

**Uncertified Consumer Fire Extinguishing/Suppression Devices**

**ISSUE:**

Concerns have been expressed to the Chief Fire Administrator regarding products marketed to consumers which purport to extinguish or suppress fires and which do not bear a certification “mark” or “label” indicating that the device has been tested to a standard recognised under the Safety Codes Act.

Some of these devices include aerosol spray can fire extinguishers, which are manually activated; canister or ball type heat activated automatic fire extinguishers, which are designed to be affixed to a kitchen exhaust hood; and heat activated cylinder style fire extinguishers, which are designed to be mounted on or in the ceiling of a residential or other space.

**DISCUSSION**

Under the Safety Codes Act, and previously under the Fire Prevention Act, the Government of Alberta has consistently affirmed that a fire extinguishing or suppression device made available for Albertans to utilise for fire protection must be certified to meet the standards laid out for that type of product under the Alberta Fire Code 2014 (AFC 14). This is irrespective of whether the device is required by the AFC or other codes. This determination is to ensure that when Albertans utilise devices purporting to suppress fires, and provide protection during a fire event, that they can do so knowing that the device(s) have been certified as providing established levels of performance in a safe, effective, reliable manner and are marked or *labelled* in accordance with that certification or listing.

Testing and certification to a standard (*listed*), followed by application of a “mark” (*labelled*), are the processes by which Albertans can be assured that all the products they purchase for protection from fire, whether the device is required by AFC or not, will perform safely, effectively and reliably in the advertised manner.

This certification and mark will also identify the size and classification of fire that these fire extinguisher devices can be expected to control or extinguish.

The AFC requires that all fire extinguishers sold or distributed shall be *listed* and *labelled* as meeting the appropriate National Standards of Canada. CAN/ULC Standards are designated as the National Standards of Canada to be utilised when manufacturing, supplying and installing fire extinguishers for use in Canada. Direct reference to these standards is made in the AFC 14 in Division B Subsection 2.1.5.

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Issue of this STANDATA is authorized  
by the Chief Fire Administrator



[Original Signed]  
Kevan D. Jess



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**AFC 14 Division B****Subsection 2.1.5. Portable Extinguishers****2.1.5.1. Selection and Installation**

- 1) Portable extinguishers shall be installed in all *buildings* except *dwelling units*. (See Appendix A.)
- 2) Except as otherwise required by this Code, portable extinguishers shall be selected and installed in accordance with NFPA 10, "Portable Fire Extinguishers." (See Appendix A.)
- 3) Notwithstanding the requirements of Sentence (2), portable extinguishers used to comply with this Code shall conform to the following performance standards as applicable:
  - a) CAN/ULC-S503, "Carbon-Dioxide Fire Extinguishers,"
  - b) CAN/ULC-S504, "Dry Chemical Fire Extinguishers,"
  - c) CAN/ULC-S507, "Water Fire Extinguishers,"
  - d) CAN/ULC-S512-M, "Halogenated Agent Hand and Wheeled Fire Extinguishers,"
  - e) CAN/ULC-S554, "Water Based Agent Fire Extinguishers," and
  - f) CAN/ULC-S566, "Halocarbon Clean Agent Fire Extinguishers."
- 4) Notwithstanding the requirements of Sentence (2), portable extinguishers shall be rated and identified in conformance with CAN/ULC-S508, "Rating and Fire Testing of Fire Extinguishers."
- 5) Portable extinguishers in proximity to a fire hazard shall be located so as to be accessible without exposing the operator to undue risk. (See Appendix A.)
- 6) Portable extinguishers that are subject to corrosion shall not be installed in a corrosive environment unless they are provided with appropriate corrosion protection.
- 7) Portable extinguishers shall not be distributed, sold, leased, offered for sale or lease or installed unless the portable extinguisher is *listed* and *labelled*.

**INTERPRETATION**

The following three arguments have been made as to why these devices should be allowed in Alberta. The answers are the explanation and formal Interpretation of the Chief Fire Administrator.

- 1) "*These devices are not required by the Alberta Fire or Building Code and as such they should not have to meet any of the requirements of those codes.*"

**Interpretation:** Fire safety equipment and devices, including fire extinguishers, are expected to provide a safe, effective and reliable performance to an identified level when activated during a fire event. Without the testing and certification of a fire extinguisher device by a reputable third party, to a standard which identifies and measures the device's performance, there is no valid assurance that the fire extinguisher device will function to provide the fire and life safety protection it was purported to provide when the fire extinguisher device activates or is used during a fire event. In most of these devices there is also no visible or other means of notifying a user that the device is functional.

