

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE STATE FIRE MARSHAL
REGARDING THE 2022 CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5**

(SFM 02/21)

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 Plumbing Code and incorporate and adopt by reference in its place the 2021 Uniform Plumbing Code for application and effectiveness in the 2022 California Plumbing 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 and carry forward 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 1.11.0 through 1.11.11

The SFM is proposing to maintain the adoption and carry forward existing California provisions contained Sections 1.11.0 through 1.11.11.

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

[For Items 1-4 through Item 1-7, the SFM is proposing to maintain the adoption of those existing California provisions contained in Sections 1.11.0 through 1.11.11 with modifications as shown below.]

[The SFM is proposing to amend the section]

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

[The SFM is proposing to amend the section]

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 amend the section]

The SFM is proposing to correlated 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 SFM is proposing to amend the section]

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 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 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
PLUMBING FIXTURES AND FIXTURE FITTINGS**

Item 4-1

Chapter 4, Plumbing Fixtures and Fixture Fittings

The SFM proposes to not adopt Chapter 4.

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 WATER HEATERS

Item 5-1

Chapter 5, Water Heaters

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 WATER SUPPLY AND DISTRIBUTION

Item 6-1
Chapter 6, Water Supply And Distribution, Section 603.5.14 Protection from Fire Systems

The SFM is proposing to maintain the adoption by reference California amendment Section 603.5.14 Note.

CAC Recommendation:

As submitted

Agency Response:

Accept

Item 6-2
Chapter 6, Water Supply and Distribution, Section 612.1 Where Required

[Associated proposals SFM 05/20-6-3 and SFM 05/20-17-1.]

SFM is proposing to remove specified subsections of Section 612 Residential Fire Sprinkler Systems and provide a pointer to the California Residential Code and the California Fire Code.

CAC Recommendation:

As submitted

Agency Response:

Accept

Item 6-3
Chapter 6, Water Supply and Distribution, Sections 612.2 through 612.7.2

[Associated proposals 6-2 and 17-1.]

Delete and remove Sections 612.2 through 612.7.2, including all Tables in Section 612.

AB 433 (2013) amended the Business and Professions Code Sections 7026.12 and 7057 to allow licensed plumbing contractors to install residential fire sprinkler systems. The regulations for the installation of residential fire sprinklers to be performed by a plumbing contractor are in the California Plumbing Code (CPC), Section 612. The California assembly bill that allowed plumbing contractors to perform residential fire installation contained a sunset clause, the provision was valid until January 1, 2017. Currently, California State law permits a licensed fire protection contractor or an owner/builder to install a residential fire sprinkler system. Section 612 of the CPC is not relevant and is not needed in code, as it is no longer lawful for plumbers to install residential fire sprinkler systems. California licensed fire protection contractors and the owner/builders will find the

residential fire sprinkler installation regulations in the California Residential Code (CRC) Section R313 and the California Fire Code (CFC), which also references the appropriate NFPA standards.

The modification to delete and remove all of Section 612 and provide a pointer to the CRC and the CFC provides the code user a signal where the regulations can be found. The benefit of removing the duplication of regulations in different parts of Title 24, aids to avoid conflicts.

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 SANITARY DRAINAGE

Item 7-1

Chapter 7, Sanitary Drainage

The SFM proposes to not adopt Chapter 7.

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 INDIRECT WASTES

Item 8-1 Chapter 8, Indirect Wastes

The SFM proposes to not adopt Chapter 8.

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 VENTS

Item 9-1 Chapter 9, Vents

The SFM proposes to not adopt Chapter 9.

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 TRAPS AND INTERCEPTORS

Item 10-1 Chapter 10, Traps and Interceptors

The SFM proposes to not adopt Chapter 10.

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 STORM DRAINAGE

Item 11-1 Chapter 11, Storm Drainage

The SFM proposes to not adopt Chapter 11.

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 12
FUEL GAS PIPING**

Item 12-1

Chapter 12, Fuel Gas Piping, Section 1211.7 Earthquake-Actuated Gas Shutoff Valves

The SFM proposes to adopt Chapter 12 carry forward existing amendments with the following editorial correction to Section 1211.7. The editorial change to renumber Section 1211.7 to Section 1211.8 is based on changes made to the model code 2021 Uniform Plumbing Code. The proposed change is needed to avoid duplicate numbering and is consistent with the desired location in the sequence of the sub-sections of the main Section 1211. The change benefits the code user in updating the sub-section California amendment to the correct location.

1211.78 Earthquake-Actuated Gas Shutoff Valves. [Text remains unchanged]

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
HEALTH CARE FACILITIES AND MEDICAL GAS AND MEDICAL VACUUM SYSTEMS**

Item 13-1

Chapter 13, Health Care Facilities and Medical Gas And Medical Vacuum Systems

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 FIRESTOP PROTECTION

Item 14-1

Chapter 14, Firestop Protection

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 ALTERNATE WATER SOURCES FOR NONPOTABLE APPLICATIONS

Item 15-1 Chapter 15, Alternate Water Sources for Nonpotable Applications

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 NONPOTABLE RAINWATER CATCHMENT SYSTEMS

Item 16-1 Chapter 16, Nonpotable Rainwater Catchment Systems

The SFM proposes to not adopt Chapter 16.

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, Table 1701.1, NFPA 13D Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes

[Associated proposals 6-2 and 6-3.]

The SFM proposes to delete and remove the reference standard for NFPA 13D Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes.

The SFM is proposing to delete and remove Section 612, the provisions for the installation of residential fire sprinkler systems by plumbing contractors. This proposal to delete and remove the reference to NFPA 13D Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes is associated with the deletion of Section 612. The standard is no longer needed in Chapter 17, TABLE 1701.1 REFERENCED STANDARDS. This will benefit and avoid any potential conflicts between different editions of the NFPA standard and regulations in other parts of Title 24.

CAC Recommendation:

As submitted

Agency Response:

Accept

Item 17-2

Chapter 17, Table 1701.1, NFPA 30A Motor Fuel Dispensing Facilities and Repair Garages

NFPA 30A-201821

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 17-4

Chapter 17, Table 1701.1, 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 17-5

Chapter 17, Table 1701.1, 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 17-6

Chapter 17, Table 1701.1, NFPA 99 Health Care Facilities Code

NFPA 99-201721

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 through N

The SFM proposes to not adopt Appendix A through N.

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 plumbing 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 Plumbing Code (UPC) 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.