands that there is longstanding opposition to creating new licensing boards or classifications of professional licensing that policy makers believe impede a person's ability to perform skilled work or serves as a deterrent towards enhancing the Commonwealth's skilled workforce. We also acknowledge the activity at the state level to consider ways to reduce excessive occupational licensing requirements while maintaining protections against public harm through Governor Wolf's executive order and a grant from the U.S. Department of Labor.

One of the alternatives to occupational licensing proposed through these efforts is professional certification, as appropriate. Both SB1178 and HB2649 embody this alternative approach as advanced by the Wolf Administration, as both bills steer clear of occupational licensing but do require certifications and registrations as appropriate.

Agreeably, professions that can abuse their powers and/or place the health, safety and welfare of the public and their property should be licensed, certified and regulated. Those engaged in the business of fire equipment safety are no different. Fire equipment distributors are the experts at installing, monitoring, inspecting and servicing fire equipment in homes, businesses, government agencies, student housing, centers, childcare facilities, hospitals, restaurants etc. and again, are considered the first line of defense in safeguarding persons and property from fire.

Licensing Fire Equipment Distributors and certifying their technicians working in the Commonwealth will protect the public from harm by persons practicing in an incompetent or unsafe manner. It also improves the economic environment, business performance, and technical competence in the fire protection and fire safety industry. Furthermore, the licensing/certification of fire equipment distributors safeguards our Commonwealth's fire fighters who risk their lives every day to save others when they charge into burning buildings.

Ladies and gentlemen, fires kill more people in the United States every year than all-natural disasters combined. It devastates Commonwealth communities, costs millions of dollars, destroys vital infrastructure, and takes hundreds of lives a year. In fact, according to the U.S. Fire Administration, 96 Pennsylvanians have already lost their lives in home fires alone to date in 2018.

Being prepared for fire emergencies means having the right fire detection and mitigation equipment installed, maintained, inspected and tested to minimize the risk of serious property damage or bodily injury. Ensuring the proper maintenance of local, state and federally required fire equipment is essential. Not only is it a legal requirement but properly installed and maintained fire equipment plays such a crucial part in putting fires out before they get out of hand and it is vital that they work when they're needed. Only those that have attained the appropriate education and training and certification can make those assurances.

Thank you for allowing PaFED to appear before you today to testify in support of SB1178 and HB2649. We welcome the opportunity to answer any questions you may have at this time.

ATTACHMENT A
EXAMPLES OF UNSAFE ACTIVITY IN THE FIRE EQUIPMENT INDUSTRY
&
CONSEQUENCES OF THOSE ACTIVITIES

1. Mixed manufacturer parts on the same kitchen fire suppression system. Amerex with Badger corner pulleys etc. Not only does this violate code and manufacture specifications, but every brand has been UL tested to operate properly using their specific parts. When manufacturer parts are mixed together you run the risk of the system not operating properly and not suppressing a fire properly.
2. Kitchen fire suppression systems that are obsolete by the manufacturer due to discontinued parts, old dry chemical kitchen systems (Pre-1994) and pre UL300 wet systems still being inspected and tagged saying they are good to go! Systems require periodic maintenance and eventually parts do wear. If parts are no longer available, then the worn parts will get to a point of not operating properly, or at all. As a result, fire will have a long time to grow before the local fire department arrives on site and this is only the case if the building has a working AND “monitored” fire alarm system.
3. Mixed manufacturer parts on portable fire extinguishers. Amerex valve screwed into a Buckeye cylinder. When mixing manufacturer parts, the likelihood of the fire extinguisher not working properly is very high.
4. Wrong pressure seal used therefore the valve does not line up with the manufacturer label thus making it noncompliant, BUT a good inspection tag is still being put on it. When a fire extinguisher is grabbed from its wall bracket the label is right in front of you with directions on how to properly use the fire extinguisher. When the wrong pressure seal is used the valve tightens in the cylinder at the wrong spot and puts the label to the side or maybe on the back of the unit when lifted off the bracket and then you can’t read the instructions.
5. Extinguishers with new tags and the unit is due or past due for testing. Fire extinguishers are subjected to either a 5-year hydro test, 12-year hydro test or a 6-year maintenance. The reason for the hydro test is to verify the integrity of the cylinder so that it will not explode at any given moment and possibly injure someone stand or sitting within proximity.
6. Required service collars far too large for the neck of the extinguisher or cut and taped instead. Service collars are a specific size so that it is not possible to just slip one over the valve. The intent is to verify the valve was removed from the cylinder; however, there are companies out there that take a collar just large enough to slip over the valve. This is dishonest to the customer and not proper maintenance on the unit which could result in it not functioning properly.

7. Incorrect brackets used to mount the extinguishers to the wall. When the improper wall bracket is used there is the risk of the fire extinguisher falling from the bracket and landing on an individual's toes, small child's foot and if the person is wearing open toes shoes it is even possible to amputate toes.
8. Extinguishers obsolete – manufacturer no longer in business. If the parts are no longer available, then the unit cannot be properly maintained thus it could not operate properly.
9. Kitchen appliances with no nozzle protection. If an appliance does not have the correct nozzle at the correct height and correct angle, a fire that starts on that appliance will not be suppressed, thus allowing the fire to grow and spread.
10. Insufficient link detection or improperly positioned link placement. Per manufacturer requirements there needs to be an automatic detector above all protected appliances. If this does not happen and that appliance catches on fire, the system will most likely not automatically activate either until the fire gets large enough to trip an adjacent detector or it is discovered by a person who then uses the manual pull station.
11. Appliances outside the dimensions of the hood. The job of the exhaust hood is twofold. First, it is to capture all grease laden vapors and direct them up into the exhaust duct and to the outside. Secondly, in the event of a fire, it is to contain the flames and at the same time the fire suppression system activates, either automatically or manually, and the fire is suppressed. If the appliances extend beyond the perimeter of the exhaust hood and that appliance catches fire, then there will be fire outside the hood and spreading to other combustible materials where there is no fire suppression, unless a building sprinkler system is installed.
12. System exceeds the manufacturer's flow point requirement for amount of wet chemical. Every single kitchen fire suppression system on the market gives many "flow points". Every type of cooking appliance on the market that gives off grease laden vapors while cooking operations are occurring are assigned a specific "flow point" depending on the fire system manufacturer. For example, if the cooking line and exhaust hood and duct flow points but the system tank is only capable of, 8 then there is not enough agent to suppress a fire.
13. Shut-downs required at time of discharge and alarm connections not done. When a kitchen, paint booth, vehicle or clean agent fire suppression system activates, all fuel sources must shut down immediately. Examples would be a gas valve for a kitchen system, gas and exhaust fans for a paint booth system (have to keep the powder in the booth to extinguish the fire), valves or pumps to stop the flow of diesel fuel for a vehicle fire suppression system and HVAC units that move air in and out of a computer room and sometimes the electric in a computer room for clean agent systems. The purpose is to not feed the fire or move it from the protected room to an adjacent room that does not have a fire suppression system.