

**INITIAL STATEMENT OF REASONS  
FOR PROPOSED BUILDING STANDARDS  
OF THE STATE FIRE MARSHAL  
REGARDING THE 2022 CALIFORNIA REFERENCED STANDARDS CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 12**

**(SFM 08/21)**

The Referenced Standards 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.

**Item 1**

**Chapter 12-7A, Materials and Construction methods for exterior wildfire exposure,  
Section SFM Standard 12-7A-5**

SFM proposes to repeal Ignition-Resistant Material SFM Standard 12-7A-5.

Reason: CA SFM Standard 12-7A-5, Ignition-resistant Material is being replaced because it is no longer correct. It refers to a generic building material surface burning flame spread test standard consisting of an extended 30 minute ASTM E84 or UL 723 test method as is used for fire-retardant treated wood. It is equivalent to ASTM E2768, which is the 30-minute version of ASTM E84 with the correct pass/fail criteria, consistent with the building code.

The following SFM standards with ASTM equivalents are being retained:

1. SFM Standard 12-7A-1, Exterior Wall Siding and Sheathing. A fire resistance test standard consisting of a 150-kW intensity direct flame exposure for a 10-minute duration. It is equivalent to ASTM E2707.
2. SFM Standard 12-7A-3, Horizontal Projection Underside A fire resistance test standard consisting of a 300-kW intensity direct flame exposure for a 10-minute duration. It is equivalent to ASTM E2957.
3. SFM Standard 12-7A-4, Decking. A two-part test consisting of a heat release rate (Part A) deck assembly combustion test with an under-deck exposure of 80 kW intensity direct flame for a 3-minute duration, and a (Part B) sustained deck assembly combustion test consisting of a deck upper surface burning ember exposure with a 12-mph wind for 40 minutes using a 2.2lb (1kg) burning "Class A" size 12" x 12" x 2.25" (300 mm x 300 mm x 57 mm) roof test brand. It is equivalent to the combination of ASTM E2632 and ASTM E2726. Wherever it is required the code also requires both the ASTM tests to be conducted.

4. SFM Standard 12-7A-4A, Decking Alternate Method A. A heat release rate deck assembly combustion test with an under-deck exposure of 80 kW intensity direct flame for a 3-minute duration. It is equivalent to ASTM E2632.

### **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 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.

This comprehensive Referenced Standards 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.

### **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 the alternative considered of using the national standard 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.

### **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 the alternative considered of using the national standard

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 small business.

### **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.

### **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)

The 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.

### **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.