

**FINAL STATEMENT OF REASONS  
FOR PROPOSED BUILDING STANDARDS OF THE  
OFFICE OF THE STATE FIRE MARSHAL  
REGARDING THE 2019 CALIFORNIA FIRE CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 9  
(2018 TRIENNIAL CODE CYCLE)**

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 Office of the State Fire Marshal (OSFM) proposed 15-Day express terms and rationale to address the Code Advisory Committee and public comment recommendations.

**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).

The Office of the State Fire Marshal (OSFM) has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

The Office of the State Fire Marshal finds that the mandate is not reimbursable pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code. Health and Safety Code Sections 1250, 13143, 13211, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.45, 1597.46, 1597.54, 1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13146, 13210, 13211, 17921, 18949.2, 25500 through 25545, Government Code Section 51176, 51177, 51178, 51179, 51189, Education Code 17074.50 and Public Resources Code Sections 4201 through 4204 requires the OSFM to prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire.

## **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 following is the Office of the State Fire Marshal's summary of and response to comments specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the actions or reasons for making no change:

### **Item #1 California editorial updates and errata by chapter**

#### **Commenter(s):**

The Hospitality Security Consulting Group

#### **Summary:**

Section 907.10 on Smoke Alarms from the International Fire Code should only apply to new construction. The IFC Interpretation 01-18 would make this retroactive. This interpretation is being appealed. This retroactive clause is cost prohibited and should not be allowed.

#### **Response:**

The Office of the State Fire Marshal (OSFM) modified section 907.10 by removing the 10-year replacement requirement which may not be appropriate for hardwire alarm. The OSFM is maintaining the requirement for maintenance as per the manufacture's instruction and the replacements of alarms when they fail to respond.

#### **Commenter(s):**

California Fire Chefs Association, Fire Prevention Officers Section

#### **Summary:**

Changes relating to high-rises may conflict with statute, and may create confusion.

#### **Response:**

The OSFM withdrew the amendments in the 15-day comment period.

#### **Item #4 Fire Command Center – Withdrawn**

**Response:**

The OSFM withdrew the amendments in the 15-day comment period.

#### **Item #7 Gaseous H2 Mobile Fueling**

**Commenter(s):**

California Fire Chefs Association, Fire Prevention Officers Section

**Summary:**

The proposal should be done through Title 19 and is not in accordance with HSC 18909.

**Response:**

Mobile fueling has become an issue. There is a demand for it. The local Authority Having Jurisdiction (AHJ) handle it in different ways. During the 2016, Intervening Code Cycle the Office of the State Fire Marshal (OSFM) brought in the 2018 International Fire Code regulations for mobile fueling. This was to give the local AHJs guidance, even though the OSFM did not adopt these regulations. This allows the local AHJ to adopt the regulations through their local ordinances to meet their community's needs.

The OSFM conducted a workgroup to create the gaseous mobile hydrogen regulations with stakeholders. This promotes the Governor's Green Initiative and the Hydrogen Highway. The OSFM does have the authority to adopted regulations on hazardous materials per Health and Safety Code section 13143.9. The proposal has limited building standards, such as the restrictions that prohibit gaseous hydrogen mobile fueling in buildings.

The local agencies utilized the California Fire Code for the regulations on hazardous materials and mobile fueling. This is the appropriate location to assist the local jurisdictions that are currently dealing with these issues. Based on this, the OSFM is asking to approve the proposal, but the OSFM will not adopt these regulations. This will allow the local jurisdictions to adopt them through their local ordinances and meet the needs of their community, but it will not be mandated throughout the state.

#### **Item #8 I-3 Work Group**

**Commenter(s):**

Armin Wolski, Roxanna Rocinos-Serna and Kerwin Lee.

**Summary:**

The proposed amendments have redundancies that are already in the table. The classroom factor of 15 sf/occ. seems excessive. The addition of the refuge area and enclosed yards was not vetted through the CAC. Request for disapproval.

**Response:**

The OSFM is withdrawing the amendments for table 1004.5.

**Item #9 Table 1004.5 Coordination with California Building Code**

**Response:**

The OSFM has withdrawn the proposal.

**Item #10 Stairway Capacity**

**Commenter(s):**

Aman Shah, Armin Wolski, T. Brett Roberts, Ali M. Fattah, David Mann, Roxanna Rocinos-Serna and Kerwin Lee

**Summary:**

Better justification is needed for increasing the stair exit width in assemblies. This discount's the benefit of fire sprinklers and would be costly for some projects.

**Response:**

The OSFM modified this proposal in a 15-day public comment period. The inclusion of assembly occupancies was removed. The removal of the exceptions for compliance with CBC 1029 was removed. This reverts to the language in the model code.

**Item #15 R-2.2 Based on SB112**

**Commenter(s):**

California Fire Chefs Association - Fire Prevention Officers Section, Roxanna Rocinos-Serna and Kerwin Lee.

**Summary:**

The proposals of some of the sections are duplicative. The proposal should be reduced to minimized unneeded changes. Request for disapproval or long term study. The Fire Prevention Officers indicated that there are some sections that the addition of R-2.2 without the R-2.1 specifically mentioned may cause some confusion. Recommend adding the R-2.1 to these sections.

**Response:**

The OSFM worked with the California Department of Corrections and Rehabilitation (CDCR) to implement the changes mandated by SB 112. The proposals in the regulations will give designers clear directions on projects that apply to a new occupancy for Community Correctional Reentry Center that are mandated for CDCR.

The sections that apply to Group R-2 also apply to all the other sub-groups of Groups R-2. To provide clarity, the OSFM has withdrawn sections that would cover regulations for the R-2.2 occupancy under the broader scope of Group R-2.

The OSFM is asking for approval of the regulations. The OSFM will continue to reevaluate the regulations and will propose changes as needed to provide any needed clarity.

### **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 OSFM 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 as and less burdensome to affected private persons than the proposed adoption by reference with OSFM amendments. Therefore, there are no alternatives available to the OSFM regarding the proposed adoption and amendment 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).

The Office of Small Business Advocate did not offer comments to the Office of the State Fire Marshal on this proposed rulemaking action.