

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY
(DSA-SS AND DSA-SS/CC)
REGARDING THE 2019 CALIFORNIA MECHANICAL CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4
(DSA-SS 03/18)**

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS

Government Code Section 11346.2(b)(1) requires a statement of specific purpose of each adoption, amendment, or repeal and the problem the agency intends to address and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.

CHAPTER 1 – ADMINISTRATION, *DIVISION I CALIFORNIA ADMINISTRATION*

Title – Editorial change to identify amendment language in italics.

Section 1.1.1 – Editorial change to correspond with current code cycle.

Section 1.9.2 – Editorial change to maintain consistency between Parts 4 & 5 of Title 24.

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Section 1.9.2.1.1 – Editorial change to maintain consistency between Parts 4 & 5 of Title 24.

Section 1.9.2.2 – Editorial change to maintain consistency between Parts 4 & 5 of Title 24.

Section 1.9.2.2.1 – Editorial change to maintain consistency between Parts 4 & 5 of Title 24.

DIVISION II, ADMINISTRATION

Title – Editorial change to identify amendment language in italics.

Section 101.1 – Editorial change to identify the document amended as the California Mechanical Code.

CHAPTER 3 – GENERAL REQUIREMENTS

Section 312.1 – Editorial correction.

CHAPTER 4 – VENTILATION AIR

Section 401.2 – Filters. DSA proposes to relocate text regarding filters from Chapter 5, Exhaust Air, Sections 503.3 and 503.3.1 to Chapter 4, Ventilation Air, and create new section numbers 401.2 and 401.2.1 to contain the relocated text. Additionally, DSA

proposes to amend MERV requirements in Section 401.2 from 8 to 13; and further, based upon recommendations made by the Code Advisory Committee (CAC) at the 8/14/18 CAC meeting, proposes to repeal existing Exception 1 in its entirety, and renumber exception 2 to exception 1.

The CALGreen Code MERV ratings increase is proposed to align with the recently approved 2019 Energy Efficiency Standards found in Part 6 *California Energy Code* promulgated by the California Energy Commission which increased the MERV rating from a MERV 6 to a MERV 13. DSA's Part 4 must align with the CEC's MERV increase to avoid conflicts pursuant to HSC 18930.

These actions provide general construction provisions for mechanical systems used throughout the state, places provisions regarding filters in a more appropriate location, updates provisions proposed for amendment and maintains alignment with CalGreen Code, Chapter 5, Division 5.5, and will aid the code user.

Section 402.1 – Occupiable Spaces. DSA proposes to amend Section 402.1 in an effort to align with the California Energy Commission's (CEC) ventilation air requirements by striking the word "supply."

CHAPTER 5 – EXHAUST SYSTEMS

Sections 503.3 and 503.3.1 – This proposal relocates and carries forward the provisions of Sections 503.3 and 503.3.1 into Chapter 4 – Ventilation Air, Sections 401.2 and 401.2.1 respectively. This action places provisions regarding filters in a more appropriate location.

Section 513.2.2 – Exceptions - Editorial correction.

Subsection (2) – Editorial correction.

CHAPTER 17 – REFERENCED STANDARDS

Table 1701.2 – DSA is adopting this new Table added to 2018 UMC (Model Code).

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS

Government Code Section 11346.2(b)(3) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).

2018 UMC: Uniform Mechanical Code.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS

Government Code Section 11346.2(b)(1) requires a statement of the reasons why an agency believes any mandates for specific technologies or equipment or prescriptive standards are required.

Health and Safety Code (HSC) Section 18941 requires consistency with state and nationally recognized standards for building construction in view of the use and occupancy of each structure to preserve and protect the public health and safety.

CONSIDERATION OF REASONABLE ALTERNATIVES

Government Code Section 11346.2(b)(4)(A) requires a description of reasonable alternatives to the regulation and the agency's reasons for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternate. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.

The alternative to these proposed regulations would be to leave regulations as they are which will be inconsistent with HSC Section 18941 requirements.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

Government Code Section 11346.2(b)(4)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business.

The regulations proposed will have no adverse impact on small business, since they are essentially equivalent to the current requirements in the Code.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS

Government Code Section 11346.2(b)(5)(A) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.

The regulations proposed will have no adverse economic impact on business, since they are essentially equivalent to the current requirements in the Code.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

Government Code Sections 11346.3(b)(1) and 11346.5(a)(10)

The Division of the State Architect has assessed whether or not and to what extent this proposal will affect the following:

- A.** The creation or elimination of jobs within the State of California.
There will be no positive or adverse impact.
- B.** The creation of new businesses or the elimination of existing businesses within the State of California.
There will be no positive or adverse impact.
- C.** The expansion of businesses currently doing business within the State of California.
There will be no positive or adverse impact.
- D.** The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

There will be positive impact to the health and welfare of California school and essential services buildings, worker safety, and the state's environment.

ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS

Government Code Section 11346.2(b)(5)(B)(i) states if a proposed regulation is a building standard, the initial statement of reasons shall include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates.

The CA Energy Commission (CEC) made a change in air filtration requirements to improve indoor air quality for the better health of building occupants. The effect on local government (K-12 school and community college districts) will be an increase in air filter/grill costs of \$138,070 for new construction and \$12,234 for modernization. The effect on state government will be \$138,070 for new construction, \$18,352 for modernization and \$688 for essential services buildings. There will be no effect on federal government. There will be no effect on jobs and employment. The cost per square foot increase was provided to DSA by the Energy Commission, and was applied to average area of new and alteration work approved for construction by DSA over the previous 5 years.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

Government Code Section 11346.2(b)(6) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment.

The regulations proposed do not duplicate or conflict with federal regulations.