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RULE PROPOSALS

COMMUNITY AFFAIRS
DIVISION OF FIRE SAFETY
43 N.J.R. 706(a)

Proposed Amendments: N.J.A.C. 5:74-2.3 and 2.4

[Click here to view Interested Persons Statement](#)

Certification of Fire Protection Equipment Contractors

Authorized By: Lori Grifa, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-25p.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2011-076.

Submit written comments by May 20, 2011 to:

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The agency proposal follows:

Summary

N.J.A.C. 5:74 governs the certification of individuals who install, service, repair, inspect or maintain fire protection equipment. The certification issued by the Division of Fire Safety relies partially on an individual obtaining certifications issued by agencies such as the National Institute for Certification in Engineering Technologies (NICET) and the National Association of Fire Equipment Distributors (NAFED).

The current rules specify that an individual must pass certain work elements issued by NICET. In September, 2010, NICET stopped testing on specific work elements and began utilizing a computer based examination to test an individual's knowledge of the fire protection systems. Therefore, it is necessary for the Department to amend these rules to comply with the new testing method of NICET.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendments would allow the Department to maintain its current procedure of accepting existing certifications in lieu of creating additional requirements. As such the Department believes that this would have a beneficial social impact by maintaining competency of individuals who install, service, repair, inspect or maintain fire protection equipment in buildings.

Economic Impact

The Department does not anticipate that the proposed amendments would have any economic impact.

Federal Standards Statement

No Federal standards analysis is required because the amendments are not being proposed in order to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal Law, standards or requirements.

Job Impact

The Department does not anticipate that any jobs would be created or lost as a result of the proposed amendments.

Agriculture Industry Impact

The Department does not anticipate that the proposed amendments would have any impact on the agricultural industry.

Regulatory Flexibility Statement

The Department does not expect that these proposed amendments will impose additional recordkeeping, reporting or other compliance requirements on "small businesses," as defined by the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments update the rules to reflect NICET's new testing method.

Smart Growth Impact

The Department does not expect that the proposed amendments would have any impact upon either achievement of smart growth or implementation of the State Development and Redevelopment Plan.

Housing Affordability Impact

Since the proposed amendments concern only the certification of fire protection contractors, it is most unlikely that the amendments would have any impact upon housing production costs or affordability.

Smart Growth Development Impact

Since the proposed amendments concerns only the certification of fire protection contractors, it is most unlikely that the amendments would have any impact upon housing production within Planning Areas 1 and 2 or within designated centers under the State Development and Redevelopment Plan.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

5: 74-2.3 Requirements for certification

(a)-(b) (No change.)

(c) Examination requirements shall be administered by the National Institute For Certification In Engineering Technologies (NICET) and the National Association of Fire Equipment Distributors (NAFED) using testing criteria and procedures adopted in this chapter. Minimum passing test scores shall conform to NICET and NAFED standards. Retesting [of work elements] shall follow NICET and NAFED requirements and guidelines. All NICET and NAFED examination fees, certification fees, renewal fees, and program delivery fees are solely those of NICET and NAFED, and are authorized by this chapter to be collected separate from the fees established by this chapter. The Contractor Certification and Emblems Unit within the Division of Fire Safety may administer examinations on

behalf of NICET and NAFED.

(d) The following certification requirements are hereby established for the fire protection contractor classifications:

1. An All Fire Protection Equipment Contractor shall have a valid Level II certification issued by NICET in the following areas: Fire Alarm Systems, Inspection and Testing of Water-based Systems, and Special Hazards Suppression Systems, and successfully pass the [following Sprinkler Layout work elements: 11003, 11004, 11005, 13001, 13005, 13008, 13010, 13011, 13012, 13013, 13018, 13020, 13021, 13023, 13026, 14013, 14015, 16001 and 16009] Water-based Fire Protection System Layout Level 1 examination. Additionally, an All Fire Protection Equipment Contractor shall successfully pass the "Portable Fire Extinguisher Technician" and "Restaurant Fire Suppression System" examinations administered by NAFED.

2. A Fire Sprinkler System Contractor shall have a valid Level II certification issued by NICET in the following areas: Inspection and Testing of Water-based Systems, and successfully pass the [following Sprinkler Layout work elements: 11003, 11004, 11005, 13001, 13005, 13008, 13010, 13011, 13012, 13013, 13018, 13020, 13021, 13023, 13026, 14013, 14015, 16001 and 16009] Water-based Fire Protection System Layout Level 1 examination.

3.-6. (No change.)

5:74-2.4 Renewal of certifications

(a) (No change.)

(b) Recertification is achieved by accumulating a prescribed number of continuing professional development points as developed and adopted by NICET, specifically Operational Policy #30, [2001] 2008 Revision, (Continuing Professional Development). Total points required for recertification are:

1.-6. (No change.)

(c) Where the certificate holder has obtained NICET certification, as required by this chapter, he or she shall submit a renewal application to NICET, meet the requirements of NICET Operational Policy #30, [2001] 2008 Revision, to obtain renewal of issued certifications, and pay the required fee as may be established by NICET.

(d)-(h) (No change.)