

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE STATE FIRE MARSHAL
REGARDING THE 2025 CALIFORNIA FIRE CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 9
(SFM 03/25)**

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 not added any data (including technical, theoretical, or empirical studies, reports, or similar documents relied upon) that would necessitate an update of the information contained in the Initial Statement of Reasons.

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).

SFM 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 changes was made available to the public for a 45-day comment period from April 3, 2026 until May 18, 2026. Public comments specific to SFM proposals

as well as additional comments not tied to a specific proposal were received during this period. Please see below.

SUB-ITEM 1-2

Child-Care; Child Care Center; Child-Care Home, Family; Child-Care Home, Large Family; Child-Care Home, Small Family; Day-Care, Adult

WITHDRAWN

Commenter(s) and Recommendation:

Shanice Orum, Assistant Deputy Director, Child Care Licensing Program, Community Care Licensing Division, California Department of Social Services.

The comment requests a revision to the Large Family Child Care Homes definition to include “up to 14 children.” The comment also requests the inclusion of HSC 1597.44 and the addition of “a provider’s own home” for Small Family Child Care Homes.

Agency Response:

The State Fire Marshal (SFM) appreciates the concerns expressed by the comment and has decided to WITHDRAW the proposal.

Commenter(s) and Recommendation:

Tony Jordan, M. Ed, Executive Director, Child & Family Services Division, Stanislaus County Office of Education, and Central California Migrant Head Start and Melanee Cottrill, Executive Director, Head Start California;

Recommended Approve as Amended for Items 1-2. The comments suggest changing “nine to 14 children” to “up to 12 or 14 children” in the definition of a large family child-care home.

Agency Response:

The State Fire Marshal (SFM) appreciates the support from Tony Jordan and Melanee Cottrill, as well as the workgroup’s efforts and recommendations. The SFM has WITHDRAWN the proposal.

SUB-ITEM 1-3 through 1-10 and 1-13 through 1-18

Combustible Liquid; Flammable Liquid; Corrosive; Cryogenic Fluid; Explosive; Flammable Gas; Flammable Solid; Highly-Toxic; Toxic; Organic Peroxide; Oxidizer; Oxidizing Gas; Pyrophoric; Unstable (Reactive); Water-Reactive

WITHDRAWN

Commenter(s) and Recommendation:

Megan Hall, President, Audrey Sulkanen, Hazardous Materials Co-Chair, and Chad Anderson, Hazardous Materials Co-Chair, Northern California Fire Prevention Officers.

The comment supports the proposal.

Agency Response:

The SFM appreciates the support from the Northern California Fire Prevention Officers. The SFM has WITHDRAWN the proposal and will continue development of the proposed amendments for consideration in the next triennial code adoption cycle.

SUB-ITEM 1-11

Infant

WITHDRAWN

Commenter(s) and Recommendation:

Tony Jordan, M. Ed, Executive Director, Child & Family Services Division, Stanislaus County Office of Education and Central California Migrant Head Start and Melanee Cottrill, Executive Director, Head Start California.

The comments support the proposal, as they reflect the consensus reached by the workgroup comprising childcare providers, local enforcement officials, and the licensing agency.

Agency Response:

The State Fire Marshal (SFM) appreciates the support. The SFM has WITHDRAWN the proposal. The SFM will continue to provide education on the application and intent of existing code provisions.

SUB-ITEM 2-1

Section 203.4.2 Group E, child-care facilities and subsections

WITHDRAWN

Commenter(s) and Recommendation:

Shanice Orum, Assistant Deputy Director, Child Care Licensing Program, Community Care Licensing Division, California Department of Social Services.

The comment requests editorial changes to the proposed language to provide additional clarification. The comment also requests clarification as to whether the reference to R-3 occupancies also applies to R-2 occupancies.

Agency Response:

The State Fire Marshal (SFM) appreciates the concern expressed by the comment and has WITHDRAWN the proposal.

Commenter(s) and Recommendation:

Tony Jordan, M. Ed, Executive Director, Child & Family Services Division, Stanislaus County Office of Education and Central California Migrant Head Start and Melanee Cottrill, Executive Director, Head Start California.

The comment supports the proposal, as it reflects the consensus reached by the workgroup consisting of childcare providers, local enforcement officials, and the licensing agency.

Agency Response:

The State Fire Marshal (SFM) appreciates the support from Tony Jordan and Melanee Cottrill, as well as the workgroup's efforts and recommendations. The SFM has WITHDRAWN the proposal.

SUB-ITEM 2-2

Section 203.7.4 Institutional Group I-4, day care and child care facilities and subsections

WITHDRAWN

Commenter(s) and Recommendation:

Shanice Orum, Assistant Deputy Director, Child Care Licensing Program, Community Care Licensing Division, California Department of Social Services.

The comment requests reference to “Adult Day Care” be revised to reflect the new “Day Care, Adult” definition to provide consistency throughout the remainder of Part 2. The comment also notes that the removal of the reference to custodial care for facilities with less than 6 clients may adversely impact adult day care facilities.

Agency Response:

The State Fire Marshal (SFM) appreciates the concern expressed by the comment and has WITHDRAWN the proposal.

Commenter(s) and Recommendation:

Tony Jordan, M. Ed, Executive Director, Child & Family Services Division, Stanislaus County Office of Education and Central California Migrant Head Start and Melanee Cottrill, Executive Director, Head Start California.

The comment supports the proposal, as it reflects the consensus reached by the workgroup consisting of childcare providers, local enforcement officials, and the licensing agency.

