

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE STATE FIRE MARSHAL
REGARDING THE 2022 CALIFORNIA MECHANICAL CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4**

(SFM 01/21)

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**

Item 1-1

Chapter 1, Administration, Division I, California Administration, Section 1.1.1 Title

The SFM is proposing to repeal the adoption by reference of the 2018 Uniform Mechanical Code and incorporate and adopt by reference in its place the 2021 Uniform Mechanical Code for application and effectiveness in the 2022 California Mechanical Code.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Item 1-2

**Chapter 1, Administration, Division I, California Administration, Section 1.1.0
General through 1.1.12**

The SFM is proposing to maintain the adoption of those existing California provisions contained Sections 1.1.0 through 1.1.12.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Item 1-3

Chapter 1, Administration, Division I, California Administration, Section 1.11.1, Institutional, educational or any similar occupancy

For Items 1-3 through Item 1-8, the SFM is proposing to maintain the adoption of those existing California provisions contained in Sections 1.11.0 through 1.11.11 with modification.

The SFM is proposing to correlate the administration language and update terminology with the other parts of Title 24 that is derived from Health and Safety Code. Specifically, the application for Institutional, educational or any similar occupancies is being amended to add occupancies and uses under SFM authority. There is no regulatory change.

Authority cited—Health and Safety Code Section 13143.

Reference—Health and Safety Code Section 13143.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Item 1-4

Chapter 1, Administration, Division I, California Administration, Section 1.11.4.4 Fire Clearance Preinspection

Section 1.11.4.4 is updated to meet the Health & Safety Code Section 13244. The statute was changed for the fees that are charges for inspections. These changes were made in other parts of Title 24, but Part 4 was missed. This will correlate with the other parts of Title 24.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Item 1-5

Chapter 1, Administration, Division I, California Administration, Section 1.11.4.5 Care Facilities

Section 1.11.4.5 is updated to meet the Health & Safety Code Section 13244. The statute was changed for the fees that are charges for inspections. These changes were made in

other parts of Title 24, but Part 4 was missed. This will correlate with the other parts of Title 24.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Item 1-6

**Chapter 1, Administration, Division I, California Administration, Section 1.11.6
Certificate of Occupancy**

The SFM is proposing to correlate the requirements for certificate of occupancy with the regulations in the California Building Code. This is an existing amendment that has not been maintained and overlooked in the California Mechanical for several editions. The California Building Code is the appropriate part of the California Building Standards Code for the issuance of a certificate of occupancy from the authority having jurisdiction.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Item 1-7

**Chapter 1, Administration, Division I, California Administration, Section 1.11.7
Temporary Structures and Uses**

The proposal is an editorial correction to the referenced Section number in the California Building Code.

CAC Recommendation:

As Submitted

Agency Response:

Accept

**CHAPTER 1
ADMINISTRATION**

***DIVISION II*
ADMINISTRATION**

Item 1-8

Chapter 1, Administration, Division II, Administration, Section 1.11.7

The SFM proposes to not adopt Chapter 1, Administration, Division II Administration

CAC Recommendation:

As Submitted

Agency Response:

Accept

Notation:

Authority: Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.45, 1597.46, 1597.54, 1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13146, 13210, 13211, 17921, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50

Reference(s): Health and Safety Code Sections 13143, 13211, 18949.2, 25500 through 25545, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204

**CHAPTER 2
DEFINITIONS**

Item 2-1

Chapter 2, Definitions

The SFM proposes to adopt Chapter 2 and carry forward existing amendments.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Notation:

Authority: Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.45, 1597.46, 1597.54, 1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13146, 13210, 13211, 17921, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50

Reference(s): Health and Safety Code Sections 13143, 13211, 18949.2, 25500 through 25545, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204

**CHAPTER 3
GENERAL REGULATIONS**

Item 3-1
Chapter 3, General Regulations

The SFM proposes to adopt Chapter 3 and carry forward existing amendments.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Notation:

Authority: Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.45, 1597.46, 1597.54, 1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13146, 13210, 13211, 17921, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50

Reference(s): Health and Safety Code Sections 13143, 13211, 18949.2, 25500 through 25545, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204

