

December 9, 2019

# LOS ANGELES FIRE DEPARTMENT



RALPH M. TERRAZAS  
FIRE CHIEF

October 1, 2019

TO: Board of Fire Commissioners

FROM: *RM* Ralph M. Terrazas, Fire Chief

BOARD OF FIRE COMMISSIONERS  
FILE NO. 19-125

SUBJECT: REGULATION NO. 4 PROGRAM REPORT

FINAL ACTION:	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/Corrections	<input type="checkbox"/> Withdrawn
	<input type="checkbox"/> Denied	<input type="checkbox"/> Received & Filed	<input type="checkbox"/> Other

## SUMMARY

Approximately 76,000 fire protection equipment and systems are installed in nearly 26,000 buildings/occupancies throughout the City of Los Angeles (City) such as residential, industrial/warehouse, commercial offices, institutions, schools, churches, high-rises, public assemblies and small businesses. Like any other types of equipment, fire protection equipment and systems need periodic, preventative maintenance and testing to ensure they will perform correctly during a fire or life safety event.

Various provisions of the Los Angeles Fire Code (Fire Code) hold the owner of fire protection equipment responsible for proper maintenance and testing of their systems. The Fire Code gives the Fire Chief the general obligation and authority to determine that fire protection equipment and systems are properly maintained, tested and repaired.

The Fire Code also gives the Fire Chief authority to make rules for the protection of life and property. These rules are known as "Regulations." In 1966, the Fire Prevention and Public Safety Bureau (FPB) developed criteria and standards for performance testing of fire protection equipment and systems. This program is currently called Regulation No. 4 (Reg. 4) program.

The last review and modification to the Reg. 4 program occurred in 1987. The FPB seeks to modernize and revamp the Reg. 4 program to increase effectiveness and ensure quality control, increase enforcement efforts and to foster better support to the industry. Our overall goal for the Reg. 4 program is to increase compliance to fire/life safety protection systems in the City. This will ensure that Los Angeles is one of the safest cities in the Nation.

## RECOMMENDATION

That the Board:  
Receive and file.

## FISCAL IMPACT

There is no fiscal impact associated with this report.

## DISCUSSION

The Reg. 4 program is a testing program intended to ensure maintenance of fire protection equipment and that systems continue to function at the same level as originally intended to operate in accordance with the codes in effect when a new system is installed or when an existing system has been upgraded.

Once a system is accepted by the Los Angeles Fire Department (LAFD) and/or the Los Angeles Department of Building and Safety, each system or equipment is required to have the entire system tested at either 1- or 5-year intervals also known as a Reg. 4 "initial test" which is performed on the system or equipment "anniversary testing date."

In 2006, the State Fire Marshal mandated a program of inspection, testing and maintenance for water based fire protection systems. These provisions are commonly known as California Code of Regulations "Title 19/NFPA 25 inspection, testing and maintenance."

The LAFD treats the two programs separately. The test procedures may be performed concurrently (by a Certified Tester), but the Reg. 4 performance report is submitted to the LAFD to ensure all testing is performed and submitted correctly to the designated fire station or Fire Prevention Unit in a consistent manner by qualified individuals certified to perform each test.

The Reg. 4 Unit is responsible for coordinating the program. Its main duties are to examine qualified individual applicants for competency to become a Reg. 4 Certificate of Fitness holder, and to provide oversight of all Certified Testers, along with acting as the liaison between testers, the public and LAFD personnel.

There are seven elements to the Reg. 4 program. They are as follows:

- Testers
- Quality Control
- Compliance
- Enforcement
- Certification
- Testing Process
- Fee Structure



The following is a detailed description of those elements:

### **Testers**

The Reg. 4 testing program is an internal City program designed to accomplish these goals by certifying private individuals as “Certified Testers” to perform approved testing of fire protection systems and equipment without LAFD personnel on-site to witness the test in accordance with the Fire Code. Only an individual can hold a Reg. 4 Certificate of Fitness. Companies are not certified.

