

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY/
COMMUNITY COLLEGE (DSA-SS/CC)
REGARDING THE 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11
(DSA-SS/CC 04-19)**

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:

Government Code Section 11346.9(a)(1) requires an update of the information contained in the Initial Statement of Reasons. If the update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the Initial Statement of Reasons, the state agency shall comply with Government Code Section 11347.1.

There were no changes made to the proposed regulations published during the 45-day public comment period to the final statement of reasons.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s).

The DSA has determined that the proposed regulatory action WOULD NOT impose a mandate on local agencies or school districts. DSA does have authority to adopt regulations for school districts. The mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code. H&SC section 18928 requires the DSA to adopt the most current edition of the model codes. H&SC 18938(b) makes applicable the most current edition of the model building code to all occupancies throughout the State of California as prescribed.

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

Government Code Section 11346.9(a)(3) requires a summary of EACH objection or recommendation regarding the specific adoption, amendment, or repeal proposed, and

an explanation of how the proposed action was changed to accommodate each objection or recommendation, or the reasons for making no change. This requirement applies only to objections or recommendations specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action, or reasons for making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group.

Regarding Item #4 of the Final Express Terms:

The following is a summary of the comment(s) DSA received on Item 4 during the 45-day public comment period, DSA's explanation in response to each comment, and reasons for making no changes, as specified:

Commenter #1: Josh Jacobs, Director of Environmental Codes & Standards, LEED AP+BD&C, UL Environment & Sustainability.

Commenter Recommendation: Approve as Amended for Items 4: Section: 5.504.4.6. The stakeholder provides some support for DSA's proposals for CALGreen. Although the stakeholder supports DSA's proposal to reference the California Department of Public Health website for certification programs and testing labs, it does not support the removal of UL GREENGUARD Gold as an identified compliance pathway. Commenter also proposed code changes to existing Sections: 5.504.4.1, 5.504.4.3, and added new code Sections 5.504.4.7, and 5.504.4.8.

Agency Response: DSA appreciates the stakeholder's comment on the proposed amendment, however, after further review DSA will not make any changes to the Final Express Terms as a result of these comments. The codes are updated every three years which can make it difficult to update the language in a timely manner-as new certification programs are developed, or programs are no longer available. In order to maintain the code with the most up to date standards, DSA and other proposing agencies have provided a reference to the California Department of Public Health website where all certification programs and testing labs are listed. Additionally, DSA did not accept the new proposed changes mentioned above that were not part of DSA's proposed rulemaking.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

Government Code Section 11346.9(a)(4) requires a determination with supporting information that no alternative considered 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, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

The DSA has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, be as effective

and less burdensome to affected private persons than the adopted regulation, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

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

Government Code Section 11346.9(a)(5) requires an explanation setting forth the reasons for rejecting any proposed alternatives that would lessen the adverse economic impact on small businesses, including the benefits of the proposed regulation per 11346.5(a)(3).

There were no proposed alternatives. The DSA has determined that the proposed regulations will have no adverse impact on small businesses.