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STATE FIRE MARSHAL OPINION 15-02

Subject of Opinion: Various NAC sections requiring contractor written notification to owners and AHJ's of deficiencies/impairments with fire protection systems.

Background. Nevada Administrative Code (NAC) sections 477.370, 477.460, 477.470, 477.780, 477.810 and 477.850 as well as any other section that may address impairment notification, requires State Fire Marshal Division licensed fire protection industry contractors to notify in writing by the following business day when deficiencies that affect the performance and function of the system are encountered and the contractor does not have either the approval or the ability to make repairs to return the system to a good state of repairs in compliance with the applicable National Fire Protection Association (NFPA) standards.

Water-based fire protection system maintenance and inspection is covered by NFPA Standard 25; other fire protection related systems are similarly covered by the applicable NFPA design and installation standard for the type of system installed.

Question to the State Fire Marshal Division. Nevada Administrative Code section 477.470, subsection 6 states that, if the system remains deficient and the licensee does not have the authority to correct the deficiency, the word "impairment" must be written across the tag in black letters that are bold. The licensee shall notify the owner and the authority having jurisdiction of the deficiency in writing the next business day after completing the work.

NFPA 25 contains definitions and descriptions for "Deficiency" versus "Impairment" and the writer states that they have a clear understanding of the difference based on those definitions. The writer wants to know if their interpretation is correct that if the system was simply "Deficient" as defined in NFPA 25 and its ability to function was not compromised, then

notification would not be needed, however, if the system was "*Impaired*" as defined by NFPA 25, then notification in writing to the owner and the Authority Having Jurisdiction was required by various sections in Chapter 477 of the NAC. Is this a correct interpretation?

Opinion. The answer to the question is Yes.

By:



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