

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE BUILDING STANDARD COMMISSION
REGARDING THE 2022 CALIFORNIA MECHANICAL CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2**

(BSC 05/21)

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 Building Standards Commission (BSC) has made editorial and non-substantive changes to the Express Terms that are non-regulatory in effect. Explanations are as follows.

ITEM 15, Chapter 18 - SOILS AND FOUNDATIONS

The charging language on the Express Terms for Chapter 18 read, “BSC proposes to adopt Chapter 18 of the 2021 IBC and carry forward existing amendments in Section 1810.3.10.4, without further change.” BSC does not amend Section 1810.3.10.4, so the charging language has been modified to bring forward existing amendments in Chapter 18 to amend the word “International” to “California” only without change. There is no regulatory effect.

ITEM 16, Chapter 19 – CONCRETE

The charging language on the Express Terms for Chapter 19 read, “BSC proposes to adopt Chapter 19 of the 2021 IBC, bring forward existing amendments and revise the 2013 AISI S100 reference to align with the 2018 AISI S100 in Section 1905.1.8 ACI 318.” The editorial amendment proposed for the Exception within Section 1905.1.8 ACI 318 will be made by the model code publisher and will be picked up by California in the errata, so this proposed editorial amendment has been withdrawn. BSC does not amend Chapter 19 further, so the charging language has been modified to bring forward existing amendments in Chapter 19 to amend the word “International” to “California” only without change. There is no regulatory effect.

ITEM 26, Chapter 31 - SPECIAL CONSTRUCTION

BSC is amending Section 3102.3 and 3102.6.11 by removing the state amendment “HT” because these letters are being replaced with identical, upright model code text. However, when showing the model code text on the Express Terms, BSC neglected to show the “HT” in standard model text. There is no change in regulatory effect.

BSC showed Section 3109.1 on the Express Terms with the text, “No change to existing California amendment” but BSC does not amend this section so this section has been removed from the Express Terms.

In Section 3109.2, BSC replaced a hyphen with the word “through” but intended to keep the hyphen; therefore, the word “through” and been changed to a hyphen as it was originally. Additionally, there was a non-regulatory note to the user shown on the Express Terms following Section 3109.2 that was shown in an incorrect location. It has been relocated to the proper location. There is no change in regulatory effect.

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 Building Standards Commission 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 September 3, 2021, until October 18, 2021. There was no subsequent public comment period. No comments were received during the 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.

Health and Safety Code (HSC) section 18928.1 requires building standards adopted or approved by the CBSC to incorporate the text of the model codes, applicable national specifications, or published standards, in whole or in part, only by reference, with appropriate additions or deletions. In addition, HSC Section 18928 directs each state agency adopting or proposing adoption of a model code, national standard, or specification to reference the most

recent edition of applicable model codes, national standards, or specifications. The 2022 California Mechanical Code (CMC) implements this requirement by proposing to adopt by reference the selected contents of the 2021 Uniform Mechanical Code (UPC; model code). No other alternatives have been considered since there is a recent model code available for adoption, including any necessary existing and new California amendments. In addition, adoption of the most recent building standards on a statewide basis, as required by statute, results in uniformity and promotes affordable construction costs.

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 alternatives available to BSC. BSC is required by statute to adopt this model code by reference. Providing the most recent methods and applying those building standards on a statewide basis, as required by statute, results in uniformity and promotes affordable construction costs.