

**NOTICE OF PROPOSED ACTION
TO 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)**

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Division of the State Architect (DSA) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 4. DSA is proposing building standards related to the 2019 California Mechanical Code.

PUBLIC COMMENT PERIOD

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14**, until **5:00 PM** on **October 29, 2018**.

Please address your comments to:

California Building Standards Commission
Attention: Mia Marvelli, Executive Director
2525 Natomas Park Drive, Suite 130
Sacramento CA 95833

Written comments may also be emailed to CBSC@dgs.ca.gov.

Any interested person, or his or her duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Reference: Government Code Section 11346.5(a)(18).

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

Reference: Government Code Section 11346.5(a)(2).

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code (HSC) Sections 18930 and 18949.1. The purpose of these building standards is to implement, interpret, or make specific the provisions of HSC Sections 16000–16023, and Education Code (EDC) Sections 17280–17317, 81130–81147, and 81052–81053.

The Division of the State Architect is proposing this regulatory action based on HSC Section 16022 and EDC Sections 17310, 81142, and 81053.

INFORMATIVE DIGEST

Reference: Government Code Section 11346.5(a)(3).

Summary of Existing Laws

EDC Sections 17310 and 81142 authorize DSA to establish building standards for public elementary and secondary schools, and community colleges.

EDC Sections 81052 and 81053 authorize DSA to establish building standards which a community college may elect to use in lieu of those standards promulgated in accordance with EDC Section 81142.

HSC Section 16022 authorizes DSA to establish building standards for state-owned and state-leased essential services buildings.

HSC Section 18930 requires that any building standard proposed or adopted by state agencies be submitted to and approved or adopted by the Building Standards Commission, prior to codification.

HSC Section 18938 requires the filing of standards with the Secretary of State by CBSC only after they have been approved by the commissioners. It requires that the administrative regulations become effective 30 days after filing with the Secretary of State, and that they be published in Title 24.

Summary of Existing Regulations

Existing building standards which prescribe the mechanical design and construction of public elementary and secondary schools, community colleges and state-owned or state-leased essential services buildings, are promulgated by the Division of the State Architect. These regulations are contained in Title 24, Part 4, California Mechanical Code.

Summary of Effect

The proposed action would update Title 24, Part 4, by repealing the adoption of the 2015 edition Uniform Mechanical Code and adopting the most recent edition of the selected model mechanical code (Uniform Mechanical Code, 2018 edition). The proposed action will also integrate currently adopted mechanical safety amendments into the updated Title 24, Part 4, make editorial changes to currently adopted amendments to improve clarity or intent, and update the MERV air filter

requirements to align with the 2019 California Green Code (CalGreen) and the 2019 California Energy Code.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain building regulations in conformance with current state law by adopting the current edition of the model mechanical code and nationally-recognized mechanical design standards.

Evaluation of Consistency

There are no inconsistent or incompatible regulations being proposed.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

Reference: Government Code Section 11346.5(a)(4).

There are no other matters prescribed by statute applicable to the Division of the State Architect, or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Reference: Government Code Section 11346.5(a)(5).

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

ESTIMATE OF COST OR SAVINGS

Reference: Government Code Section 11346.5(a)(6).

An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- A. Cost or Savings to any state agency: **YES**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO**
- E. Cost or savings in federal funding to the state: **NO**

Estimate: 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.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

Reference: Government Code Section 11346.5(a)(8).

If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting

business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

DSA has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

DECLARATION OF EVIDENCE

Reference: Government Code Section 11346.5(a)(8).

In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

DSA has used cost information provided by the California Energy Commission in determining the fiscal impact to state and local governments. No other facts, evidence, documents or testimony has been relied upon by the Division of the State Architect to support the initial determination of no effect.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

Reference: Government Code Section 11346.5(a)(11).

Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

N/A

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

DSA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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

Reference: Government Code Section 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.

DSA has determined that this proposed action has no effect.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

DSA has determined that this proposed action has no effect.

C. The expansion of businesses currently doing business within the State of California.

DSA has determined that this proposed action has no effect.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

DSA has determined that proposed regulatory action would have a positive effect on the health and welfare of California residents, worker safety, and the state's environment by ensuring cleaner air inhabitable environments.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).

DSA has determined that this proposed action has no effect on housing under DSA's authority, which covers public schools, community colleges and essential services buildings.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).

DSA has determined that no reasonable alternative considered by DSA or that has otherwise been identified and brought to the attention of DSA would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

AVAILABILITY OF RULEMAKING DOCUMENTS

Reference: Government Code Sections 11346.5(a)(16) and 11346.5(a)(20).

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the [CBSC website](http://www.bsc.ca.gov): www.bsc.ca.gov.

Reference: Government Code Section 11346.5(a)(19).

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the [CBSC website](http://www.bsc.ca.gov): www.bsc.ca.gov

Reference: Government Code Section 11346.5(a)(21).

DSA shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

Reference: Government Code Section 11346.5(a)(14).

General questions regarding procedural and administrative issues should be addressed to:

Enrique Rodriguez, Associate Construction Analyst
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Phone: (916) 263-0916
Enrique.Rodriguez@dgs.ca.gov

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

James P. Hackett, Principal Structural Engineer
Department of General Services, Division of the State Architect
(916) 322-4699
jim.hackett@dgs.ca.gov

James Gibbons, Construction Supervisor II
Department of General Services, Division of the State Architect
(916) 322-2250
james.gibbons@dgs.ca.gov