

**FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION**

**REGARDING THE 2016 CALIFORNIA BUILDING CODE, PART 2 AND
THE 2016 CALIFORNIA EXISTING BUILDING CODE, PART 10,
CALIFORNIA CODE OF REGULATIONS, TITLE 24.**

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 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)

No data or any technical, theoretical or empirical study, report, or similar document on which the California Building Standards Commission (CBSC) is relying, has been added to the rulemaking file that was not identified in the Initial Statement of Reasons, other than the published version of the 2018 International Building Code and the 2018 International Existing Building Code.

The California Building Standards Commission (CBSC) rulemaking file number BSC EF 01/17 emergency regulations, approved by the Commission on January 27, 2017 have been modified during the certifying rulemaking process. CBSC began the certifying rulemaking to make the emergency regulations permanent per Government Code Sections 11346.2 through 11347.3 by posting the original emergency regulations text for the 45-day public comment period. Six comments were received during the 45-day public comment period including comments submitted by CBSC staff suggesting amendments to better align with model code provisions. CBSC then conducted a 15-day public comment period to incorporate changes provided during the 45-day period.

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)). (If the determination as to whether the proposed regulation would impose a local mandate, the agency shall state whether the mandate is reimbursable pursuant to Government Code Part 7 (commencing with Section 17500) of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the findings)

The California Building Standards Commission has determined that the proposed regulatory action would not impose a mandate on local agencies, or school districts. CBSC does not have authority to adopt regulations for school districts. The mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code.

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 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.

RESPONSES TO 45-DAY COMMENTS

COMMENTS: Koppers Performance Chemicals, Inc, Griffin, GA

SUBJECT A: General comments presented on a variety of submitted documents, in addition to the documents of this 45-day comment period.

COMMENT -- Comments primarily aimed at the inclusion of preservative-treated members for assemblies used to construct weather-exposed balconies and elevated walking surfaces, including:

- comments to the original Finding of Emergency;
- a definitions excerpt from 2016 California Building Code;
- a Section 2304 excerpt from 2015 International Building Code;
- an article from Professional Remodeler; a series of Q&A screen shots for “naturally durable species”, “exposed cut ends”, and “retention levels”, all from the website of the American Wood Council;
- a white paper from the American Wood Protection Association for the standardization of durable wood species;
- an excerpt from the 2016 AWPPA Book of Standards/Approved changes to U-1.

RESPONSE -- CBSC understands the importance of considering the comments and recommendations posed, but due to the nature of the comments, any substantive change would necessitate an additional 45-day comment period and likely stakeholder input. Due to time constraints of the certifying rulemaking process, CBSC would like to consider this comment in a future rulemaking cycle. This will afford enough time to conduct pre-cycle workshop(s) and code advisory committee review. The comments and highlights on the above-listed items appear to be in general support of the use of preservative-treated lumber in the construction of wood-based framing for enclosed and unenclosed EEEs, which is also expressed in the comments on the emergency Express Terms, and the “General Comments” document submitted by the Commenter. Since the comments are largely repetitive, CBSC will herein respond directly to the Express Term and General Comments. CBSC is appreciative of all the submitted documentation.

No changes to the Final Express Terms were made as a result of this comment.

SUBJECT B: General Comments and Recommendations by Commenter-- three major points expressed:

COMMENT 1 -- The need to update definitions of “preservative-treated wood”, and “naturally durable wood”.

RESPONSE – CBSC agrees to a need to consider this. However, such a substantive change would necessitate an additional 45-day comment period and likely stakeholder input. Due to time constraints of the certifying rulemaking process, CBSC would like to consider this comment in a future rulemaking cycle. This will afford enough time to conduct pre-cycle workshop(s) and code advisory committee review.

No changes to the Final Express Terms were made as a result of this comment.

COMMENT 2 – The need for field treatment of preservative-treated wood, for cuts, bores, etc, per Standard AWPA M4.