CHAPTER 4
VENTILATION AIR SUPPLY

Item 4-1
Chapter 4, Ventilation Air Supply

The SFM proposes to adopt Chapter 4 and carry forward existing amendments.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Notation:

Authority: Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.45, 1597.46, 1597.54, 1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13146, 13210, 13211, 17921, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50

Reference(s): Health and Safety Code Sections 13143, 13211, 18949.2, 25500 through 25545, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204

CHAPTER 5
EXHAUST SYSTEMS

Item 5-1
Chapter 5, Exhaust Systems

The SFM proposes to adopt Chapter 5 and carry forward existing amendments.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Notation:

Authority: Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.45, 1597.46, 1597.54, 1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13146, 13210, 13211, 17921, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50

Reference(s): Health and Safety Code Sections 13143, 13211, 18949.2, 25500 through 25545, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204

CHAPTER 6
DUCT SYSTEMS

Item 6-1
Chapter 6, Duct Systems

The SFM proposes to adopt Chapter 6 and carry forward existing amendments.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Notation:

Authority: Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.45, 1597.46, 1597.54, 1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13146, 13210, 13211, 17921, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50

Reference(s): Health and Safety Code Sections 13143, 13211, 18949.2, 25500 through 25545, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204

CHAPTER 7
COMBUSTION AIR

Item 7-1
Chapter 7, Combustion Air

The SFM proposes to adopt Chapter 7 without amendments.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Notation:

Authority: Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.45, 1597.46, 1597.54, 1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13146, 13210, 13211, 17921, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50

Reference(s): Health and Safety Code Sections 13143, 13211, 18949.2, 25500 through 25545, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204

CHAPTER 8
CHIMNEYS AND VENTS

Item 8-1
Chapter 8, Chimney and Vents

The SFM proposes to adopt Chapter 8 without amendments.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Notation:

Authority: Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.45, 1597.46, 1597.54, 1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13146, 13210, 13211, 17921, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50

Reference(s): Health and Safety Code Sections 13143, 13211, 18949.2, 25500 through 25545, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204

CHAPTER 9
INSTALLATION OF SPECIFIC EQUIPMENT

Item 9-1
Chapter 9, Installation of Specific Equipment

The SFM proposes to adopt Chapter 9 without amendments.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Notation:

Authority: Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.45, 1597.46, 1597.54, 1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13146, 13210, 13211, 17921, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50

Reference(s): Health and Safety Code Sections 13143, 13211, 18949.2, 25500 through 25545, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204

CHAPTER 10
BOILERS AND PRESSURE VESSELS

Item 10-1
Chapter 10, Boilers and Pressure Vessels

The SFM proposes to adopt Chapter 10 without amendments.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Notation:

Authority: Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.45, 1597.46, 1597.54, 1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13146, 13210, 13211, 17921, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50

Reference(s): Health and Safety Code Sections 13143, 13211, 18949.2, 25500 through 25545, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204

CHAPTER 11
REFRIGERATION

Item 11-1
Chapter 11, Refrigeration

The SFM proposes to adopt Chapter 11 and carry forward existing amendments.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Item 11-2 (Addendum in Initial submittal)
Chapter 11, Refrigeration, Section 1104.6 Applications for Human Comfort and for Nonindustrial Occupancies

Currently approximately 50% of the self-contained units sold in California utilize A2L refrigerants. These “window” units commonly are exempt from work permit. The prohibition of the A2L for human comfort in section 1104.6 creates confusion on these types of “window” units. The SFM is proposing to maintain the use of small amount A2L refrigerant units that are listed and installed in accordance with the listing and the manufacturer’s installation instructions. The proposed exception to Section 1104.6 will maintain the current conditions allowed in California while the International Association of Plumbing and Mechanical Officials (IAPMO) hears proposals for the next edition of Uniform Mechanical, on the expanded safe use of A2L refrigerants.

The existing (2019 edition) California Mechanical Code (CMC) Section 1104.2 allows an exception for listed equipment containing not more than 6.6 lbs. (3 kg) of refrigerant regardless of the safety classification; including refrigerants classified as flammable.

