STATE OF UTAH OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW APPLICATION

Section A: Applicant Group Information

1. **What occupational group is seeking regulation? Identify by name, address, and associational affiliation the individuals who should be contacted when communicating with this group regarding this application.**

   A. Journeyman Automatic Fire Sprinkler Fitter

   B. Automatic Fire Sprinkler Apprentice

   The occupational group seeking regulation is the **Utah Construction Coalition**

2. **List all titles currently used by Utah practitioners of this occupation. Estimate the total number of practitioners now in Utah and the number using each title.**

   Fire Protection or Fire Sprinkler Contractor
   Journeyman Sprinkler Fitter
   Sprinkler Fitter Apprentice

   There are an estimated **35** fire protection (fire sprinkler) contractors in Utah who are in the business of installing and servicing fire sprinkler systems.

   There are an estimated **500** journeyman sprinkler fitters in Utah who are in the business of installing and servicing fire sprinkler systems.

   There are an estimated **150** sprinkler fitter apprentices in Utah who are in the business of installing and servicing fire sprinkler systems.

   It's important to note that there are many in the above categories that come from out-of-state from time to time.

3. **Identify each occupational association representing current practitioners in Utah and estimate its membership. For each, list the name of any associated national group.**

   Fire Sprinkler (Fire Protection) Contractor may be represented by the National Fire Sprinkler Association (herein the "NFSA"); American Fire Sprinkler Association (herein the "AFSA"); Utah Chapters of each of the two national associations (**15** Members)

   Journeyman Sprinkler Fitter and Sprinkler Fitter Apprentices may be represented by the United Association of Journeyman and Apprentices of the Plumbing, Pipefitting and Sprinkler Fitting Industry of the United States and Canada (herein the "UA"), (330,556 Members) but represented locally by Sprinkler Fitters Union Local 669 (herein "Local 669") (126 Members in Utah)

4. **Estimate the percentage of practitioners who support this request for regulation. Document the source of this estimate.**

   +75%. Utah Fire Prevention Board Meeting May 9, 2017

5. **Name the applicant group representing the practitioners in this effort to seek regulation. How was this group selected to represent practitioners?**

   Utah Construction Coalition

   The UCC has been active in construction legislation in the state of Utah for the past ten years working on licensing issues as well as worker miss-classification.

6. **Are all practitioner groups listed in response to question #3 represented in the organization seeking regulation? If not, why not?**

   Most all fire sprinkler contractors are either represented by the NFSA or the AFSA. There may be a few who are unrepresented, but that would be a rarity. As for the sprinkler fitters and apprentices, only the union sprinkler fitters and apprentices are represented by the UA and their respective local union.

Section B: Consumer Group Information

7. **Do practitioners typically deal with a specific consumer population? Are clients generally individuals or organizations? Please provide documentation**.

   Practitioners of the fire sprinkler industry, both contractors and fitters (installers) deal with all types of parties, be it an organization, governmental entity, or an individual. Anyone who owns or operates a building or structure where there is an automatic fire sprinkler system installed or required, are consumers of which these practitioners interact.

8. **Identify any advocacy groups representing Utah consumers of this service. List also the name of applicable national advocacy groups.**

   Utah Fire Prevention Board

9. **Identify any consumer populations not now using practitioner services who are likely to do so if regulation is approved.**

   This legislation does not increase the number occupancies, buildings or structures that would be required to have installed a fire sprinkler system. It only creates licensing categories for those who are in the business of installing systems and those who actually install fire sprinkler systems.

10. **Does the applicant group include consumer advocate representation? If so, please provide documentation. If not, describe the efforts, if any, made to include such representation.**

    Not at this time. As we continue our pursuit of licensure, consumer advocacy representation will be explored.

11. **Name any non-applicant groups opposed to or with an interest in the proposed regulation. If none, indicate efforts made to identify them.**

    At this time, there is no known opposition to this legislation. We have held meetings with both union and non-union contractors and found no one opposed. As the licensure process proceeds, we will continue to meet with contractors and apprentices to

educate them on the process and requirements of the pending legislation and to get feedback

Section C: Sunrise Criteria

I. The unregulated practice of the occupation or profession has clearly harmed or may harm or endanger the health, safety, or welfare of the public and the potential for harm is easily recognizable and not remote.

