



California State Fire Marshal **CODE INTERPRETATION**

Date Issued	7/11/08	Interpretation	08-010
Topic	Voluntary Recall of Sprinklers		
Code Section(s)	Title 19, Article 4, Section 904.1		
Requested by	Marilyn J. Nelson, Project Director Department of General Services Real Estate Services Division Project Management Branch Marilyn.Nelson@dgs.ca.gov		

On July 25, 2001 SFM issued an Information Bulletin regarding "the voluntary replacement program for O-ring sprinklers that had been announced jointly by the Central Sprinkler Company and the US Consumer Products Safety Commission (CPSC)." The SFM "encouraged" owners of buildings to participate in the program and in this IB recognized that the "risk of a complete failure of a sprinkler is relatively low". It further states that in the five year certification "sprinkler systems should not fail solely because they contain the affected O-ring sprinklers. SFM will accept a building owner's participation in the Central Sprinkler Company's voluntary replacement program"

The term "voluntary" is commonly accepted as

1. Done or undertaken of one's own free will:
2. Acting or done willingly and without constraint or expectation of reward:
3. Normally controlled by or subject to individual volition:
4. Capable of making choices; having the faculty of will.
5. **Law**
 - a. **Without legal obligation or consideration:**

The term voluntary could then be considered as an option to replace or not to replace.

However, section 904.1 (c) states: The owner or occupant shall promptly correct or repair deficiencies, damaged parts or impairments found while performing the inspection, test and maintenance requirements of this standard. *Recalled products shall be replaced or remedied. Such replacement or remedial product shall be installed in accordance with the listing requirements, the manufacturer's instructions and the appropriate NFPA installation standards. A recalled product is a product subject to a statute or administrative regulation specifically requiring the manufacturer, importer, distributor, wholesaler, or retailer of a product, or any combination of such entities, to recall the product, or a product voluntarily recalled by a combination of such entities.*

Central Sprinkler Company maintains that their legal obligation to replace these products expired on August 7 2007 and that they are no longer subject to replacement liabilities for the "voluntary recall"

Does the term voluntary mean can or must be replaced?

According to the term of the voluntary recall, the sprinklers must be replaced.

Does the CPSC recall deadline of August 7, 2007 apply?

No. Title 19 Section 904.1(c) and 904.2 (d), require the sprinklers to be replaced or remedied. The system shall not be labeled until the recalled sprinklers are either replaced or remedied per Section 906 (i).

Does this code mean that the State code supersedes the CPSC recall and that the company must still replace the defective heads?

Yes, CCR Title 19 supersedes the CPSC recall. However, it is the responsibility of the building owner to replace the defective sprinklers if not a participant of the CPSC voluntary replacement program.