Currently, there are 564 active testers in the system as of July 2019. Some examples of companies represented by the testers include: AB&A, Cintas, Cosco, GSD, HCI, LAUSD and Redhawk.

### **Testing Process**

There are several steps required to obtain certification in the Certified Testers program. The main components of the steps are the following:

- Qualifications
  - Must be affiliated with a valid company that has a valid business license with the City
  - A valid State Contractor’s License or a license issued by the Office of the State Fire Marshal
  - Possess a valid California Driver’s License
  - At least two years full-time job related experience
- Application
  - Pay Fee (see fee structure below)
- Written Exam
  - Each system is a separate test (22 currently)
  - 80% Minimum Passing
- Fitness Test
  - Manipulative test on-site
  - Pass or Fail

### **Fee Structure**

The current testing fee is based on the fee structure approved by Los Angeles City Council and effective as of March 13, 2019:

- \$1,524.00 initial per system
- \$762.00 renewal (prior to expiration date)
- \$762.00 retake (within 30 days)

In 2018, the City collected \$422,188.00 for conducting certification testing for the Reg. 4 Certified Testers program.

### **Certification**

All system certifications are good for three years from initial test, which creates the anniversary date. Any system added prior to anniversary date requires payment of initial system fee. Once the anniversary date is reached any systems that the tester is certified on, is required to pay for all system renewals at once.

An example of payment collected from an individual during a three year period is as follows:

1/2018	1/2019	1/2020	1/2021
Initial (1) System	Add (1) system	Add (1) System	Renew (3) systems
\$1,524.00	\$1,524.00	\$1,524.00	\$762.00 x 3 (\$2,286.00)

Total amount due from tester from 1/18 thru 1/21 for three systems = \$6,858.00

### **Compliance**

Since 2015, all Reg. 4 systems are tracked by a third-party vendor, Brycer, which hosts the web-based program known as The Compliance Engine (TCE). A fee is charged by Brycer that is paid directly by the testing agency on a per system basis at the current rate of \$12.00 per system. The City does not collect a fee for each system tested at this time.

The two “primary” systems tracked by the TCE are electrical systems (i.e. fire alarm, elevators, etc.) and wet systems (sprinklers, standpipe systems, etc.). Electrical systems are tested annually, while wet systems tests are conducted on a 5-year rotation from their initial anniversary date.

### **Enforcement**

To ensure code enforcement, the Legal Unit within the FPB provides an internal hearing process coordinated with the City Attorney’s Office Code Enforcement Unit (CEU), known as our FPB Procedure #30. If the property remains non-compliant following the hearing process, it is then filed as a criminal case with the CEU.

### **Quality Control**

Due to the shortage of staffing, there are currently no quality control procedures in place for outside testers, beyond the original certification process. At this time we currently have one Inspector II that handles the Reg. 4 program in a part-time capacity with one Senior Administrative Clerk that assists with administrative duties along with additional responsibilities within Legal Unit.

### **Recommended Enhancements to the Reg. 4 Program**

Proposed changes, which include short-term and long-term goals to improve the program, are previewed below.

### **Testers**

The need for additional testers should increase by at least 25% throughout the City. The cost to maintain “per system” certification is becoming increasingly cost prohibitive. By making the appropriate changes listed below, which would include charging a fixed cost, from company to company, versus the variable costs based on the number of testers within a company.

### **Testing Process**

Revamp the written test process:

- Condense the number of test into categories
- Set the minimum/maximum number of questions per category with test bank
- Research outside testing applications and/or companies to develop unbiased and secure process
- Create a cadre to develop current/applicable bank of test questions

Revamp the fitness test:

- Identify buildings throughout the City and the surrounding area containing multiple systems by:
  - Working with allied agencies (i.e. Local 709, Fire/Life Safety Association, etc.)
  - Create on-going testing dates to schedule in advance and test several potential candidates in a given day

### **Certification Fee Structure**

Current certification fee structure is costly to administer (\$1,524.00 per testers certified system). Restructuring the certification to a simplified system, using a pass through fee structure, which is based on the number of systems tested annually, would benefit the testers we rely on and is in alignment with similar industries. This could also benefit the LAFD by creating new revenue streams by testing current systems in the City.