12. What is the nature and severity of the harm to the public? Please provide documentation for any physical, social, intellectual, financial, or other consequences to consumers resulting from incompetent practice.

Fire safety systems, under existing law can be installed by unqualified persons, and are many times done so incorrectly. Fire in its time of need may result in injuries and/or death.

Financially-wise, injury and death have tremendous adverse impacts to victims, families and the community in which they live.

13. How likely is it that harm will occur? Cite cases or instances of consumer injury. If none, how is harm currently avoided?

There are examples locally and nationally of injury, death and damage caused by improperly installed fire sprinkling systems. A mother and her 3 year old son in Herriman suffered 2nd and 3rd degree burns due to improper installation of a fire sprinkling system. The story can be found here: https://www.ksl.com/?sid=12331763

14. What provisions of the proposed regulation would preclude consumer injury?

Licensing contractors (Already Licensed) will assist with protecting the consumer from unscrupulous contractors. Requiring sprinkler fitters and apprentices be licensed or certified will ensure that those who possess such a license or certification has participated in and successfully completed extensive training on installing these life safety systems.

15. Is there or has there been significant public demand for a regulatory standard? Please provide documentation.

II. The public needs, and can reasonably be expected to benefit from, an assurance of initial and continuing professional or occupational competence.

16. What specific benefits will the public realize if this occupation is regulated? Indicate clearly how the proposed regulation will correct or preclude consumer injury. Do these benefits go beyond freedom from harm? If so, in what way?

Fire protection systems are complex. Buildings are complex. There is a reason that the sprinkler fitter apprenticeship program is 4-5-years. These systems may remain in a building for 50 years before that are needed. They have only one chance to work properly and in accordance with the national standard. If they do not work properly because they were improperly installed, lives and property can be lost. These systems must be installed properly so that they operate properly. The standard for installation (NFPA 13) is also ever-changing. Every three years a new edition of this national standard is produced. New technology is addressed. How would the installer know of these advances in fire protection without approved apprenticeship programs?

The cost to the consumer is nothing, but the reduced risk to the consumer is great. The continuing education requirement will produce immeasurable benefits to those who are protected in buildings having an automatic fire sprinkler system.

17. **Which consumers of practitioner services are most in need of protection? Which require least protection? Which consumers will benefit most and least from regulation?**

    The general public who occupy buildings with fire sprinklers installed by licensed contractors and sprinkler fitters will benefit most. Those who occupy buildings who are not equipped with a fire sprinkler system will benefit the least.

18. **Provide evidence of "net" benefit when the following possible effects of regulation are considered:**

    a. Restriction of opportunity to practice

    The requirement for sprinkler fitters to have minimum training and education will not restrict the trade whatsoever. There are only two types of sprinkler fitters and apprentices. One are members of the UA, the others are not. Both have state approved training and education programs (apprenticeship training) and both are permitted to be used with this legislation.

    b. Restricted supply of practitioners

    There are numerous fire protection contractors in state and many who come to this state from other states for specific work. There are also both in-state and out-of-state sprinkler fitters and apprentices that make up the workforce. That will not change with this legislation.

    c. Increased costs of service to consumer

    We do not believe there will be any increase of cost to the consumer by enacting this legislation. License fees will be paid directly by the contractor and the sprinkler fitter or apprentice, not the consumer.

    d. Increased governmental intervention in the marketplace

    With any licensing program, government will be involved with oversight responsibilities of the fire sprinkler industry.

III. Regulation of the profession or occupation does not impose significant new economic hardship on the public, significantly diminish the supply of qualified practitioners or otherwise create barriers to service that are not consistent with the public welfare or interest.

19. **How many people seek services annually from this occupation? Will regulation of the occupation affect this figure? If so, in what way?**

    That is unknown, however this legislation will not increase or decrease the number of people seeking these services.

20. What is the current cost of the service provided (per episode or visit)? Estimate the total amount of money spent annually in Utah for the services of this group. How will regulation affect these costs? Provide documentation for your answers.