Response -- CBSC agrees to a need to consider this. However, such a substantive change would necessitate an additional 45-day comment period and likely stakeholder input. Due to time constraints of the certifying rulemaking process, CBSC would like to consider this comment in a future rulemaking cycle. This will afford enough time to conduct pre-cycle workshop(s) and code advisory committee review. No changes to the Final Express Terms were made as a result of this comment.

COMMENT 3 – An outline of major changes to AWPA 2016 Book of Standards.

RESPONSE – This comment is not specific to the proposed express terms, however CBSC appreciates the description of the recent changes to an industry standard. No changes to the Final Express Terms were made as a result of this comment.

SUBJECT C: Comments to Express Terms

107.2.7

COMMENT – Commenter suggested the added term “structures” to the family of ‘walking surfaces’, added “repetitive or continuous wetting, moisture, condensation” to the term ‘exposed’, and added “indirect” to the term ‘direct’. Also, language was suggested that required related structural wood members to be preservative-treated to ground-contact retention levels per AWPA U1-16 reference standard.

RESPONSE – The purpose of the proposed regulation is to enhance the safety of occupied exterior walking surfaces, and not to expand the scope, considering other structure appendages to buildings; thus, CBSC believes that adding the term “structures” is beyond the scope of the proposed amendments. In a future rulemaking, the term ‘exposed’ can be elaborated upon if found necessary to carry out the regulation intent; CBSC strives to keep regulatory language to a simple minimum of words—not wishing to add interpretation complexity to amendments. The same can be said in regard to adding the term “indirect” when the term ‘blowing’ is already present; CBSC believes the term ‘blowing’ addresses all manner of indirect conditions, and believes the proposed language is sufficiently clear, not requiring further clarification. The concept of requiring structural wood members to be preservative-treated has merit for consideration; unfortunately, the certification process for emergency rulemaking does not contain enough time to permit one or more workshops to occur, and thus cannot be considered at this time.

No changes to the Final Express Terms were made as a result of this comment.

110.3.8.1

COMMENT -- Commenter suggested the added term “indirect”, as modifier to the phrase ‘blowing rain’.

RESPONSE -- CBSC believes the term ‘blowing’ addresses all manner of indirect conditions, and believes the proposed language is sufficiently clear, not requiring further clarification.

No changes to the Final Express Terms were made as a result of this comment.

2304.12.2.5

COMMENT 1 -- Commenter suggested the added term “indirect”, as modifier to the phrase ‘blowing rain’.

RESPONSE -- CBSC believes the term 'blowing' addresses all manner of indirect conditions, and believes the proposed language is sufficiently clear, not requiring further clarification.

No changes to the Final Express Terms were made as a result of this comment.

COMMENT 2 -- Commenter suggested addition of a phrase: "...or are exposed to other conditions that are conducive to decay", as a modifier to the term 'weather'.

RESPONSE -- CBSC agrees to a need to consider this. However, such a substantive change would necessitate an additional 45-day comment period and likely stakeholder input. Due to time constraints of the certifying rulemaking process, CBSC would like to consider this comment in a future rulemaking cycle. This will afford enough time to conduct pre-cycle workshop(s) and code advisory committee review.

No changes to the Final Express Terms were made as a result of this comment.

2304.12.2.6

COMMENT 1 -- Commenter suggested the added term "indirect", as modifier to the phrase 'blowing rain'.

RESPONSE -- CBSC believes the term 'blowing' addresses all manner of indirect conditions, and believes the proposed language is sufficiently clear, not requiring further clarification.

No changes to the Final Express Terms were made as a result of this comment.

COMMENT 2 -- Commenter suggested adding a phrase: "Any and all enclosed or concealed cavities that contain any wood products shall allow for drainage of any free water that may enter the enclosed or concealed cavity."