Some examples of these types of equipment are room air conditioning units used in apartments or packaged terminal air conditioning units (PTACs) commonly used in hotels and motels. These units are charged with refrigerant at the factory; i.e. factory-sealed and do not have any refrigerant-containing parts or refrigerant lines that need to be installed in the field. Additionally, these units are certified by a nationally accredited laboratory in accordance with the required safety standards; i.e. they are listed equipment.

Based on existing safety standards and California building codes, as well as U.S. EPA approval of lower global warming potential (GWP) refrigerants; the California Air Resources Board (CARB) promulgated a regulation requiring the use of lower-GWP refrigerants for room air conditioners, portable air conditioners, portable dehumidifiers and packaged terminal air conditioners and heat pumps (PTAC/PTHP) effective January 1, 2023.

The proposal of exception (1) allows for the use of listed equipment containing no more than 2.2 lbs. (1 kg) of A2L refrigerant. This limit is based on the UL 60335-2-40 Edition 3 standard which permits the use of A2L refrigerant in room air conditioners, portable air conditioners and dehumidifiers. The use of these units is restricted to the residential sector for the most part and may sometimes be used in commercial settings for supplemental

cooling.

Exception (2) allows listed equipment containing no more than 4 lbs. (1.8 kg) of A2L refrigerant for commercial use only. The 4 lbs. (1.8 kg) limit is based on the UL 60335-2-40 Edition 3 which permits the use of A2L refrigerants in Packaged Terminal Air Conditioner (PTAC) and Packaged Terminal Heat Pumps (PTHP). Lower Flammable Limit (LFL) values of most A2L refrigerants are about 0.3 kg/m³ which translates to about 1.8 kg. PTAC/PTHPs require slightly higher amounts of refrigerant since they are slightly larger in size and are used in commercial applications such as hotels and motels.

CAC Recommendation:

Further Study

Agency Response:

Accept. The Office of the State Fire Marshal held a stakeholder workshop on April 23, 2021 to address the comments received by the code advisory committee and members from the public. The result was the creation of an exception being proposed to Section 1104.6 to allow A2L refrigerant in self-contained factory sealed units. The amount of A2L shall not exceed 2.2-pounds. The work group also discussed the possibility of setting the A2L limits to 4-pounds to match M1 for heat pumps. The workgroup did not meet consensus on the 4-pound proposal, but agreed to allow it for commercial use only. Underwriters Laboratories (UL) and Air-Conditioning, Heating, and Refrigeration Institute (AHRI) have developed several webinars and presentations to give stakeholders updates and information on the development of testing of A2L and firefighting tactical considerations.

Notation:

Authority: Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.45, 1597.46, 1597.54, 1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13146, 13210, 13211, 17921, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50

Reference(s): Health and Safety Code Sections 13143, 13211, 18949.2, 25500 through 25545, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204

CHAPTER 12 HYDRONICS

Item 12-1

Chapter 12, Hydronics

The SFM proposes to not adopt Chapter 12.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Notation:

Authority: Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.45, 1597.46, 1597.54, 1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13146, 13210, 13211, 17921, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50

Reference(s): Health and Safety Code Sections 13143, 13211, 18949.2, 25500 through 25545, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204

**CHAPTER 13
FUEL GAS PIPING**

Item 13-1

Chapter 13, Fuel Gas Piping

The SFM proposes to adopt Chapter 13 without amendments.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Notation:

Authority: Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.45, 1597.46, 1597.54, 1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13146, 13210, 13211, 17921, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50

Reference(s): Health and Safety Code Sections 13143, 13211, 18949.2, 25500 through 25545, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204

**CHAPTER 14
PROCESS PIPING**

Item 14-1

Chapter 14, Process Piping

The SFM proposes to adopt Chapter 14 without amendments.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Notation:

Authority: Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.45, 1597.46, 1597.54, 1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13146, 13210, 13211, 17921, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50

Reference(s): Health and Safety Code Sections 13143, 13211, 18949.2, 25500 through 25545, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204

**CHAPTER 15
SOLAR ENERGY SYSTEMS**

Item 15-1

Chapter 15, Solar Energy Systems

The SFM proposes to not adopt Chapter 15.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Notation:

