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## **State Fire Marshal Monthly Report to the California Fire Prevention Officers**



**Kate Dargan  
Assistant State Fire Marshal**

It should be a challenging and rewarding year at the SFM office. We begin 2007 by wrapping up the **ICC Code Adoption** process that consumed thousands of hours of staff time during 2006. We will also support the implementation of a significant new law about **fire safe cigarettes** as mentioned under Fire Engineering.

We published our work plan for 2007. At the top of a very long list of projects and programs we will implement and issues we will address, **State Fire Training** improvement is our number one priority. This reflects the value that we place on

quality training. Continue to review *Blueprint 2020*, our proposed strategic plan, as it evolves. You can copy it at: <http://osfm.fire.ca.gov/StateFireTraining.html>

## **Fire Engineering**

### **Fire Safe Cigarettes**

When a cigarette is the cause of a structure fire it is usually because it continued to burn after it was abandoned or dropped onto carpet or upholstery. The so-called “fire safe” cigarettes are designed to self-extinguish after the smoker quits puffing on them. They are being sold in California now as a result of a new law. Following is a summary of that law and other supporting legislation:

Effective January 1, 2007, the California Cigarette Fire Safety and Firefighter Protection Act (AB 178, Koretz) requires that all cigarette manufactures comply with California’s fire-safe cigarette law. This law can be found in the California Health and Safety Code (CHSC) sections 14950-14960 at: <http://www.leginfo.ca.gov>

It is patterned after the cigarette manufacturing and sales requirements used in New York. The Office of the State Fire Marshal (OSFM), among other agencies, has specific responsibilities pertaining to implementing this concept in California. We have summarized some of the pertinent California Health and Safety Code (CHSC) sections below:

CHSC §14950 shall be known and may be cited as the California Cigarette Fire Safety and Firefighter Protection Act.

CHSC §14951 indicates a person shall not sell, offer, or possess for sale in this state cigarettes that are not in compliance with the following requirements: testing to a statutory standard, meeting specified performance standards, meeting package marking requirements and having a written certification that had been filed with the OSFM.

CHSC §14952 deals with the testing of cigarettes and the standards that must be followed. It also states that this Act shall be implemented in accordance with the New York Fire Safety Standards for Cigarettes that were effective on June 28, 2004.

CHSC §14953 requires that each manufacturer shall submit a written certification to the State Fire Marshal that each cigarette listed in the certification has been tested in accordance with subdivision (a) of Section 14952. In addition, each cigarette certified under this section shall be recertified every three years.

CHSC §14954 requires that all Cigarettes that are certified by a manufacturer in accordance with Section 14953 shall be marked on the packaging and case to indicate compliance with the requirements of this part. Also, before a certified cigarette can be sold in the state, a manufacturer shall submit its proposed marking to the State Fire Marshal for approval. Any package markings already in use and approved for the sale of cigarettes in the State of New York shall be also be deemed approved in California.

CHSC § 14955 states in part that: (a) Any manufacturer or any other person or entity that knowingly sells or offers to sell cigarettes other than through retail sale in violation of this part is subject to a civil penalty not to exceed ten thousand dollars (\$10,000) for each sale.

(b) Any retailer, distributor, or wholesaler that knowingly sells or offers to sell cigarettes in violation of this part shall be subject to the following:

(1) A civil penalty not to exceed five hundred dollars (\$500) for each sale or offer for sale in which the total number of cigarettes sold or offered for sale does not exceed 50 packages of cigarettes.

(2) A civil penalty not to exceed one thousand dollars (\$1,000) for each sale or offer for sale in which the total number of cigarettes sold or offered for sale exceeds 50 packages of cigarettes.

(c) The civil penalties imposed pursuant to subdivisions (a) and (b) of this section shall be deposited in the Cigarette Fire Safety and Firefighter Protection Fund.

CHSC § 14956 states (a) Inspections may be made at any place where cigarettes are sold, offered for sale, or stored or at any site where there is evidence of a violation of subdivision (a) of Section 14951.

(b) Manufacturers, distributors, wholesalers, and retailers shall permit an employee of the board, upon presentation of the appropriate identification and credentials, to enter into, and to conduct an inspection of, any building, facility, site, or place described in subdivision (a).

(c) Any person that refuses to allow an inspection authorized under this section is subject to the penalty imposed by Section 14958.

CHSC § 14957 states upon discovery by the board or a law enforcement agency that any person offers or possesses for sale, or has made a sale of, cigarettes in violation of subdivision (a) of Section 14951, the board or that law enforcement agency may seize those cigarettes possessed in violation of this part.

CHSC § 14958 states any person who knowingly fails or refuses to allow an inspection by the board, pursuant to Section 14956, is subject to a civil penalty not to exceed one thousand dollars (\$1,000) for each failure or refusal.

CHSC § 14959 This part shall cease to be applicable if federal fire safety standards for cigarettes that preempt this act are enacted and take effect subsequent to the effective date of this act and the State Fire Marshal so notifies the Secretary of State.