The total cost of services each year provided by fire protection contractors and sprinkler fitters and apprentices is unknown. Each individual project ranges in costs, depending upon the extent of the fire sprinkler systems required for the particular project. This legislation will not have any effect on the cost of this service.

21. Provide a cost analysis supporting regulation of this occupation. Include costs to provide adequate regulatory functions during the first three years following implementation of this regulation. Assure that at least the following have been included:

a. costs of program administration, including staffing

This licensing program is fee-based, and the revenue generated for the administration, enforcement, and staffing of such program come from the fees generated from the license holder.

b. costs of developing and/or administering examinations

In most states where licensing has been established, a cadre of stakeholders (interested groups or coalitions) are assembled to develop the written examination.

c. costs of effective enforcement programs

This licensing program is fee-based, and the revenue generated for the administration, enforcement, and staffing of such program come from the fees generated from the license holder.

22. Does adoption of the requested regulation represent the most cost-effective form of regulation? Indicate alternatives considered and costs associated with each.

Requiring a contractor and/or sprinkler fitter/apprentice to be licensed indicates that the party licensed have met certain minimum training and education requirements and have taken and successfully passed an examination to demonstrate their skill and qualification to perform the trade. Alternative methods of ensuring the qualification of contractors and sprinkler fitters/apprentices and oversight of this industry have not been studied. Self-policing has not been successful, nor has utilizing fire services to inspect and ensure that fire sprinkler systems are installed properly

IV. The occupation requires possession of knowledge, skills, and abilities that are both teachable and testable.

23. Is there a generally accepted core set of knowledge, skills, and abilities without which a practitioner may cause public harm? Please describe and document.

Yes. If the contractor nor the sprinkler fitter/apprentice do not understand the codes and standards for installing a fire sprinkler system (i.e. NFPA 13; apprenticeship training, etc.), and keep updated to the ever-evolving standard and state of the art equipment and techniques, a harm to the public will occur by way of a fire sprinkler system failure.

24. What methods are currently used to define the requisite knowledge, skills, and abilities? Who is responsible for defining these knowledge, skills, and abilities?

The national standard for the installation of a fire sprinkler system is developed by consensus amongst the membership of the National Fire Protection Association (actually an international association). It is made up of people from all aspects who are involved with fire protection, be it product manufacturers, fire protection engineers, fire inspectors, fire marshals, fire sprinkler contractors and fitters, building owners, fire safety engineers, building officials, to just name a few.

The national standard requires that the installation of fire sprinklers be installed by those who are skilled and qualified to do so. The National Fire Protection Association (NFPA) Standard 13 *Installation of Sprinkler Systems* addresses the national standard of care for the installation of fire sprinklers, as adopted by the State Fire Marshal. Accordingly, it states, *"sprinkler systems and private fire service mains are specialized fire protection systems and shall require knowledgeable and experienced design and installation"*. It is up to the states and local fire jurisdictions to adopt a program to ensure that those who install fire sprinkler systems are skilled and qualified to do so. While the State of Utah adopts the national standard of care, the *installer* of these life safety systems are not required to demonstrate his or her knowledge or experience, nor have any. This makes little sense. This is why licensing is essential, to ensure that those who install these systems have been adequately trained.

25. Are the knowledge, skills, and abilities testable? Is the work of the group sufficiently defining that competence could be evaluated by some standard (such as ratings of education, experience, or exam performance)?

Yes. This legislation is all about establishing measurable education and skill levels required to be considered "qualified". A written test after meeting the minimum skill and education requirements will ensure qualification. This is all specially addressed in this legislation.

26. List institutions and program titles offering accredited and nonaccredited preparatory programs in Utah. Estimate the annual number of graduates from each. If no such preparatory programs exist within Utah, where are the most accessible locations offering such programs?

For sprinkler fitters and apprentices, Sprinkler Fitters Local Union 669 has a state-approved apprenticeship program, as does the AFSA. It is estimated that 30 Sprinkler Fitters graduate from these programs each year.

Contractors can utilize the National Institute for Certification in Engineering Technologies (NICET) system of training, or that of the American Society of Safety Engineers (ASSE). Contractors already have a qualifier test (S-370) for the State of Utah.

27. Apart from the programs listed in question 26, indicate other methods of acquiring requisite knowledge, skill, and ability. Examples may include apprenticeships, internships, on-the-job training, individual study, etc.