RESPONSE -- CBSC agrees to a need to consider this, only as it relates to balconies and elevated walking surfaces. Free-water drainage can be handled with ventilation, if accomplished in a specific fashion. However, such a substantive change would necessitate an additional 45-day comment period and likely stakeholder input. Additionally, the phrase "any and all enclosed or concealed cavities" may impact areas that were not intended to be part of the scope of the EEE proposals. Due to time constraints of the certifying rulemaking process, CBSC would like to consider this comment in a future rulemaking cycle. This will afford enough time to conduct pre-cycle workshop(s) and code advisory committee review.

No changes to the Final Express Terms were made as a result of this comment.

106.2.6

COMMENT -- Commenter suggested the added term "structures" to the family of 'walking surfaces', added "repetitive or continuous wetting, moisture, condensation" to the term 'exposed', and added "indirect" to the term 'direct'. Also, suggested language was added that required related structural wood members to be preservative-treated to ground-contact retentions per AWPA U1-16 reference standard.

RESPONSE -- The purpose of the proposed regulation is to enhance the safety of occupied exterior walking surfaces, and not to expand the scope, considering other structure appendages to buildings. Thus, CBSC believes that adding the term "structures" is beyond the scope of the proposed amendments. In a future rulemaking, the term 'exposed' can be elaborated upon if found necessary to carry out regulation intent; CBSC strives to keep regulatory language to a simple minimum of words—not wishing to add interpretation complexity to amendments. The same can be said in regard to adding the term "indirect" when the term 'blowing' is already present; CBSC believes

the term 'blowing' addresses all manner of indirect conditions, and believes the proposed language is sufficiently clear, not requiring further clarification. The concept of requiring structural wood members to be preservative-treated has merit for consideration. However, such a substantive change would necessitate an additional 45-day comment period and likely stakeholder input. Due to time constraints of the certifying rulemaking process, CBSC would like to consider this comment in a future rulemaking cycle. This will afford enough time to conduct pre-cycle workshop(s) and code advisory committee review.

No changes to the Final Express Terms were made as a result of this comment.

109.3.8.1

COMMENT -- Commenter suggested the added term "indirect", as modifier to the phrase 'blowing rain'.

RESPONSE -- CBSC believes the term 'blowing' addresses all manner of indirect conditions, and believes the proposed language is sufficiently clear, not requiring further clarification.

No changes to the Final Express Terms were made as a result of this comment.

COMMENTS: AVM Industries Inc., Canoga Park, CA

SUBJECT: Generally, the Commenter expressed concerns with the emergency provisions not doing enough to address the problem of failure of waterproofing membranes in exterior balcony and elevated walking surface assemblies.

COMMENT 1 -- Comments are focused on the topic of waterproofing membranes. Statements are made by the Commenter that membranes applied over plywood are ill-advised, because of: 1) joint movement, 2) fasteners backing out, and 3) straps or other hardware possessing sharp corners/edges. All were stated to contribute to membrane failure in wood systems. The recommendation is to not permit membranes to be installed over plywood substrates.

RESPONSE-- CBSC believes the provisions proposed to be made permanent by this rulemaking will provide enhanced safeguards, until such time as any further amendments are proposed and adopted. Additionally, CBSC believes that concerns about the suitability of substrate materials and systems are beyond the scope of this rulemaking, and are better suited to be taken up with manufacturers.

No changes to the Final Express Terms were made as a result of this comment.

COMMENT 2 -- The Commenter posed additional issues, aimed at wood assemblies of EEE, including: 1) insufficient slope, 2) insufficient drainage or improper drain mats, 3) poor flashing, 4) inadequate membrane thickness, 5) improper waterproofing prep, and 6) improper protection.

RESPONSE -- The CBSC-proposed measures may mitigate the stated minor issues. There may need to be additional amendments, which can be addressed in a future rulemaking. Due to time constraints of the certifying rulemaking process, CBSC would like to consider this comment in a future rulemaking cycle. This will afford enough time to conduct pre-cycle workshop(s) and code advisory committee review.

