

**NOTICE OF PROPOSED ACTION
TO BUILDING STANDARDS OF THE
DIVISION OF THE STATE ARCHITECT
REGARDING THE 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11**

(DSA SS/CC 03-21)

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 State Architect proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 11. The DSA is proposing building standards related to Electric Vehicle Charging Stations, building standards related to carbon dioxide monitors in K-12 public school classrooms, and addressing clarity to existing green building standards.

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 August 13, 2021 until midnight on September 27, 2021. Comments may be submitted to CBSC via:

[e-Comment form](https://dgs.ca.gov/BSC/e-comments): dgs.ca.gov/BSC/e-comments

US Mail postmarked no later than September 27, 2021:

California Building Standards Commission
Michael Nearman, Deputy Executive Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Note: Only comments received in an accessible format will be viewable via CBSC's website. Use the e-Comment form to ensure accessibility.

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 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 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).

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18928.

For DSA-SS the purpose of these building standards is to implement, interpret, or make specific the provisions of Education Code sections 17280-17317, and 81130-81147. DSA-SS is proposing this regulatory action based on Education Code sections 17310 and 81142.

For DSA-SS/CC the purpose of these building standards is to implement, interpret, or make specific the provisions of Education Code section 81052, 81053, and 81130-81147. DSA-SS/CC is proposing this regulatory action based on Education Code section 81053.

INFORMATIVE DIGEST

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

Summary of Existing Laws

Sections 17310, 81142, and 81053 of the Education Code authorize the State Architect to establish building standards for the design, construction and inspection of building systems for public elementary and secondary schools, and community colleges.

Summary of Existing Regulations

Existing green building standards apply to the planning, design, operation, construction, use and occupancy of every newly constructed building or structure throughout the State of California. It is not the intent that the green building standards substitute or be identified as meeting the certification requirements of any green building program. The green building standards for public elementary and secondary schools and community colleges are promulgated by the Division of the State Architect. These regulations are contained in the California Green Building Standards Code (Cal. Code of Regs., title 24, part 11) and incorporate the following:

California Code of Regulations, title 24, part 3, (California Electrical Code), which prescribe the design and construction requirements for electrical systems of public elementary and secondary schools, and community colleges.

California Code of Regulations, title 24, part 4, (California Mechanical Code), which prescribe the design and construction requirements for mechanical systems of public elementary and secondary schools and community colleges.

California Code of Regulations, title 24, part 5, (California Plumbing Code), which prescribe the design and construction requirements for plumbing systems of public elementary and secondary schools, and community colleges.

California Code of Regulations, title 24, part 6, (California Energy Code), which contains minimum energy efficiency standards for the non-residential buildings in California promulgated by the California Energy Commission (CEC).

California Code of Regulations, title 24, part 11, (California Green Building Standards Code (CALGreen)), which contains mandatory and voluntary green building standards for residential and non-residential facilities.

Other relevant provisions of the California Code of Regulations:

California Code of Regulations, title 17, includes regulations for air quality promulgated by the California Air Resources Board.

Summary of Effect

The proposed action will implement the proposed modifications to the California Green Building Standards Code for buildings within DSA authority. The proposed amendments contain substantive changes which include mandatory provisions for doubling the number of required electric vehicle (EV) spaces provided with EV capable infrastructure and requiring the installation of minimum level 2 electric vehicle supply equipment for 25% of EV capable spaces, the installation of carbon dioxide monitors in new public K-12 schools, and new provisions for indoor air quality by limiting the off-gassing of thermal insulation and acoustical ceiling and wall panels, clarifying amendments to the regulations for shade trees, and editorial and non-substantive amendments with no intended change in regulatory effect.

Once filed with Secretary of State, the standards will be codified and published by July 1, 2022, and will become effective January 1, 2023.

Comparable Federal Statute or Regulations

There are no federal statutes or regulations that are comparable to the proposed editorial updates to the California Green Building Standards Code (CALGreen Code).

Policy Statement Overview

The broad objective of the proposed action is to maintain green building standards in conformance with current state law, by updating the 2022 California Green Building Standards Code (CALGreen Code).

Evaluation of Consistency

There are no inconsistent or incompatible regulations 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 impose a mandate on local agencies or school districts. The proposed regulatory action would impose a mandate on school districts; however the mandate does not require reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4, Government Code.

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: **NO**
- 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: Any additional expenditure resulting from this proposed action would be minor and absorbable within the existing budget and resources of DSA.

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-SS 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 Statement:

DSA has made an initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states. This determination is based on comments received at the workshop on the proposed amendments to the electric vehicle regulations and the cost benefit analysis provided by the California Air Resources Board. DSA has shown in the Economic and Fiscal Impact Statement (399) documents and the Initial Statement of Reasons (ISOR) which are part of this rulemaking, that the

electric vehicle regulations and the requirements for CO2 monitors in new classrooms do not pose a significant adverse economic impact on businesses.

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.

DSA Statement:

DSA-SS made an assessment of the proposed code changes and has determined that these changes do not require a report.

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 Statement:

DSA-SS 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 DSA-SS 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 Statement: These regulations will not affect the creation or cause the elimination of jobs with the State of California.

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

DSA Statement: These regulations will not affect the creation of new or cause the elimination of existing businesses within the State of California.

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

DSA Statement: These regulations may promote the expansion of businesses currently involved in the manufacturing, installation, maintenance and technology development of electric vehicle supply equipment and CO2 monitors within the State of California.

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

DSA Statement: The proposed editorial amendments and adoptions to the regulations will have a positive benefit to California residents as they will add requirements to the design and implementation of sustainable facilities. The carbon dioxide (CO₂) monitoring requirements will improve indoor air quality and overall public health in the state learning environments. The EV regulations will also have a positive benefit to the state's environment by reducing greenhouse gas emissions.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

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

DSA-SS has determined that this proposal would not have a significant effect on housing costs. DSA-SS does not have authority to impose building standards or regulations affecting housing.

CONSIDERATION OF ALTERNATIVES

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

DSA-SS has determined that no reasonable alternative considered by DSA-SS or that has otherwise been identified and brought to the attention of DSA-SS 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](https://dgs.ca.gov/BSC): dgs.ca.gov/BSC.

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](https://dgs.ca.gov/BSC): dgs.ca.gov/BSC.

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

DSA-SS shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Governments Code 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:

Michael L. Nearman, Deputy Executive Director
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-0916
michael.nearman@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:

Primary Contact:

Michelle Golden, Senior Architect
Department of General Services
Division of the State Architect
(858) 674-5453
michelle.golden@dgs.ca.gov

Back up Contact:

Paul Johnson, Senior Electrical Engineer
Department of General Services
Division of the State Architect
(916) 322-3579
paul.johnson@dgs.ca.gov