On-the-job training without formal classroom training, internships, or individual study provide for no adequate and nonconflicted oversight, making these methods implausible for ensuring one is skilled and qualified.

28. Estimate the percentage of current practitioners trained by each of the methods described in questions 26-27.

It is estimated that 74% of Sprinkler Fitters in Utah have gone through a federally recognized apprenticeship program.

29. Does any examination or other measure currently exist to test for functional competence? If so, indicate how and by whom each was constructed and by whom it is currently administered. If not, indicate search efforts to locate such measures.

Yes. Apprenticeship training, NICET and ASSE all provide different levels of examination to determine qualification. NICET, however does not focus on installation, but rather fire sprinkler system design. Sprinkler fitters install rather than design.

30. If more than one examination is listed above, which standard do you intend to support? Why? If none of the above, why not, and what do you propose as an alternative?

We would support testing to the NFPA 13 standard as that is the most comprehensive standard for the installation of fire sprinkler systems and the widely adopted standard across the nation.

V. The occupation is clearly distinguishable from other occupations that are already regulated.

31. What similar occupations are or have been regulated in Utah?

Plumbers, electricians and elevator mechanics are all licensed in the state of Utah to protect the health, life and safety of consumers. Automatic fire sprinkler inspectors must receive a certificate of registration from the State Fire Marshal's Office.

32. Describe functions performed by practitioners that differ from those performed by occupations listed in question 31.

Plumbing (water and sewage), electrical work and elevator mechanics. Fire sprinkler inspectors only test and inspect sprinkler systems after installation.

33. Indicate the relationships among the groups listed in response to question 31 and practitioners. Can practitioners be considered a branch of currently regulated occupations?

No

34. What impact will the required regulation have upon the authority and scopes of practice of currently regulated groups?

The work of the fire sprinkler contractor and fitter/apprentice is quite clear and distinct from other tradesmen, such as the currently regulated plumber, electrician or other state-regulated building trades. It is not anticipated that this rule would impact any other group or trade other than the fire sprinkler contractor and/or fitter/apprentice.

35. Are there unregulated occupations performing services similar to those of the group to be regulated? If so, identify.

No.

VI. The occupational or professional group has an established code of ethics, a voluntary certification program, or other measures to ensure a minimum quality of service.

36. Does the occupation or professional group have an established code of ethics or a voluntary certification program? Please provide documentation of codes or certification programs.

There is a STAR Fire Sprinkler Mastery Certification available through the NITC (National Inspection Testing Certification, that is also recognized in States such as Iowa, and Colorado as an acceptable test for their respective State Sprinkler Fitter Licenses.

37. Are there measures that ensure a minimum quality of service? Why are these measures insufficient?

Currently, there are programs to ensure the minimum quality of work, other than inspections by the local fire official, if they happen to identify sub-standard work on a fire sprinkler installation. These errors often "slip" by inspection.

VII. The public cannot be adequately protected by any means other than regulation.

38. Explain why marketplace factors are not sufficient to ensure public welfare. Document specific instances in which market controls have proven ineffective in assuring consumer protection.

Not applicable to this issue.

39. Are there other states in which this occupation is regulated? If so, identify the states and indicate the manner in which consumer protection is ensured in those states. Provide, as an appendix, copies of the regulatory provisions from these states.

Yes. See attached Appendix to this Survey. Our proposed legislation is modeled after Wisconsin's.

40. What means other than governmental regulation have been employed in Utah to protect consumer health and safety. Show why the following would be inadequate:

A. code of ethics

None.

B. codes of practice enforced by professional associations

None.

D. dispute-resolution mechanisms such as mediation or arbitration

None.

E. recourse to current applicable law

None.

F. regulation of those who employ or supervise practitioners

None.

G. other measures attempted or contemplated

None.

Section D: Proposal for Regulation

41. Do you propose licensure, certification, registration, or another type of regulation? What is the justification for the level of regulation sought?

We propose state licensing for both the contractor and sprinkler fitter/apprentice. We believe our proposed minimum levels of training and education for one to become skilled and qualified are essential in this profession. Sprinkler fitter apprentice programs have been around for decades across the nation and have established the national standard for minimum training in this discipline to be qualified.