No changes to the Final Express Terms were made as a result of this comment.

COMMENTS: California Building Officials, Sacramento, CA

SUBJECT: Generally, the Commenter claims there may be confusion as to the applicability of EEE due to the way the measures have been written.

COMMENT 1 -- The provisions appear to apply to recessed design as well as cantilevered design. The broad scope implies that rated egress elements would be brought in to the application. Recommended that clarifying language address specifically the status of decks, platforms and other such elements, with regard to the terms used in the measures. Specifically, the Commenter recommended “approve as amended”, stipulating that a definition for “balcony” as “an exterior floor projecting from and supported by a structure without additional independent supports”, be incorporated into Section 202 of Chapter 2 of each of Parts 2 and 10. In similar fashion, a definition of “exterior elevated walking surface” as surface other than balcony, for purpose of egress or assembly, meeting conditions: 1) more than 30 inches above grade, 2) exposed to water from direct or blowing rain, snow, or irrigation, 3) not part of a rated floor-ceiling or roof-ceiling assembly, and 4) not located above habitable or conditioned space, all be incorporated into Section 202 of Chapter 2 of each of Parts 2 and 10. (Note the recommended addition of “exterior” to the phrase ‘elevated walking surface’)

RESPONSE -- CBSC agrees to a need to consider this, and did not have sufficient time to analyze the recommendation, but can consider it in a future rulemaking. Due to time constraints of the certifying rulemaking process, CBSC would like to consider this comment in a future rulemaking cycle. This will afford enough time to conduct pre-cycle workshop(s) and code advisory committee review.

No changes to the Final Express Terms were made as a result of this comment.

COMMENT 2 -- The Commenter recommended that the suggested definitions be italicized throughout Parts 2 and 10, signifying that Chapter 2 definitions provide the defined terms.

RESPONSE -- The method of highlighting a defined term is beyond the scope of this rulemaking. Note however, that this topic has been brought to the attention of the CBSC and discussed in the past. California code amendments already make use of italic font. If italics were used for the defined terms, this would create confusion for the code reader. No changes to the Final Express Terms were made as a result of this comment

COMMENTER: El Dorado County Planning & Building Department,
Placerville, CA

SUBJECT: The Commenter generally recommends that exterior balconies and elevated walking surfaces be constructed of decay-resistant framing members.

COMMENT 1 – In the cover transmittal, the Commenter requests additional 45-day comment period(s), to incorporate items of further consideration.

RESPONSE -- Due to time constraints of the certifying rulemaking process, CBSC would like to consider this comment in a future rulemaking cycle. This will afford enough time to conduct pre-cycle workshop(s) and code advisory committee review.

No changes to the Final Express Terms were made as a result of this comment

COMMENT 2 – The Commenter stipulates the need for EEE structural members to be resistant to decay, since there may be issues with impervious moisture barriers, due to improper installation, material defects, or building movement-caused degradation. Further, Commenter

contends that the proposed measures rely on successful performance of systems, and that prescriptive means of regulation would provide a higher level of protection. Hence the recommendation for requiring supporting framing for EEEs to be preservative-treated.

RESPONSE -- CBSC agrees to a need to consider this. However, such a substantive change would necessitate an additional 45-day comment period and likely stakeholder input. Due to time constraints of the certifying rulemaking process, CBSC would like to consider this comment in a future rulemaking cycle. This will afford enough time to conduct pre-cycle workshop(s) and code advisory committee review.

No changes to the Final Express Terms were made as a result of this comment

COMMENT 3 – The Commenter encourages state agencies to propose legislation, addressing existing buildings, since current law may allow existing buildings to be repaired/altered using only original materials/methods, citing Health and Safety Code Section 17922.

