

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE CALIFORNIA BUILDING STANDARDS COMMISSION
REGARDING THE 2022 CALIFORNIA MECHANICAL CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4**

(BSC 01/21)

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.

This proposed action by the California Building Standards Commission (BSC) adopts the most current edition of the Uniform Mechanical Code (UMC) of the International Association of Plumbing and Mechanical Officials, (IAPMO) with existing amendments to be moved forward without modification (not shown) and new amendments shown below. BSC's amendments are non-substantive. Each triennial edition of the California Code of Regulations (CCR) becomes effective 180 days after its publication and is effective at the time an application for a building permit is submitted. The adoption of the 2021 UMC will make applicable the most recent edition for use by individuals, businesses and state agencies as mandated by the Health & Safety Code (H&SC), Section 18928.

New amendments and existing amendments (some shown for context): Item numbers used coordinate with the items listed in the Express Terms.

ITEM 1

Chapter 1, Division I, Section 1.1.0 General

BSC proposes to bring forward existing California amendments in *Chapter 1, Division I* from the *2019 California Mechanical Code* for adoption into the 2022 edition of the California Mechanical Code with modifications as follows.

Section 1.1.1 Title. BSC proposes to update the general title statement reflecting adoption of the 2021 Uniform Mechanical Code, the most recent edition of the model code.

Updating the edition of the model code referenced is required to meet Building Standards Law regarding the adoption of the most recent edition of model code within one year of the model code publication. This update will clarify the codes available for use in construction and maintain the most current building standards for the protection of public health and welfare in the built environment.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

Section 1.1.3.2 State-Regulated Building, Structures, and Application.

The proposed modification to the “Note” replaces a reference to an incorrect location. BSC edited this note in Parts 2 and 10 in the 2015 Triennial Code Adoption Cycle to correct where the code user can find language explaining how to distinguish model code vs. California amendments. For consistency BSC proposes to edit the note in Parts 3, 4, 5 and 9 to match text in Parts 2 and 10. There is no intended change in regulatory effect.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 2

Chapter 1, *Division II* ADMINISTRATION, Section 104 Permits

Chapter 1 Administration of the 2021 UMC is renamed Chapter 1, *Division II*, by BSC (this is the amendment carried forward referenced in ITEM 1 above), and contains administrative provisions used by local jurisdictions. Additionally, BSC proposes to only adopt Section 104.4.3.1 and continues to not adopt the balance of Chapter 1, *Division II*, which is printed for use by local jurisdictions only.

Section 104.4.3.1 Expiration- AB 2913 which became effective January 1, 2019, amended HSC Section 18938.5 changes the exception relative to the permit expiration time period from 180 days to 12 months. The legislation also added HSC Section 18938.6 to provide that every permit shall remain valid if the work on the site authorized by the permit is commenced within 12 months after its issuance; the exception being where the permittee has abandoned the work authorized by the permit. Furthermore, this new law authorizes the permittee to request extension of the permit, and the building official may grant in writing one or more extensions in increments not exceeding 180 days.

This amendment is needed to provide consistency between AB 2913 (Chapter 655, Statutes of 2018) and the model code permit expiration found in Part 4 California Mechanical Code. This proposed action will help to maintain accuracy for the code user and provide clarification regarding the regulatory authority of the state agencies.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 3

Chapter 2, Definitions

BSC proposes to adopt Chapter 2 of the 2021 UMC, and to carry forward existing amendments for Section 209.0 Galvanized Steel. This will ensure accuracy and consistency with existing definitions that have been co-adopted by other state agencies. There is no intended change in regulatory effect.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 4

Chapter 3, General regulations

BSC proposes to adopt the entire Chapter 3 of the 2021 UMC without amendment. This action provides general construction provisions for mechanical systems used throughout the state and ensures consistency for the code user. There is no intended change in regulatory effect.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 5

Chapter 4-Ventilation air

BSC proposes to adopt the entire Chapter 4 of the 2021 UMC (for BSC and BSC-CG, as applicable), and to carry forward existing amendments with modifications.

402.1 Occupied spaces. BSC proposes to repeal existing California amendment to Section 402.1.

This update is needed because the California Energy Commission is proposing to add the reference to the California Energy Commission and the *California Energy Code* during this triennial code adoption cycle. This amendment is non-substantive and there is no intended change in regulatory effect.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 6

Chapter 5 through 14

BSC proposes to adopt Chapters 5 through 14 of the 2021 UMC without amendment for use in California for all occupancies, as required by statute. This action provides general construction provisions for mechanical systems used throughout the state and ensures consistency for the code user.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 7

Chapter 15, Solar systems

BSC proposes to NOT adopt Chapter 15 of the 2021 UMC.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 8

Chapter 16 and 17

BSC proposes to adopt Chapters 16 through 17 of the 2021 UMC without amendment for use in California for all occupancies, as required by statute. This action provides general construction provisions for stationary power plants standards and referenced standards used throughout the state and will aid the code user.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 9

Chapter Appendix A

BSC proposes to not adopt Appendix Chapter A of the 2021 UMC in order to avoid conflicts with the Department of Housing and Community Development's (HCD) authority for housing occupancies.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 10

Chapter Appendix B and C

BSC proposes to adopt Appendix Chapters B and C of the 2021 UMC without amendment for use in California for all occupancies, as required by statute. This action provides general construction provisions for placing gas equipment in operation throughout the state and ensures consistency for the code user.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 11

Chapter Appendix D through H

BSC proposes to not adopt Appendix Chapter D, E, F, G, and H of the 2021 UMC, but to provide these appendices for adoption by the authority having jurisdiction. This action provides access to model code appendix chapters for various locally regulated conditions for use throughout the state.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

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).

There were no formal studies or reports used as the bases for the proposed adoption of the 2021 UMC. Health and Safety Code Section 18928 mandates this proposed action.

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.

There are no mandates for specific technologies, equipment, or prescriptive standards that are required.

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.

There are no reasonable alternatives identified by BSC. Health and Safety Code Section 18928 mandates the proposed action.

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.

No alternatives were identified to lessen any adverse impact on small businesses. Health and Safety Code Section 18928 mandates the proposed action, which will not result in an adverse impact on small business.

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.

No facts, evidence, documents, testimony, or other evidence of any significant adverse economic impact on business have been identified. The Health & Safety Code, Section 18928, mandates this proposed action.

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 Building Standards Commission has assessed whether or not 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 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 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 businesses currently doing business with 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 bring California into compliance with the most recent edition of the national model code (i.e. the 2021 UMC, developed by the International Association of Plumbing and Mechanical Officials), thereby benefiting the welfare of residents, worker safety, and the state's 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.

BSC did not identify any costs to comply with the proposed amendments, which reflect the most recent edition of the national model code (i.e. the 2021 UMC) and provide clarity and regulatory consistency to the code user.

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.

There are no federal regulations related to this proposed action, which is required by Health and Safety Code Section 18928.