### **Compliance**

Tracking of both Reg. 4 and State license certifications to the existing TCE program (Brycer) would allow tracking of expired certifications and the upload of completed test reports, with multiple renewal dates, in real-time. This would eliminate the need for the current program, CoFusion, and the support needed by City staff to maintain it. We could see reductions in non-compliant (past due and deficient) occupancies to less than 10% throughout the City.

### **Enforcement**

The Legal Unit is working to making the code enforcement process more efficient.

1. A revision of our current FPB Procedure #30 will increase involvement from the District Inspector within FPB occupancies and will allow the Legal Unit to focus on the Fire Station Occupancies. The aforementioned pass through fee structure would generate additional revenue to support the needed increase to staffing for enforcement.

2. The development of a High-Risk Non-Compliant (HRNC) program has captured the highest liability properties based on a risk matrix for non-compliant properties throughout the City, identified from analytics within TCE. Created in April 2019, it includes 126 occupancies to be addressed immediately.
3. Modification of criminal case filings will include any occupancy that contains systems that are >365 days past-due and/or deficient. This will also include any occupancy that is non-compliant following the FPB Procedure #30 process.
4. A change in the proposed fee structure would offset the cost recovery process in enforcement, due to the current legislature adopted that removed the City's ability to collect investigative costs.

### **Quality Control**

Implement the following programs to ensure quality control standards for Reg. 4's are upheld by the certified testers and Reg. 4 Inspectors:

- Orientation
  - Conduct orientation for each prospective tester that includes exposure and training for TCE and Reg. 4 program
- Witness testing
  - Conducted by Reg. 4 Inspectors staffed within respective unit
- Notifications
  - Any testing of Reg. 4's throughout the City shall be requested by testers prior to actual testing
- Continuing Education
  - Conduct TCE training to all Reg. 4 Inspectors on quarterly basis
  - Conduct TCE administrative training to all independent testers/agencies

### **Goals**

#### **Short-term**

1. Develop working group to include stakeholders within industry.
2. Draft an ordinance for the re-structure of the Reg. 4 program.
3. Revamp testing process.
4. Revise fee structure.
  - a. Reduce the fee for certification process
  - b. Create pass thru fee for systems tested
5. Initial tracking of certificates within third-party existing program.
6. Initiate Enforcement program.
7. Increase staffing of Reg. 4 Unit with additional full-time Reg. 4 Inspectors.

Mid-range

1. Implement program to track and enforce alternative extinguishing systems.
  - a. Includes hood systems which account for the majority of kitchen fires.
2. Develop Bi-Directional Amplifier (BDA) testing. BDA systems are currently installed in over 300 buildings, high-rise structures and tunnels and will be included in all future construction of similar type.

Long-term

1. Increase frequency of wet systems (i.e. sprinkler testing) from a 5-year cycle to an annual cycle, which matches Title 19 requirements.

**CONCLUSION**

The FPB is seeking to restructure the Reg. 4 program, including the Certified Testers program, which has not been reviewed or revamped since 1987. The revenue stream created by restructuring the Reg. 4 program would support additional staff to ensure consistent quality control measures, enforcement, and oversight desired by both the LAFD and the industry. Also, this new revenue stream will assist with cost recovery incurred during the compliance/enforcement process as new legislation prohibits us from collecting "investigative costs."

Revenue generated by a pass through fee would continue to increase overtime with more systems identified with the R1/R2 program, new properties, adding additional systems tracked (i.e. hoods, BDA's, etc.), along with the increase in inspection frequency on current 5-year systems.

This re-structure could potentially reduce the fiscal impact on the Certified Testers the LAFD relies on to gain compliance throughout the City. It will also foster the growth of the testing industry and increase compliance of fire/life safety protection systems as a whole.

Board Report prepared by Richard Fields IV, Battalion Chief, Administrative Section, Fire Prevention and Public Safety Bureau.