CHSC § 14960 This part shall become operative on January 1, 2007.

As referenced in this law, the board is: The California Board of Equalization.

The foregoing is a summary of the provisions of AB 178. For a complete recitation of the requirements of this new law, please review the applicable Health and Safety Code sections as noted above. If you have any questions or need further assistance, please contact Marc Yopez, Cigarette Fire Safety Coordinator at (916) 445-8430.

## **Update on the Codes**

We are nearing the end of the very long process of adopting the 2006 International Building and 2006 International Fire Code, 2006 Uniform Plumbing and Mechanical Code and 2005 National Electrical Code. Last November 15, the California Building Standards Commissions (BSC) took action to adopt the Electrical, Mechanical, and Plumbing Codes for OSFM. The next step in this process will take place at this month's BSC meeting where our Building and Fire codes will be heard.

The BSC hearing dates are January 16th, 29th, and 30th. The 16th will deal with other agency's Building Codes submittals and remaining Plumbing, Electrical, and Mechanical sections. We (SFM) will be attending on the 16th but we don't expect to do much except answer an occasional question and monitor the discussions. The 29th will be the day that most of the SFM submittals are discussed and decided.

SFM staff has been working hard the past few months since the close of the 45-day Public Comment Period to resolve significant opposition issues. Most of those have been addressed successfully. Still to be resolved are the wood industry concerns about multi-family housing and our Height and Area amendments.

Title 19 rulemaking packages for the adoption by reference of NFPA 25 have been approved by the Office of Administrative Law with an effective date of April 7, 2007. Several other rulemaking packages to amend Title 19 are in the works as well as other non-substantive changes to Title 19.

The 2004 annual rulemaking supplements have been published for Parts 2, 9, and 12 as well which become effective 180 days after publication (April 11, 2007). Included in the 2004 annual supplements are updates to the standards (ASTM, NFPA, UL, etc.). Supplements to Parts 2, 9 and 12 relating to Wildland-Urban Interface Building Standards have been published and should be arriving soon.

These supplements bring in Phase II of the building standards, which were adopted having an effective date of January 1, 2008.

## Promotions in the News



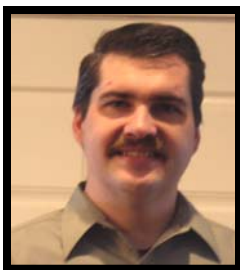
**Michelle Nachtmann** begins 2007 in the SFM Monrovia headquarters as Supervising Deputy State Fire Marshal. She is replacing Rick Arciniega who retired at the end of last year. Michelle joined the Office of the State Fire Marshal in October of 1992 with a Degree in Criminal Justice. She worked in Sacramento in the Arson and Bomb Investigation Division, Executive Office and State Fire Training.

In November of 1998, Michelle promoted to Deputy State Fire Marshal in the Fire and Life Safety Division. Her husband Larry is a Captain at Pechanga Fire Dept. They have daughters: Ashley – 19, Breanna – 17, Lexi - 6 years and Tiffany – 16 months.



**Ramiro Rodriguez** is a new Deputy State Fire Marshal III-Specialist for the Fire & Life Safety Division-Southern Region.

Deputy Rodriguez has been with the office for 6 1/2 years. He began his career in the fire service with the Porterville Fire Department in 1991 and is currently working as a reserve firefighter. Ramiro is married to Sheri and enjoys their 5 children and 2 grandchildren. His motto: work hard and play harder!



**Greg Andersen** is now Deputy State Fire Marshal III – Specialist for the Fire and Life Safety Division - Southern Region.

Deputy Andersen has been with the office for 6 years. He has an A.S. degree in Fire Technology and a B.S. degree in Organizational Management. Greg has been married to Christy for 17 years and stays busy with his 8 children.

## **In other news**

### ***Explore Information Services is Legit***

If an organization called ExplOre Information Services asks you for information about your facility, it is OK to cooperate with them. Dave Hillman, CDF Chief of Law Enforcement recently sent a letter to California Fire Chiefs which included the following:

*“Explore Information Services has a contract with the National Geospatial-Intelligence Agency (NGA), to gather data on the country’s emergency services and work it into a useable data base. I have confirmed with the North American and Homeland Security Division that this is a legitimate project.*

*If you have any questions on the project, please contact Michele Cook, Explore Information Services LLC at 800-531-9125, Ext 74267. Their website is <http://www.exploredata.com/> or [Michele.cook@exploredata.com](mailto:Michele.cook@exploredata.com)*

Chief Hillman says you may also call him if you have any questions (916) 653-7370.

## **Lessons Learned Could Save Lives**

The link below takes you to a publication about fire responses that went bad, and the lessons that were learned. The emphasis is on wildland fire, but they include lessons learned about operating heavy equipment and fire engines. We thought this life-saving information might prove valuable to you in prevention:

<http://www.wildfirelessons.net/Scratchline.aspx>

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