Authority: Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.45, 1597.46, 1597.54, 1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13146, 13210, 13211, 17921, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50

Reference(s): Health and Safety Code Sections 13143, 13211, 18949.2, 25500 through 25545, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204

**CHAPTER 16
STATIONARY POWER PLANTS**

Item 16-1

Chapter 16, Stationary Power Plants

The SFM proposes to adopt Chapter 16 without amendments.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Notation:

Authority: Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.45, 1597.46, 1597.54, 1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13146, 13210, 13211, 17921, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50

Reference(s): Health and Safety Code Sections 13143, 13211, 18949.2, 25500 through 25545, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204

**CHAPTER 17
REFERENCED STANDARDS**

The SFM proposes to adopt Chapter 17 with amendments.

Item 17-1

Chapter 17, NFPA 2 Hydrogen Technologies Code

NFPA 2-2016~~19~~

The SFM is proposing to update the referenced standard to correlate with the other parts of Title 24. The rulemaking process between the different model codes can cause conflict in the adoption of the latest standards. The proposal is to establish consistency within the parts of the California Buildings Standards Code.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Item 17-2

Chapter 17, NFPA 10 Portable Fire Extinguishers

NFPA 10-2018~~21~~

The SFM is proposing to update the referenced standard to correlate with the other parts of Title 24. The rulemaking process between the different model codes can cause conflict in the adoption of the latest standards. The proposal is to establish consistency within the parts of the California Buildings Standards Code.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Item 17-3

Chapter 17, NFPA 13 Installation of Sprinkler Systems

NFPA 13-2019~~22~~

***See California Fire Code for amendments**

The SFM is proposing to update the referenced standard to correlate with the other parts of Title 24. The rulemaking process between the different model codes can cause conflict in the adoption of the latest standards. The proposal is to establish consistency within the parts of the California Buildings Standards Code. NFPA 13 is amended in the California Fire Code. The reference to the amendments is a reminder that California has amended the National Standard to align with State laws and regulations.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Item 17-4

Chapter 17, NFPA 17 Dry Chemical Extinguishing Systems

NFPA 17-2017~~20~~

The SFM is proposing to update the referenced standard to correlate with the other parts of Title 24. The rulemaking process between the different model codes can cause conflict in the adoption of the latest standards. The proposal is to establish consistency within the parts of the California Buildings Standards Code.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Item 17-5

Chapter 17, NFPA 17A Wet Chemical Extinguishing Systems

NFPA 17A-2017~~20~~

The SFM is proposing to update the referenced standard to correlate with the other parts of Title 24. The rulemaking process between the different model codes can cause conflict in the adoption of the latest standards. The proposal is to establish consistency within the parts of the California Buildings Standards Code.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Item 17-6

Chapter 17, NFPA 30A Motor Fuel Dispensing Facilities and Repair Garages

NFPA 30A-2018~~21~~

The SFM is proposing to update the referenced standard to correlate with the other parts of Title 24. The rulemaking process between the different model codes can cause conflict in the adoption of the latest standards. The proposal is to establish consistency within the parts of the California Buildings Standards Code.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Item 17-7

Chapter 17, NFPA 58 Liquefied Petroleum Gas Code

NFPA 58-2017~~20~~

The SFM is proposing to update the referenced standard to correlate with the other parts of Title 24. The rulemaking process between the different model codes can cause conflict in the adoption of the latest standards. The proposal is to establish consistency within the parts of the California Buildings Standards Code.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Item 17-8

Chapter 17, NFPA 70 National Electrical Code

NFPA 70-2017~~20~~

***See California Electrical Code for amendments**

The SFM is proposing to update the referenced standard to correlate with the other parts of Title 24. The rulemaking process between the different model codes can cause conflict in the adoption of the latest standards. The proposal is to establish consistency within the parts of the California Buildings Standards Code. NFPA 70 is amended as the California

Electrical Code, part 3 of Title 24. The reference to the amendments is a reminder that California has amended the National Standard to align with State laws and regulations.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Item 17-9