RESPONSE – The comment is beyond the scope of this rulemaking, for CBSC's authority. However, the Subcommittee, in its report to the Commission on Oct. 17, 2017, voiced a similar recommendation. Due to time constraints of the certifying rulemaking process, CBSC would be able to consider this comment in a future rulemaking cycle. This will afford enough time to conduct pre-cycle workshop(s) and code advisory committee review.

No changes to the Final Express Terms were made as a result of this comment

COMMENTER: Mark Gilligan, Berkeley, CA

SUBJECT: The Commenter recommends disapproval of the proposed Standards because of the cost of compliance is disproportionate to risk, that the proposals do not provide statute-required information, and that the proposals exceed authority of the state agency.

COMMENT 1 – Commenter suggests that proper 45-day comment period was not provided.

RESPONSE –Notice of a 45-day comment period (Sept. 8, 2017 through Oct. 23, 2017)per Government Code 11346.4 was filed with the Office of Administrative Law and published in the California Notice Register. Additionally the CBSC noticed its interested parties and posted the the rulemaking documents on the bsc.ca.gov website. No changes to the Final Express Terms were made as a result of this comment

COMMENT 2 – Commenter suggests that the emergency rulemaking was not appropriate, and that state agencies have misplaced their priorities.

RESPONSE – CBSC was directed by legislation to review the topic of EEE and propose if it saw the need. CBSC considered possible ways to enhance code measures; given that the triggering event in mid-2015 was too late for development within the triennial cycle for the 2016 codes, the emergency measure was appropriate way to provide fundamental measures to improve public safety until such time as further considerations could be made for the next triennial cycle (to produce the 2019 codes). On January 27, 2017, the Commission approved the Finding of Emergency and the Emergency Regulations.

No changes to the Final Express Terms were made as a result of this comment

COMMENT 3 – Commenter asks why the measures are not required for occupancies not regulated by a state agency.

RESPONSE – CBSC has authority to propose regulations for a limited scope of occupancies, per Health and Safety Code Section 18934.5, including state buildings. However, local jurisdictions have the authority to adopt and apply measures for use within their jurisdictions, via their ordinance process.

COMMENT 4 – Commenter suggests that the statement required by Health and Safety Code Section 18930(a)(7) may not have been provided.

RESPONSE – The analysis originally appeared in the form of the Finding of Emergency. Criteria 7 calls for a national specification to be used when available. The proposed provisions are found in the IBC and IEBC, which serve as model codes for California.
No changes to the Final Express Terms were made as a result of this comment

COMMENT 5 – Regarding proposed text for Section 107.2.7 of Part 2, Commenter contends that by requiring compliance with manufacturer’s instructions, BSC is delegating authority to the manufacturer, and that BSC does not have authority to delegate such authority to a manufacturer, and is therefore in violation of Health and Safety Code Section 18930(a)(4) and (6).

RESPONSE – The purpose of this measure is to require only that manufacturer’s instructions appear within the construction documents. This measure has been vetted at the national model code level, and appears in the 2018 IBC, which will become the language for the 2019 CBC.
No changes to the Final Express Terms were made as a result of this comment.

COMMENT 6 – Regarding proposed text for Section 110.3.8.1 of Part 2, Commenter purports that there may not be clarity of what constitutes an approval due to inspection.

RESPONSE – Such inspections are expected to be handled as any other would be. Many building materials have installation instructions. This measure ensures that work will not be covered until such time as an inspection authority has had opportunity to have taken action on a system installation, if such system has been provided. This measure has been vetted at the national model code level, and appears in the 2018 IBC (and IEBC), which will become the language for the 2019 CBC (and CEBC). Future rulemaking activity will permit CBSC to review potential unforeseen impacts of this measure, should such impacts arise.
No changes to the Final Express Terms were made as a result of this comment.

COMMENT 7 – Commenter states that proposed reference to Section 1705.1.1 / Item 3 of Part 2 is inappropriate.