Agency Response:

The State Fire Marshal (SFM) appreciates the support from Tony Jordan and Melanee Cottrill, as well as the workgroup's efforts and recommendations. The SFM has WITHDRAWN the proposal.

SUB-ITEM 5-1

Section 1010.2.1 Delayed Egress

WITHDRAWN

Commenter(s) and Recommendation:

Shanice Orum, Assistant Deputy Director, Child Care Licensing Program, Community Care Licensing Division, California Department of Social Services; Keanu Baker.

The comment expresses concern that removing the heat detection option could lead to additional implementation costs or operational impacts for existing facilities equipped with heat detection systems.

Agency Response:

The State Fire Marshal (SFM) appreciates the concern expressed by the comment and has WITHDRAWN the proposal.

SUB-ITEM 9-4 ASHRAE

The SFM proposes adopting the most recently published edition of ASHRAE 15, Standard for the Refrigeration Systems.

Commenter(s) and Recommendation:

B. Raymer, California Business Properties Association, California Building Industry Association, Building Owners & Managers Association, Association of Commercial Real Estate, California Apartment Association, California Retailers Association, Institute of Real Estate Management, Commercial Real Estate Development Association (NAIOP).

The comment supports the proposal.

Agency Response:

The SFM appreciates the support from the Industry Coalition.

ITEM N/A

Comments not tied to a specific SFM proposal

Commenter(s) and Recommendations:

Jodi Gladstone, Director of Early Education, Beth El Nursery School; Jackie Buhl, Executive Director, Old Firehouse School; Judy Haus, Program Director, Old Firehouse School Walnut Creek; Marc Lariz, Administrator, Play 'N' Learn Preschool; Jeremy Meyer, Health & Nutrition Coordinator, Head Start/State Preschool Program, Child Development Services; Cathy Vaughn, Director, Montessori School of Sonoma; Omi Lindsey, Executive Director, All Five; Shadi Bakhtiari, Director, Beverly Glen Playgroup; Colleen Mullendore; Kellie Gillespie, Owner, Kellie's Academy for Kids Child Development Center; Alexandra Dutton, Old Firehouse School Lafayette Program Director; Christa Edwards; Karina Acosta, Senior Manager of Programs, Children's Resources & Referral of Santa Barbara County; Kelly Graesch, Interim Executive Director, California Child Care Resource & Referral Network; Felicia Danon North, Owner & Director, Sunrise Montessori School; Ashley Walker, Executive Director, First 5 Napa; Jeanne Fridolfs, Coordinator, Napa County Childcare and Development Planning Council; Erika Lubensky, Executive Director, Community Resources for Children; Liz DePrimo, Local Planning Council Coordinator. Shanice Orum, Assistant Deputy Director, Child Care Licensing Program, Community Care Licensing Division, California Department of Social Services.

The comments express general opposition to additional mandates. However, the comments were not tied to a specific SFM proposal. Commentors generally request specific classification language, flexibility for existing buildings, recognition of existing licensing safety practices, and funding to support implementation of new mandates.

Commenter(s) and Recommendations:

Kirstin Logsdon, Preschool Director, Covenant Presbyterian Preschool; Manoja Weerakoon; Susana Alvarado, Owner, Luv 2 Learn Preschool #2; Krystell Guzman, CEO, Plazita Schools, Inc.; Christie Broesamle, Children's Center Regional Director, LEAP; Andrea Fernandez Mendoza, Vice President of Education, California Children's Academy; Lori Lander Goodman, CEO, LEAP; Desiree Buchanan, Site Director II,

Educational Enrichment Systems; Celine Krimston, President and CEO, Educational Enrichment Systems; Pamela Volden, Educational Enrichment Systems, Inc.; Sara Salazar, Director of Program and Operations, Educational Enrichment Systems, Inc.; Wendy Santacruz, Educational Enrichment Systems; Valerie Denero, Director of Learning & Community Partnership, Every Child California; Amber Polancic, Site Director II, Educational Enrichment Systems, Inc.; Ken Herron, CFO/Co-Owner, Early Childhood Discovery Centers.

The comments express concern regarding the requirement for additional fire protection features in child care centers, such as fire sprinkler systems. However, the comments were not tied to a specific SFM proposal.

Commenter(s) and Recommendations:

Keanu Baker;

The comments express concern about possible confusion between provisions for Large Family Child-Care Homes and those for commercial E or I-4 occupancies.

Commenter(s) and Recommendation:

Tony Jordan, M. Ed, Executive Director, Child & Family Services Division, Stanislaus County Office of Education, and Central California Migrant Head Start and Melanee Cottrill, Executive Director, Head Start California; Dr. Shelly Masur, Vice President, Advisory & State Policy; Kristin Spanos, Chief Executive Officer, First 5 Alameda County.

The comments request that the Child-care Center Workgroup's full recommendations, including alternative protection measures and proposed changes to Chapters 1 and 4 of Title 24, be considered.

Commenter(s) and Recommendations:

E. Smith, International Institute of All-Natural Refrigeration

The commenter requests that the 2024 International Fire Code errata published by ICC for Chapter 6, Section 608, be incorporated into the 2025 CFC. The errata changes are related to refrigeration systems.

Commenter(s) and Recommendations:

M. Sillifant, Self

The commenter expresses confusion over the proposed changes and requests an explanation of the proposed changes' impact or lack of impact on a preschool located in an older church.

Agency Response:

The State Fire Marshal (SFM) appreciates the concern expressed by the comments. The comments don't directly apply to a specific proposal.

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 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.

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).

Not Applicable