

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

(SFM 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.

**CHAPTER 1
ADMINISTRATION
DIVISION I
CALIFORNIA ADMINISTRATION**

Item 1-1

Chapter 1, Administration, Division I, California Administration, Section 1.1.1 Title

The SFM is proposing to repeal the adoption by reference of the 2018 Uniform Mechanical Code and incorporate and adopt by reference in its place the 2021 Uniform Mechanical Code for application and effectiveness in the 2022 California Mechanical Code.

Item 1-2

**Chapter 1, Administration, Division I, California Administration, Section 1.1.0
General through 1.1.12**

The SFM is proposing to maintain the adoption of those existing California provisions contained Sections 1.1.0 through 1.1.12.

Item 1-3

**Chapter 1, Administration, Division I, California Administration, Section 1.11.1,
Institutional, educational or any similar occupancy**

For Items 1-3 through Item 1-8, the SFM is proposing to maintain the adoption of those existing California provisions contained in Sections 1.11.0 through 1.11.11 with modification.

The SFM is proposing to correlate the administration language and update terminology with the other parts of Title 24 that is derived from Health and Safety Code. Specifically,

the application for Institutional, educational or any similar occupancies is being amended to add occupancies and uses under SFM authority. There is no regulatory change.

Item 1-4

Chapter 1, Administration, Division I, California Administration, Section 1.11.4.4 Fire Clearance Preinspection

Section 1.11.4.4 is updated to meet the Health & Safety Code Section 13244. The statute was changed for the fees that are charges for inspections. These changes were made in other parts of Title 24, but Part 4 was missed. This will correlate with the other parts of Title 24.

Item 1-5

Chapter 1, Administration, Division I, California Administration, Section 1.11.4.5 Care Facilities

Section 1.11.4.5 is updated to meet the Health & Safety Code Section 13244. The statute was changed for the fees that are charges for inspections. These changes were made in other parts of Title 24, but Part 4 was missed. This will correlate with the other parts of Title 24.

Item 1-6

Chapter 1, Administration, Division I, California Administration, Section 1.11.6 Certificate of Occupancy

The SFM is proposing to correlate the requirements for certificate of occupancy with the regulations in the California Building Code. This is an existing amendment that has not been maintained and overlooked in the California Mechanical for several editions. The California Building Code is the appropriate part of the California Building Standards Code for the issuance of a certificate of occupancy from the authority having jurisdiction.

Item 1-7

Chapter 1, Administration, Division I, California Administration, Section 1.11.7 Temporary Structures and Uses

The proposal is an editorial correction to the referenced Section number in the California Building Code.

**CHAPTER 1
ADMINISTRATION
DIVISION II
ADMINISTRATION**

Item 1-8

Chapter 1, Administration, Division II, Administration, Section 1.11.7

The SFM proposes to not adopt Chapter 1, Administration, Division II Administration

CHAPTER 2 DEFINITIONS

Item 2-1 Chapter 2, Definitions

The SFM proposes to adopt Chapter 2 and carry forward existing amendments.

CHAPTER 3 GENERAL REGULATIONS

Item 3-1 Chapter 3, General Regulations

The SFM proposes to adopt Chapter 3 and carry forward existing amendments.

CHAPTER 4 VENTILATION AIR SUPPLY

Item 4-1 Chapter 4, Ventilation Air Supply

The SFM proposes to adopt Chapter 4 and carry forward existing amendments.

CHAPTER 5 EXHAUST SYSTEMS

Item 5-1 Chapter 5, Exhaust Systems

The SFM proposes to adopt Chapter 5 and carry forward existing amendments.

CHAPTER 6 DUCT SYSTEMS

Item 6-1 Chapter 6, Duct Systems

The SFM proposes to adopt Chapter 6 and carry forward existing amendments.

CHAPTER 7 COMBUSTION AIR

Item 7-1 Chapter 7, Combustion Air

The SFM proposes to adopt Chapter 7 without amendments.

CHAPTER 8 CHIMNEYS AND VENTS

Item 8-1 Chapter 8, Chimney and Vents

The SFM proposes to adopt Chapter 8 without amendments.

CHAPTER 9 INSTALLATION OF SPECIFIC EQUIPMENT

Item 9-1 Chapter 9, Installation of Specific Equipment

The SFM proposes to adopt Chapter 9 without amendments.

CHAPTER 10 BOILERS AND PRESSURE VESSELS

Item 10-1 Chapter 10, Boilers and Pressure Vessels

The SFM proposes to adopt Chapter 10 without amendments.

CHAPTER 11 REFRIGERATION

Item 11-1 Chapter 11, Refrigeration

The SFM proposes to adopt Chapter 11 and carry forward existing amendments.

CHAPTER 12 HYDRONICS

Item 12-1 Chapter 12, Hydronics

The SFM proposes to not adopt Chapter 12.

CHAPTER 13 FUEL GAS PIPING

Item 13-1 Chapter 13, Fuel Gas Piping

The SFM proposes to adopt Chapter 13 without amendments.

CHAPTER 14 PROCESS PIPING

Item 14-1 Chapter 14, Process Piping

The SFM proposes to adopt Chapter 14 without amendments.

CHAPTER 15 SOLAR ENERGY SYSTEMS

Item 15-1 Chapter 15, Solar Energy Systems

The SFM proposes to not adopt Chapter 15.