42. Describe the regulatory process that would administer this proposal focusing on the following areas:

A. Regulatory board, proposed make-up of the board, qualifications for membership on the board.

5 Member Board: (2) licensed automatic sprinkler contractors, (2) licensed Automatic Fire Sprinkler Fitters, (1) one member shall be from the public at large with no history of involvement in the construction trades or any union affiliation

B. Examinations

Written examination given by the State.

C. Inspections

None

D. Renewal, revocation, or suspension of the right to practice this occupation or profession.

The State would utilize its existing processes already in law or regulation for all its state licensees with regards to disciplinary action, whether its denial of application, renewal, and/or suspension or revocation of license.

E. Handling of complaints and disciplinary actions to be taken against practitioners.

See Item D above

F. Types, numbers and amounts of fees to be collected. (Include fees for applications, examinations, original licenses, and renewals.)

To be determined by the state regulatory authority.

43. What do you propose as minimum standards (education, training, and experience) for entry into this occupation or profession? How accessible is the training and what is the anticipated cost?

For contractors, the current qualifier program (S-370 test). Sprinkler fitters and apprentices can enroll into an approved apprenticeship program. The latter training is accessible to all in Utah. The costs would not exceed $2,000 per individual per year.

44. Do you propose alternate routes of entry into the occupation or profession, or alternate methods of meeting the training, education, and experience requirements? If so, describe.

No.

45. Do you propose a "grandfather" clause in which current practitioners are exempted from compliance with proposed entry standards? If so, how is that clause justified? What safeguards will be provided for consumers? Will those who are grandfathered be required to meet the prerequisite qualifications at a later date?

The legislation would permit those who are currently in the trade to have until a date certain before implementation of the rule to prove-up qualification to be grandfathered". They would not be required to take a written examination but would have to demonstrate in writing by documentation as established by the State to show they meet or exceed the minimum requirements for training and work experience.

46. Do you propose that renewal be based only upon payment of a fee, or do you propose it require re-examination, continuing education credits, peer review or other enforcement? Be specific. State whether you propose that renewals be annual, biennial, or otherwise.

Renewals would be annual and continuing education credits would be required for renewal, as would a fee. No test would be required.

47. If a continuing education requirement is proposed, describe opportunities and costs of continuing education in Utah (or elsewhere if not available in the state).

Cost is currently undetermined. Course would be available across the state or on-line.

48. What requirements do you propose for applicants from other states who have met the requirements for licensure or regulation in their former state?

Reciprocity would be available as long as the former state requirements are similar to that of Utah. This would be determined at the time of application.

49. Estimate the cost to the state to implement and administer the proposed regulatory program. Include board member travel and per-diem expenses, personnel costs to administer day-to-day functions, costs of materials, testing costs, inspection costs, enforcement costs, and other related costs.

Undetermined. Program will be self-funded through user fees (from the applicant).

50. How many practitioners are likely to apply to apply initially if the proposed regulation is adopted? How many in each of the next three years?

Approximately 650 Sprinkler Fitters and Apprentices would apply initially. For each of the following three years it is likely that 100 Apprentices and Sprinkler Fitters would apply.

51. Will all costs of implementation and administration be covered by projected revenues? If not, what other sources of revenue could be used to cover the costs of regulation?

We believe all implementation costs can be borne from fees paid initially by those "grandfathered" contractors and sprinkler fitters. See response to next question. Also, the creation of the test does not need to be created by or paid for by the State of Utah. A coalition of stakeholders can write the examination. This is how other states have accomplished this without state expenditures.

52. How will start-up costs be generated?

The State could institute the program to be effective in one year from the date of enactment of the legislation. There will be many sprinkler fitters and contractors who qualify to be "grandfathered) who should be accepted for licensure without having to take and successfully pass a written examination. Those who qualify for this would pay a fee now, and those "grandfathered" will have that fee later credited to the first annual fee required after implementation. That will generate monies upfront so that the State can establish a program through regulation. This has been done in other states.

END OF SURVEY

PLEASE REVIEW COVER LETTER FOR INSTRUCTIONS ON SUBMITTING YOUR COMPLETED APPLICATION.