In order to protect the safety of Albertans all fire extinguisher devices, portable or affixed, whether required by code or not, shall be *listed* (certified) and *labelled* (marked) as meeting the appropriate referenced standard in the AFC 14. In addition these devices shall be maintained in accordance with the AFC 14.

- 2) *“Our device is meant to be affixed within a space and therefore is not a portable extinguisher and not subject to the requirements of this Subsection.”*

**Interpretation:** These fire extinguisher devices operate using the types of fire suppressant agents, and utilise many of the components, that are found within *listed* and *labelled* portable extinguishers. They may therefore be expected to provide similar fire suppression actions and performance and be relied upon by Albertans in a manner similar to a portable extinguisher in a residential or other setting.

These fire extinguisher devices are deemed to be equivalent to a portable extinguisher in operation and purpose and are required to be *listed* and *labelled* in accordance with Sentence 2.1.5.1.(7) of the AFC 14 in order to be distributed, sold or installed in Alberta.

- 3) *“Our product is unique due to its design, application or operating principles and there is no appropriate standard which can be used for the purpose of certifying its safety, efficacy and reliability and; therefore, distribution of our product must be allowed.”*

**Interpretation:** Canada’s National Standards System has always anticipated and allowed for the development of new and innovative products which do not fit well within one or more recognised standards. The system recognises the development of “Other Recognised Documents” (ORDs) by a product’s proponent and a Certification Body or Standards Development Organisation (SDO) as a means which may lead to initial certification and possible future creation of a National Standard of Canada.

The ORD will identify the performance criteria for the product in areas of safety, efficacy, reliability, coverage, and appropriateness to hazard etc. as well as the testing methodologies and quality assurance practices to be used to measure the performance against the criteria. The ORD may also speak to installation, maintenance and inspection requirements for devices which it covers.

Devices are then tested to the ORD requirements and if they perform successfully may then be certified (*listed*) and marked (*labelled*) as meeting those requirements.

Once an ORD is developed a federal, provincial or territorial jurisdiction may include the ORD within a regulation or code as an acceptable solution. This process provides opportunities for innovation by inventors and entrepreneurs while protecting the safety of Canadians.

A fire extinguisher/suppression device which cannot be certified due to the absence of an appropriate existing standard must be certified to an ORD approved under a province-wide variance by the Chief Fire Administrator, prior to being distributed, sold or installed in Alberta.

### **Legislative Background:**

Fire protection and life safety in buildings, structures and places in Alberta are under the jurisdiction of the Safety Codes Act (ch.-S1, RSA 2000). The AFC 14 is adopted as a regulation (AR 32/2015 as amended) under the Safety Codes Act. Sections 7 and 9 of the Act prohibit the manufacture or sale of anything prohibited by the regulations.

**Safety Codes Act (ch.-S1, RSA 2000)**

- 7 A person who manufactures any thing or undertakes a process or activity to which this Act applies shall ensure that the thing, the process or the activity complies with this Act.
- 9 (1) A person who is a vendor in the ordinary course of business, other than as an employee or an agent, shall not advertise, display or offer for sale, for lease or for other disposal, or sell, lease or otherwise dispose of, any thing to which this Act applies unless that thing complies with this Act.
- (2) A person who sells, leases or otherwise disposes of a thing referred to in subsection (1) shall provide any warnings or instructions required by this Act.
- (3) No person shall advertise, display or offer for sale, for lease or for other disposal, or sell, lease or otherwise dispose of, any thing that is prohibited from being sold by the regulations.

**CONCLUSION**

The Chief Fire Administrator has determined that uncertified fire extinguishing or suppression devices, the distribution, installation or use of which creates a potentially unsafe condition for Albertans, do not meet the requirements and intent of the AFC 14 and the Fire Code Regulation; therefore under Section 9 of the Safety Codes Act these uncertified products are not acceptable for sale, distribution or use in Alberta.

Once other recognised documents or standards are available for these products, and these documents are approved by the Chief Fire Administrator in a province-wide variance, or included within the regulation, fire extinguishing and suppression devices certified to the relevant ORD or standard and marked accordingly will be acceptable for distribution, sale or use in Alberta.

Fire Safety Codes Officers and other fire officials that come across uncertified fire extinguishing or suppression devices being sold or used are requested to advise those involved (e.g. Retailer) that this product is not acceptable for sale or use and require that the product be removed from sale and returned to the supplier. Fire Safety Codes Officers or other fire officials are requested to advise the Chief Fire Administrator of their encounter so that further education, compliance or enforcement steps may be initiated, when required, on a province wide basis.

This Interpretation, as per Division C, Article 2.2.2.1. of the AFC 14, applies throughout the Province of Alberta.