RESPONSE -- It is common practice for the codes to defer to referenced standards and to rely on manufacturers’ instructions, rather than inserting such detailed criteria into the codes. Part 2 Chapter 1 Section 1705.1.1 exists to assist the local jurisdiction in ensuring that proper level of expertise is applied to any observation/inspection. The provisions do not require compliance with instructions—simply the supplying of instructions.
No changes to the Final Express Terms were made as a result of this comment.

COMMENT 8 – Regarding proposed text for Section 2304.12.2.6 of Part 2, Commenter believes that ventilating the supporting structure of EEEs will be problematic, in the event of there being conditioned space below the balcony or elevated walking surface.

RESPONSE – The objective of the measure is to improve the long term durability of assemblies that do not lie over conditioned space. There may be a definition issue for discussion here, in establishing what all possible combinations are of constructing balconies and elevated walking surfaces. In an effort to not jeopardize certification of the emergency measures, running risk of losing the interim impact due to potential expiation, CBSC would like to consider this comment in a future rulemaking cycle. This will afford enough time to conduct pre-cycle workshop(s) and code advisory committee review.

No changes to the Final Express Terms were made as a result of this comment.

COMMENT 9 – Commenter asks if proposed venting requirements of Section 2304.12.2.6 are compatible with exterior wall fire rating requirements.

RESPONSE – State Fire Marshal has reviewed the emergency regulations, as well as these certifying proposals. There are methods to mitigate EEE venting, as with soffits and other architectural appendage assemblies, currently available within the Codes.

No changes to the Final Express Terms were made as a result of this comment.

COMMENTS 10, 11, and 12 – Commenter suggests that the first 3 lines of text of the proposed language for Section 101.8 of Part 10 are all required by existing law and therefore need not be repeated. Commenter also contends that the phrase “owner’s designated agent” exceed CBSC’s authority, and is an attempt to implement a maintenance code within Part 10.

RESPONSE – Regulations serve to clarify and interpret statute. The text of the three lines is from model code language that appeared in Chapter 34 of Part 2, under Section 3401.2. During model code transition of Chapter 34 into the Existing Building Code, the model text was not migrated to their Existing Building Code, but instead went into their Property Maintenance Code, which California does not adopt. Thus, in order to affect the emergency measures with the same historical safeguards, the language was proposed as a new section within Part 10, for existing buildings in the instance that the building official needs to determine compliance with this subsection. The restored section does not require re-inspection, but allows a jurisdiction to re-inspect if necessary, to determine compliance. None of the text imposes regulations concerning laws of agency.

No changes to the Final Express Terms were made as a result of this comment.

COMMENT 13 – Commenter claims it to be improper to give a building official authority to require re-inspection to determine compliance with Part 10, citing that a finding must first be made.

RESPONSE – There are building departments within the state already requiring re-inspection programs, surrounding the subject of EEE, due to the higher risks that enclosed assemblies of this type are quite often in various levels of degradation. The proposed measure allows the local jurisdiction to initiate findings and a program.

No changes to the Final Express Terms were made as a result of this comment.

COMMENT 14 – Commenter suggests that passage of Senate Bill 721 will cause confusion, and that it is inappropriate to produce regulation within section 101.8 until such time as it becomes law.

RESPONSE – Inclusion of this proposed measure was made based on the response put forth above, for comments 10, 11, and 12.

No changes to the Final Express Terms were made as a result of this comment.

COMMENT 15 -- Regarding proposed text for Section 106.2.6 of Part 10, Commenter contends that by requiring compliance with manufacturer's instructions, CBSC is delegating authority to the manufacturer, and that CBSC does not have authority to delegate such authority to a manufacturer, and is therefore in violation of Health and Safety Code Section 18930(a)(4) and (6).

RESPONSE -- The purpose of this measure is to require only that manufacturer's instructions appear within the construction documents. This measure has been vetted at the national model code level, and appears in the 2018 IEBC, which will become the language for the 2019 CEBC. No changes to the Final Express Terms were made as a result of this comment.

