

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT
REGARDING THE 2022 CALIFORNIA MECHANICAL CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4
(OSHPD 01/21)**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a Final Statement of Reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS:

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

The Office of Statewide Health Planning and Development (OSHPD) has made no changes to the Initial Statement of Reasons (ISOR) as originally proposed.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

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

OSHPD has determined that the proposed regulatory action WOULD NOT impose a mandate on local agencies or school districts.

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

Government Code Section 11346.9(a)(3) requires a summary of EACH objection or recommendation regarding the specific adoption, amendment, or repeal proposed, and an explanation of how the proposed action was changed to accommodate each objection or recommendation, or the reasons for making no change. This requirement applies only to objections or recommendations specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action, or reasons for making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group.

The text with proposed code changes was made available to the public for a 45-day comment period from May 28, 2021 until July 12, 2021. There was no subsequent public comment period.

OSHPD received a total of three (3) comments from the following individuals during the public comment period as shown below:

Item 4
Chapter 4 Ventilation air, Section 407.5.1.3

OSHPD proposes to amend the Variable Air Volume (VAV) to specify that a VAV device is required in spaces with pressure requirements so that a system can control the pressure in spaces with pressure requirements in conjunction with controlling the air flow.

Commenter and Recommendation:

Christopher Hanzel and Austin M. Barolin representing Mazzetti recommends Approve as Submitted.

Agency Response:

OSHPD appreciates the support comments.

Item 4
Chapter 4 Ventilation air, Section 407.5.1.3

OSHPD proposes to amend the Variable Air Volume (VAV) to specify that a VAV device is required in spaces with pressure requirements so that a system can control the pressure in spaces with pressure requirements in conjunction with controlling the air flow.

Commenter and Recommendation:

Brian D. Hans representing Mazzetti recommends Approve as Amended.

Agency Response:

OSHPD appreciates the comment and input, however, upon further review OSHPD has made no additional changes to the proposed language because we strive to avoid adding new directive language in the California Mechanical Code. Additional OSHPD commentary specific to the Commenter Recommendations is provided as follows:

The potential discrepancy of poor directional air management is already addressed in the California Mechanical Code, Section 407.4.1.3, and the California Building Code Section 1020.5. In this case, we decided not to add a third directive for this item.

“... some provision should be made to allow for tracking of the supply fan performance to the exhaust/return fan system. If VAV only at “spaces with pressure control” on return without some fan tracking is implemented it could lead to significant pressure disparities for NR rooms that may create negative pressurization conditions to the point of a safety compromise to staff and/or patients.” We are guarding against drafting code language that may be construed as a design guide, but that does explain the minimum requirements for system performance – allowing the Mechanical Engineer of Record the flexibility to design a system to address the requirements as they see fit.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

Government Code Section 11346.9(a)(4) requires a determination with supporting information that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

OSHPD has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation. The proposed regulations will not have a cost impact to private persons.

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

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

OSHPD has determined that the proposed regulations will not have an adverse economic impact on small businesses. The proposed regulations are technical modifications that will provide clarification and consistency within the code.