

**FINAL 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 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 SFM 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).

The Office of the State Fire Marshal has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

Health and Safety Code Sections 1250, 13143, 13211, 1569.72, 1568.02, 1502, 1597.44, 1597.45, 1597.46, 1597.54, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13146, 13210, 13211, 17921, 18949.2, 25500 through 25545, Government Code Section 51176, 51177, 51178, 51179, 51189, Education Code 17074.50 and Public Resources Code Sections 4201 through 4204 requires the SFM to prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire.

**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 SFM received a comment from Air Conditioning, Heating, and Refrigeration Institute (AHRI) during 45-Day public comment period. See agency response below.

## Item 11-2

### Chapter 11, Section 1104.6 Applications for Human Comfort and for Nonindustrial Occupancies.

#### Commenter(s) and Recommendation:

Helen Walter-Terrinoni, representing AHRI

The commenter noted that the 2021 Uniform Mechanical Code (UMC) defines “self-contained” as *“having all essential working parts, except energy and control connections, so contained in a case or framework that they do not depend on appliances or fastenings outside of the machine.”*

Some “factory-sealed” packaged terminal air conditioners (PTACs) and portable air conditioners are designed to be used with duct work and would not comply with the 2021 UMC definition of “self-contained.” This includes equipment required to transition in 2023 by the California Air Resources Board to low global warming potential (GWP) refrigerants. Secondly, the term “factory-sealed refrigerating system” could be used as alternative language for “self-contained factory sealed units”.

#### Agency Response:

SFM received a comment from (AHRI) during 45-Day public comment period with a suggestion to make some editorial changes to Section 1104.6 Applications for human comfort and for nonindustrial occupancies.

SFM made editorial changes to the 45-Day express terms as a result of the suggestions from AHRI and the SFM A2L workgroup. An additional 15-Day public comment period was conducted, and no further comments were received.

### 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.

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 as 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 and amendment of this code.

**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).

n/a