COMMENT 16 -- Commenter suggests that proposed measures for requirements to include moisture barrier details and installation instruction within construction documents be stipulated only in Part 2—not in Part 10.

RESPONSE -- Currently, renovation of balconies and exterior elevated walkways usually permits a restoration to levels of codes in effect at the original time of construction, with exceptions for seismic design. Given the frequency of observed issues with EEE, and in light of the obligation to protect the health, safety, and wellbeing of the public, the proposed measures will ensure higher safety levels, due to enhanced methods of construction for these assemblies. No changes to the Final Express Terms were made as a result of this comment.

COMMENT 17 -- Regarding proposed text for Section 109.3.8.1 of Part 10, Commenter purports that there may not be clarity of what constitutes an approval due to inspection.

RESPONSE -- Such inspections are to be handled as any other would be; many building materials have installation instructions. Approval would be to the satisfaction of the jurisdiction based on their authority. No changes to the Final Express Terms were made as a result of this comment.

COMMENT 18 -- Commenter suggests that proposed measures for moisture barrier inspection requirements be stipulated only in Part 2—not in Part 10.

RESPONSE -- Currently, renovation of balconies and exterior elevated walkways usually permits a restoration to levels of codes in effect at the original time of construction. Given the frequency of observed issues with EEE, and in light of the obligation to protect the health, safety, and wellbeing of the public, the proposed measures will ensure higher safety levels, due to enhanced forms of inspection for these assemblies. No changes to the Final Express Terms were made as a result of this comment.

COMMENT 19 -- Commenter feels that Section 109.3.8.1 is redundant, since Part 10 specifies that Part 2 special inspection provisions apply to work done on existing buildings, just as on new, and states that is not in conformance with Health and Safety Code 18930(a)(1).

RESPONSE -- Separate mention of the requirements within Part 10 do not necessarily constitute "duplication". Administrative measures are not typically accomplished by use of pointers. No changes to the Final Express Terms were made as a result of this comment.

COMMENTER: Gary Fabian/CBSC, Sacramento, CA

SUBJECT: Commenter submitted comments to the proposed building standards, since the 2018 model codes were recently published, containing largely similar provisions.

COMMENT – CBSC commented to its own 45-day certifying rulemaking. In light of recent publication of the ICC model codes for IBC and IEBC (2018 edition), CBSC finds that it is beneficial to align the language of the emergency provisions to be consistent with the published model code provisions. The emergency regulations were largely modeled upon the draft text of the model codes; the original Finding of Emergency includes information in this regard, under the heading of “Background”. CBSC recommends that the certified building standards become consistent with published final language of the model codes.

RESPONSE – Staff concurred with the comment, and made sufficiently related changes in response to the comment and Health and Safety Code Section 18930(a)(7), which requires that published standards or model codes are incorporated into the building standards. As a result of the comment, CBSC published revised language for a 15-day public comment period, bearing the additions, deletions and changes to the 45-day proposal.

RESPONSES TO 15-DAY COMMENTS

COMMENTS: Koppers Performance Chemicals, Inc, Griffin, GA

SUBJECT: Commenter appears to have submitted a 15-day comment package alike their 45-day package.

COMMENT – Commenter recommends approve as amended by their July 10 and October 4 submissions and 13 exhibits; also re-states a global recommendation to require that EEE structural framing components be preservative-treated to ground contact retention levels.

RESPONSE – Since the technical comments of the commenters submission are the same as what appeared in the 45-day public comment period submission, CBSC defers responses to the responses for the 45-day comment submission. There appear to be no comments submitted by the Commenter, relating to the amended proposal for the 15-day comment period.

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 CBSC has determined that no alternative considered would be more effective in carrying out the purpose for which the regulations are proposed, be as effective or less burdensome to affected private persons than the adopted regulations, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. The measures are similar to future model code language (next cycle).

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).

There were no proposed alternatives. The CBSC has determined that the proposed regulations will have no adverse impact on small businesses.