Chapter 17, NFPA 654 Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids

NFPA 654-201720

The SFM is proposing to update the referenced standard to correlate with the other parts of Title 24. The rulemaking process between the different model codes can cause conflict in the adoption of the latest standards. The proposal is to establish consistency within the parts of the California Buildings Standards Code.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Item 17-10

Chapter 17, NFPA 853 Installation of Stationary Fuel Cell Power Systems

NFPA 853-201520

The SFM is proposing to update the referenced standard to correlate with the other parts of Title 24. The rulemaking process between the different model codes can cause conflict in the adoption of the latest standards. The proposal is to establish consistency within the parts of the California Buildings Standards Code.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Notation:

Authority: Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.45, 1597.46, 1597.54, 1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13146, 13210, 13211, 17921, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50

Reference(s): Health and Safety Code Sections 13143, 13211, 18949.2, 25500 through 25545, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204

APPENDICES

Item 18-1 Appendices, Appendix A- H

The SFM proposes to not adopt Appendix A - H.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Notation:

Authority: Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.45, 1597.46, 1597.54, 1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13146, 13210, 13211, 17921, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50

Reference(s): Health and Safety Code Sections 13143, 13211, 18949.2, 25500 through 25545, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204

USEFUL TABLES

Item 19-1 Useful Tables

The SFM proposes to adopt Useful Tables without amendment.

CAC Recommendation:

As Submitted

Agency Response:

Accept

Notation:

Authority: Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.45, 1597.46, 1597.54, 1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13146, 13210, 13211, 17921, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50

Reference(s): Health and Safety Code Sections 13143, 13211, 18949.2, 25500 through

25545, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204

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).

The SFM did not rely on any technical, theoretical, and empirical study, report, or similar documents outside of those contained in this rulemaking in proposing that CBSC adopt said model code as a reference standard for the placement of existing SFM regulatory amendments for the California Building Standards Codes.

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.

The SFM believes that the amendments to the model code and additional building standards proposed are offered in both a prescriptive and performance base. The nature and format of the model code adopted by reference allow for both methods, the following is a general overview of the model code proposed to be adopted by reference as well as state modifications:

This comprehensive electric code establishes minimum regulations for fire prevention and fire protection systems using prescriptive and performance-related provisions. It is founded on broad-based principles that make possible the use of new materials and new system designs.

This code is founded on principles intended to establish provisions consistent with the scope of a building and fire code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to types or classes of materials, products or methods of construction.

The Uniform Mechanical Code (UMC) provisions provide many benefits, among which is the model code development process that offers an international forum for building and fire safety professionals to discuss performance and prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

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 SFM has determined 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 proposed adoption by reference with SFM amendments. Therefore, there are no alternatives available to the SFM regarding the proposed adoption of this code.

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 SFM has determined 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 proposed adoption by reference with SFM amendments. Therefore, there are no alternatives available to the SFM regarding the proposed adoption of this 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 SFM has determined that this proposed action will not have a significant adverse economic impact on business. Health and Safety Code Section 18928 requires the SFM, when proposing the adoption of a model code, national standard, or specification shall reference the most recent edition of the applicable model code, national standard, or specification. Therefore, there are no other facts, evidence, documents, testimony, or other evidence on which the SFM relies to support this rulemaking.

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)

SFM 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.
These regulations will not affect the creation, or cause elimination, of jobs within the State of California.
- B.** The creation of new businesses or the elimination of existing businesses within the State of California.
These regulations will not affect the creation or the elimination of existing business within the State of California.
- C.** The expansion of businesses currently doing business within the State of California.

These regulations will not affect the expansion of business currently doing business 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.

These regulations will update and improve minimum existing building standards, which will provide increased protection of public health and safety, worker safety and the 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 SFM does not anticipate any significant cost of compliance with the proposed building standards. The regulations are based on the model code. Health & Safety section 18928 requires that building standard be essentially the same as the most recent edition of the uniform industry codes. These regulations benefits are to have clear, concise, complete and update text of the regulations and standards.

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 SFM has determined that this proposed rulemaking action does not unnecessary duplicate or conflict with federal regulations contained in the Code of Federal Regulations that address the same issues as this proposed rulemaking.