

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE STATE FIRE MARSHAL
REGARDING THE 2022 CALIFORNIA ADMINISTRATIVE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1
(SFM 01/22)**

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.

General Statement of Purpose, Problem, Rationale and Benefits

The purpose of these proposed regulatory actions is to make clear the intent of Health and Safety Code 13146 (A)(5) which reads, The State Fire Marshal (SFM) shall enforce the building standards and other regulations of the State Fire Marshal on all University of California campuses and properties administered or occupied by the University of California and on all California State University campuses and properties administered or occupied by the California State University. For each university campus or property, the State Fire Marshal may delegate that responsibility to the person of the State Fire Marshal's choice who shall be known as the Designated Campus Fire Marshal.

The University of California (UC) currently has a memorandum of understanding (MOU) with the State Fire Marshal. The authority of the State Fire Marshal has been delegated to the Designated Campus Fire Marshal's through the MOU.

The Public Problem, Administrative Requirement, or Other Circumstance Addressed

AB 2021 (2009-2010), Fletcher. Fire protection: Designated Campus Fire Marshal.

Existing law requires the State Fire Marshal (SFM), the chief fire official of any city, county, or fire protection district and their authorized representatives to enforce regulations and building standards relating to fire and panic safety published in the California Building Standards Code in all state-owned buildings, state-occupied buildings, and state institutions throughout the state, as specified.

The bill would authorize the State Fire Marshal to enforce the building standards and other regulations of the State Fire Marshal on all University of California campuses and properties administered or occupied by the University of California. The bill would authorize the State Fire Marshal to delegate that authority to the person of his or her choice for each university campus or property who would be known as the Designated Campus Fire Marshal. This bill would require any Designated Campus Fire Marshal to

enforce those regulations and building standards relating to fire and panic safety, as specified.

Existing law authorizes the State Fire Marshal to authorize the chief fire official of any city, county, or fire protection district and his or her authorized representatives, in their geographical area of responsibility, to make fire prevention inspections of state-owned or state-occupied buildings, as specified, upon written request of that chief fire official.

This bill would extend the authority to make those written requests and perform those inspections to a Designated Campus Fire Marshal.

The UC has a MOU with the SFM that allows qualified campus fire marshals to act on behalf of the SFM regarding compliance with fire and life safety standards at UC facilities. A MOU was first initiated as a two-year pilot program in 1994 to determine the effectiveness of this practice. The program proved to be an acceptable means of ensuring on-site fire and life safety plan approval including inspection of UC construction projects and existing campus facilities. Under the MOU, campuses submit projects to the campus fire marshal in lieu of submittals to the SFM. This allows for faster and more thorough reviews of UC's large and complex capital program. Campus fire marshals interact with the SFM to ensure compliance with all applicable codes and standards and play a critical role in assisting planners, architects, and engineers by identifying alternative fire safety solutions to be discussed with the SFM.

Rationale for Necessity

The Rationale for this regulatory change is to make clear the intent of the HSC section 13146.

The law allows the State Fire Marshal (SFM) to designate a Campus Fire Marshal for the inspecting and enforcing fire and life safety standards on University of California (UC) Campuses. Specifically:

- 1) Authorizes the SFM to enforce the building standards and other regulations of the SFM on all UC campuses and properties administered or occupied by the UC.
- 2) Authorizes the SFM to delegate that authority to the person of his or her choice for each university campus or property who would be known as the Designated Campus Fire Marshal.
- 3) Requires any Designated Campus Fire Marshal to enforce those regulations and building standards relating to fire and panic safety.
- 4) Extends the authority to make written requests and perform inspections to a Designated Campus Fire Marshal.

ITEM 1

Chapter 3 ADMINISTRATIVE REGULATIONS FOR THE OFFICE OF THE STATE FIRE MARSHAL (SFM), Article 3-1 General Provisions and Article 3-2 Definitions

The SFM is proposing to add language to clarify the special relationship between the State Fire Marshal and the University of California per statute Health and Safety Code (HSC) 13146 (A)(5).

HSC 13146 (A) (5) The State Fire Marshal shall enforce the building standards and other regulations of the State Fire Marshal on all University of California campuses and properties administered or occupied by the University of California and on all California State University campuses and properties administered or occupied by the California State University. For each university campus or property, the State Fire Marshal may delegate that responsibility to the person of the State Fire Marshal's choice who shall be known as the Designated Campus Fire Marshal.

The University of California (UC) currently has a memorandum of understanding (MOU) with the State Fire Marshal. The authority of the State Fire Marshal has been delegated to the Designated Campus Fire Marshal's through the MOU. The language in item (8) of Specified state occupied buildings is not needed. The proposal to remove the reference to the UC has no regulatory effect.

The exception is being proposed for deletion. The exception creates more confusion than what is intended. Any of the listed items are under the jurisdiction of the Office of the State Fire Marshal's office.

CAC Recommendation:

Approve

Agency Response:

Accept

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.

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 proposed amendments do not contain any mandates for specific technologies or equipment or prescriptive standards. The amendments are editorial to provide clarifications and do not have regulatory effect.

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. The proposed amendments will have no impact on private persons or small businesses as they are clarifications about special relationship between the State Fire Marshal and the University of California.

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 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 cause elimination, of existing businesses 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 clarify specified state 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 increase in 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 unnecessarily duplicate or conflict with federal regulations contained in the Code of Federal Regulations that address the same issues as this proposed rulemaking.