# ADDENDUM TO INITIAL EXPRESS TERMS AND RATIONALE FOR PROPOSED BUILDING STANDARDS OF THE STATE FIRE MARSHAL REGARDING THE 2025 CALIFORNIA EXISTING BUILDING CODE, CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10 (SFM 09/24)

The state agency shall draft the regulations in plain, straightforward language, avoiding technical terms as much as possible and using a coherent and easily readable style. The agency shall draft the regulation in plain English. A notation shall follow the express terms of each regulation listing the specific statutes authorizing the adoption and listing specific statutes being implemented, interpreted, or made specific (Government Code Section 11346.2(a)(1)).

Approve as amended a proposed provision, as requested by the state agency. Modifications are justified in terms of Health and Safety Code Section 18930. (Section 1-409(e)4 of the California Administrative Code, Part 1 of Title 24 of the California Code of Regulations).

If using assistive technology, please adjust your settings to recognize underline, strikeout, italic and ellipsis.

## LEGEND for EXPRESS TERMS (Based on model codes - Parts 2, 2.5, 3, 4, 5, 9, 10)

* Model Code language appears upright
* Existing California amendments appear in *italic*
* Amended model code or new California amendments appear *underlined & italic*
* Repealed model code language appears ~~upright and in strikeout~~
* Repealed California amendments appear in *~~italic and strikeout~~*
* Ellipses (...) indicate existing text remains unchanged

## ADDENDUM to INITIAL EXPRESS TERMS and RATIONALE

### ITEM 1-1.1 Section 1.11.2.4 Request for alternative means of protection

[SFM proposes to modify the existing amendment to update the reference pointer to Title 19.]

***1.11.2.4 Request for alternate means of protection.*** *Requests for approval to use an alternative material, assembly or materials, equipment, method of construction, method of installation of equipment or means of protection shall be made in writing to the enforcing agency by the owner or the owner’s authorized representative and shall be accompanied by a full statement of the conditions. Sufficient evidence or proof shall be submitted to substantiate any claim that may be made regarding its conformance. The enforcing agency may require tests and the submission of a test report from an approved testing organization as set forth in Title 19, California Code of Regulation, to substantiate the equivalency of the proposed alternative means of protection.*

*When a request for alternate means of protection involves hazardous materials, the authority having jurisdiction may consider implementation of the findings and recommendations identified in a Risk Management Plan (RMP) developed in accordance with Title 19, Division ~~2~~5, Chapter ~~4.5~~2, Article 3.*

*Approval of a request for use of an alternative material, assembly of materials, equipment, method of construction, method of installation of equipment or means of protection made pursuant to these provisions shall be limited to the particular case covered by request and shall not be construed as establishing any precedent for any future request.*

**Rationale:**

SFM proposes to modify the existing amendment to update the reference pointer to Title 19 due to the following action. Both the California Accidental Release Prevention and Hazardous Materials Business Plan programs are under the oversight of CalEPA (AB 148, Stats. 2021). These programs were previously under CalOES. CalEPA did a section 100 rulemaking earlier this year. The regulations for these two programs were previously in CCR Title 19, Division 2 (CalOES), but are now located in CCR Title 19, Division 5 (CalEPA). OAL approved the rulemaking on March 6, 2024, and the updates to Title 19 were also effective March 6, 2024.

No cost impact.

#### Notation:

Authority: Health and Safety Code Sections 1250, 1502, 1568.02, 1569.72 - 1569.78, 1597.44 - 1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13145, 13146, 13211, 16022.5, 17921, 18928, 18949.2, 25500 through 25545; Government Code Sections 51176, 51177, 51178, 51179 and 51189; Public Education Code 17074.50; Public Resources Code Sections 4201 through 4204.

Reference(s): Health and Safety Code Sections 13108, 13108.5, 13113, 13113.5, 13114, 13132, 13132.7, 13133, 13135, 13143, 13143.1, 13143.2, 13143.6, 13143.9, 13145, 13146, 13210, 13211, 16022.5, 17921.

SFM requests the Committee to recommend this item for “Approve as Amended”, in order to satisfy Health and Safety Code Section **18930(a)(1).** The proposed building standards do not conflict with, overlap, or duplicate other building standards.