



MIKE CAUSEY, INSURANCE COMMISSIONER & STATE FIRE MARSHAL  
BRIAN TAYLOR, CHIEF STATE FIRE MARSHAL

March 18, 2020

Chris Carver  
Interim Fire Chief  
Elizabeth City, NC

**RE: 2013 NFPA 10 Certification Requirements for Fire Extinguisher Annual Inspections**

Mr. Carver:

This letter is in response to your request for formal interpretation dated February 19, 2020 that was received in NCDOI by email on February 19, 2020. In my words you are requesting:

Is an annual inspection and associated tagging of a fire extinguisher required to be performed by certified personnel complying with NFPA 10, Section 7.1.2.1 and 7.2.2?

**Remarks:**

Sections noted in this letter are referring to the 2013 edition of NFPA 10 unless otherwise noted.

**Code Analysis:**

2018 NC Fire Code, Section 906.2 requires portable fire extinguishers to be maintained in accordance with NFPA 10-13.

Sections 3.3.14 and 3.3.15 read as follows regarding definitions for "maintenance" and "inspection":

**3.3.14\* Extinguisher Inspection.** A quick check that a fire extinguisher is in its designated place, that it has not been actuated or tampered with, and that there is no obvious physical damage or condition to prevent its operation.

**3.3.15\* Extinguisher Maintenance.** A thorough examination of the fire extinguisher that is intended to give maximum assurance that a fire extinguisher will operate effectively and safely and to determine if physical damage or condition will prevent its operation, if any repair or replacement is necessary, and if hydrostatic testing or internal maintenance is required.

Section 7.2 addresses monthly inspections which consist mainly of a visual observation of the exterior of an extinguisher as described in the definition for "Extinguisher Inspection" above and does not address the functionality of an extinguisher.

Section 7.3 address maintenance of the extinguisher, and Section 7.3.2 addresses an annual inspection of an extinguisher, as part of the maintenance of the extinguisher, which requires more than the simple visual inspection described in 7.2.2 and 3.3.14.

**Conclusions:**

An annual inspection of a portable fire extinguisher is expected to comply with Section 7.3. For that reason, such inspection falls under the scope of "maintenance" and must comply with Sections 7.1.2.1 and 7.1.2.2 for certified personnel. The annual inspection and tagging of a portable fire extinguisher must be performed by certified personnel.

As a matter of reference, a copy of your letter of request for formal interpretation (Attachment A below) is included with this letter.

Please call if you have comments or questions.

Sincerely,

A handwritten signature in blue ink that reads "Carl Martin".

Carl Martin, RA  
Chief Code Consultant

cc: File  
Robbie Davis, Chairman – BCC  
Wayne Hamilton, Chairman Fire Prevention Standing Committee – BCC  
Charlie Johnson – NCDOT Chief Fire Code Consultant

ATTACHMENT A



# CITY OF ELIZABETH CITY FIRE DEPARTMENT

February 19, 2020

Carl Martin  
NCOSFM  
State Building Codes  
1202 Mail Service Center  
Raleigh, NC

Mr. Martin,

We have an individual who is performing annual fire extinguisher inspections and tagging them in our jurisdiction without certification per NFPA 10. We have issued him an order to comply and he is not to inspect or service extinguishers until he shows a valid certificate saying he has met the qualifications of NFPA 10. He states he is qualified but, cannot produce a valid certificate showing he is certified. He has provided a certificate from 2006. It is our stance, that he must have a valid, up to date, certificate on file with our office in order to continue operating as he is.

Per NCFC 906.2.1 service personnel are required to have a valid certificate from an approved agency that is acceptable to the AHJ. It is our interpretation that what he is doing is considered "servicing" and would require a valid certificate. Section 906.2 refers us to NFPA 10 which says a valid certificate is required to perform service or maintenance to an extinguisher. His argument is that NFPA 10 2013 edition section 7.1.2.3 says that persons performing inspections shall not be required to be certified. His argument is, he claims he is only inspecting them and nothing else. If service needs to be performed, then he replaces the extinguisher and no maintenance is done. It is our opinion that NFPA 7.1.2.3 is referring to those

that do the monthly checks and not for someone performing an annual check as he is doing. The annual checklist is listed under NFPA A 7.3.1 gives a list of items to check and perform. It also says that the annual check is not to be confused with the monthly inspections and is to be done by a trained and certified technician. He still argues that he is qualified and only inspecting them and replacing when needed with no service is involved.

We have agreed that the interpretation from your office is binding.

Chris Carver,  
Interim Fire Chief