CHAPTER 16 STATIONARY POWER PLANTS

Item 16-1 Chapter 16, Stationary Power Plants

The SFM proposes to adopt Chapter 16 without amendments.

CHAPTER 17 REFERENCED STANDARDS

The SFM proposes to adopt Chapter 17 with amendments.

Item 17-1 Chapter 17, NFPA 2 Hydrogen Technologies Code

The SFM is proposing to update the referenced standard to correlate with the other parts of Title 24. The rulemaking process between the different model codes can cause conflict in the adoption of the latest standards. The proposal is to establish consistency within the parts of the California Buildings Standards Code.

Item 17-2 Chapter 17, NFPA 10 Portable Fire Extinguishers

The SFM is proposing to update the referenced standard to correlate with the other parts of Title 24. The rulemaking process between the different model codes can cause conflict in the adoption of the latest standards. The proposal is to establish consistency within the parts of the California Buildings Standards Code.

Item 17-3 Chapter 17, NFPA 13 Installation of Sprinkler Systems

The SFM is proposing to update the referenced standard to correlate with the other parts of Title 24. The rulemaking process between the different model codes can cause conflict in the adoption of the latest standards. The proposal is to establish consistency within the

parts of the California Buildings Standards Code. NFPA 13 is amended in the California Fire Code. The reference to the amendments is a reminder that California has amended the National Standard to align with State laws and regulations.

Item 17-4

Chapter 17, NFPA 17 Dry Chemical Extinguishing Systems

The SFM is proposing to update the referenced standard to correlate with the other parts of Title 24. The rulemaking process between the different model codes can cause conflict in the adoption of the latest standards. The proposal is to establish consistency within the parts of the California Buildings Standards Code.

Item 17-5

Chapter 17, NFPA 17A Wet Chemical Extinguishing Systems

The SFM is proposing to update the referenced standard to correlate with the other parts of Title 24. The rulemaking process between the different model codes can cause conflict in the adoption of the latest standards. The proposal is to establish consistency within the parts of the California Buildings Standards Code.

Item 17-6

Chapter 17, NFPA 30A Motor Fuel Dispensing Facilities and Repair Garages

The SFM is proposing to update the referenced standard to correlate with the other parts of Title 24. The rulemaking process between the different model codes can cause conflict in the adoption of the latest standards. The proposal is to establish consistency within the parts of the California Buildings Standards Code.

Item 17-7

Chapter 17, NFPA 58 Liquefied Petroleum Gas Code

The SFM is proposing to update the referenced standard to correlate with the other parts of Title 24. The rulemaking process between the different model codes can cause conflict in the adoption of the latest standards. The proposal is to establish consistency within the parts of the California Buildings Standards Code.

Item 17-8

Chapter 17, NFPA 70 National Electrical Code

The SFM is proposing to update the referenced standard to correlate with the other parts of Title 24. The rulemaking process between the different model codes can cause conflict in the adoption of the latest standards. The proposal is to establish consistency within the parts of the California Buildings Standards Code. NFPA 70 is amended as the California Electrical Code, part 3 of Title 24. The reference to the amendments is a reminder that California has amended the National Standard to align with State laws and regulations.

Item 17-9

Chapter 17, NFPA 654 Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids

The SFM is proposing to update the referenced standard to correlate with the other parts of Title 24. The rulemaking process between the different model codes can cause conflict in the adoption of the latest standards. The proposal is to establish consistency within the parts of the California Buildings Standards Code.

Item 17-10

Chapter 17, NFPA 853 Installation of Stationary Fuel Cell Power Systems

The SFM is proposing to update the referenced standard to correlate with the other parts of Title 24. The rulemaking process between the different model codes can cause conflict in the adoption of the latest standards. The proposal is to establish consistency within the parts of the California Buildings Standards Code.

APPENDICES

Item 18-1

Appendices, Appendix A- H

The SFM proposes to not adopt Appendix A - H.

USEFUL TABLES

Item 19-1

Useful Tables

The SFM proposes to adopt Useful Tables without amendment.

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 in proposing that CBSC adopt said model code as a reference standard for the placement of existing SFM regulatory amendments for the California Building Standards Codes.

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 SFM believes that the amendments to the model code and additional building standards proposed are offered in both a prescriptive and performance base. The nature

and format of the model code adopted by reference allow for both methods, the following is a general overview of the model code proposed to be adopted by reference as well as state modifications:

This comprehensive electric code establishes minimum regulations for fire prevention and fire protection systems using prescriptive and performance-related provisions. It is founded on broad-based principles that make possible the use of new materials and new system designs.

This code is founded on principles intended to establish provisions consistent with the scope of a building and fire code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to types or classes of materials, products or methods of construction.

The Uniform Mechanical Code (UMC) provisions provide many benefits, among which is the model code development process that offers an international forum for building and fire safety professionals to discuss performance and prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

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 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.

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. Health and Safety Code Section 18928 requires the SFM, when proposing the adoption of a model code, national standard, or specification shall reference the most recent edition of the applicable model code, national standard, or specification. Therefore, there are no other facts, evidence, documents, testimony, or other evidence on which the SFM relies to support this rulemaking.

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)

T 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 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 the elimination of existing business 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 update and improve minimum existing 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 significant cost of compliance with the proposed building standards. The regulations are based on the model code. Health & Safety section 18928 requires that building standard be essentially the same as the most recent edition of the uniform industry codes. These regulations benefits are to have clear, concise, complete and update text of the regulations and 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.