APPENDIX

State	Laws and/or Regulations	Summary Description
California	TITLE 19, CALIFORNIA CODE OF REGULATIONS §920 et seq.	Enrolled in an approved Sprinkler Fitter apprenticeship program for Apprentice Registration; or completed 7000 hours in an approved Sprinkler Fitter apprenticeship program; 5-years experience; and written examination for Commercial Sprinkler Fitter Certification; or completed 3500 hours in an approved Sprinkler Fitter apprenticeship program; 2-years experience; and written examination for Multi-Family Residential Sprinkler Fitter Certification. Complete 3-units (30 hours) of continuing education every 3-years.
Colorado	COLO. STAT. §24-33.5-1206.7	Enrolled in an approved Sprinkler Fitter apprenticeship program; examination
Connecticut	CONN. GEN. STAT. § 20-334A	Complete apprenticeship program and not less than 4 years of experience; examination
Idaho	IDAHO ADMIN. CODE RULE 18.01.49	1000 hours per year for 3 years working as fitter; examination
Iowa	225 ILL.COMP. STAT. ANN. §320/10	4 years of experience as an apprentice; examination
Louisiana	LA. ADMIN. CODE 55, §3015 et seq.	A minimum NICET Level III certificate in Special Hazards Suppression Systems, or a professional engineer currently registered with the Louisiana Board of Professional Engineers with a Mechanical Engineer endorsement; examination
Maine	MAINE REV. STAT. ANN. §3302	4000 hours of experience; examination

Massachusetts	MASS. GEN. LAWS. ANN. 146 §84; 528 CODE OF MASS. REGS. 11.03	8000 hours as apprenticeship or trainee and not less than 144 hours of study each year as apprentice or trainee;
Minnesota	MINN. STAT. ANN. §299M.03; MINN. R. 7512.1700	8000 hours of experience or complete a sprinkler fitter Program; examination
Montana	MONT. CODE ANN. §50-39-102	Certification of completion of all the NICET work elements provided for under section ARM 24.144.502 or completion of NICET II, with the verification of completion sent to the licensing program at the above address directly from NICET; completion of a state approved apprenticeship program with the verification of completion sent to the licensing program directly from the approving bureau; completion of manufacturer training with the verification of completion sent to the licensing program at the above address directly from the manufacturer; or currently holds the equivalent of endorsement in another jurisdiction provided that the applicant meets or exceeds the qualifications for endorsement in Montana and verification of endorsement is sent to the licensing program at the above address directly from the other state, territory, or federal government; examination
Nevada	NEV. REV. STAT. §477.033, NAC 477.346	Employed by a Nevada licensed fire protection company, and certified as having installer experience; examination
New Mexico	N.M. STAT. ANN. § 60-13-38	Have 2 years of experience as pipefitter or complete course in trade offered by vocational education division; examination
Ohio	OHIO FIRE CODE §915 et seq.	Demonstrate recent work history or be enrolled in a "bonafide" sprinkler fitter apprenticeship program; pass a written examination
Rhode Island	R.I. GEN. LAWS § 28-27-4.2	Complete 4 year apprenticeship program and/or have passed journeyman examination

Washington	REV. CODE OF WASH. ANN. 18.270.040	8000 hours of experience; examination
West Virginia	W.V. STAT. ANN. §145.45;	Complete apprenticeship program; examination
Wisconsin	WIS. ADMIN. CODE §SPS 305.50 et seq.	Complete an approved apprenticeship program; examination
Texas	TITLE 28 TEXAS ADMINISTRATIVE CODE §34.701 et seq.	Must be a registered professional engineer or have successfully completed NICET Level III and completed a written examination

By City:

City, State	Laws and/or Regulations	Summary Description
Denver, Colorado	DENVER FIRE CODE, §122 et seq.	Demonstrate competence, education, training, and experience; examination
Iowa City, Iowa	IOWA MUNICIPAL CODE §17-11-1(H)	Completion of five (5) years full-time experience as an apprentice sprinkler installer with an established sprinkler company; examination
Philadelphia, Pennsylvania	PHILADELPHIA CODE § 9-2500	8000 hours of experience and 800 hours of classroom, shop, or related instruction; examination