

**FINAL STATEMENT OF REASONS  
FOR PROPOSED BUILDING STANDARDS  
OF THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT  
REGARDING THE 2019 CALIFORNIA BUILDING CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2, VOLUME 2**

**(OSHPD 03/19)**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a Final Statement of Reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

**UPDATES TO THE INITIAL STATEMENT OF REASONS:**

The Office of Statewide Health Planning and Development (OSHPD) finds that no revisions have been made which would warrant a change to the initial statement of reasons for the proposed actions associated with this rulemaking.

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

OSHPD has determined that the proposed regulatory action WOULD NOT impose a mandate on local agencies or school districts.

**OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).**

OSHPD received one comment from the Masonry Institute of America and two recommendations for the proposed actions as noticed during the 45-Day Comment Period of April 24, 2020 through June 8, 2020. A summary of the comments, objections, recommendations, and OSHPD responses are as follows:

**Regarding Item 7, Section 2103.5.  
Air entrainment. [OSHPD 1R, 2 & 5].**

**Commenter(s):** John Chrysler, Masonry Institute of America

**Commenter(s) Recommendation:**

Further Study Required

The previous Public Comment, as contained in the ISOR, objected to the fact that the provision is not enforceable since compliance for air entrainment is not defined in the code. The proposed Express Terms did not address the previous Public Comment. This provision needs to be sent for further review and the ultimate solution would be to delete from the Code since, in addition to the unenforceable provisions, it is duplicative with the requirements of TMS 602.

**Agency Response:** TMS 602 Section 2.2A states to provide grout in accordance with ASTM C476 and Section 2.2C states "Do not use admixtures unless acceptable."

TMS 602 Section 2.2C is ambiguous and further clarifications of Section 2.2C are appropriate for the CBC.

ASTM C476 under 3. Materials, Note 2 states "If the grout is to be used to bond masonry units to reinforcing bars, the use of air-entraining materials or air-entraining admixtures is not recommended." Note 2 is non-mandatory language. 2019 CBC Section 2103.5 permits air-entrainment in grout if tests are made to show compliance with the acceptance criteria in the CBC for masonry materials and construction.

### **DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS**

OSHDP has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation. The proposed regulations will not have a cost impact to private persons.

### **REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES:**

OSHDP has determined that the proposed regulations will not have an adverse economic impact on small businesses. The proposed regulations are technical modifications that will provide clarification and consistency within the code.