INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF THE STATE FIRE MARSHAL
REGARDING THE 2010 CALIFORNIA BUILDING CODE
CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 2
2010 ANNUAL RULEMAKING CYCLE

The Administrative Procedure Act requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE
(Government Code Section 11346.2)

The specific purpose of this rulemaking effort by the Office of the State Fire Marshal (SFM) is to act in accordance with Health and Safety Code section 18928, which requires all proposed regulations to specifically comply with this section in regards to the adoption by reference with amendments to a model code within one year after its publication.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies addressed in the 2009 International Building Code and published as the 2010 California Building Code.

The general purpose of this proposed action is principally intended to update the 2010 California Building Code (California Code of Regulations, Title 24, Part 2) based upon updated information or recent actions of the SFM. This proposed action:

- Repeal certain amendments to the 2009 International Building Code and/or California Building Standards not addressed by the model code that are no longer necessary nor justified pursuant with Health and Safety Code 18930(a)(7).
- Adopt and implement additional necessary amendments to the 2010 California Building Code that address inadequacies of the 2009 International Building Code as they pertain to California laws.
- Codify non-substantive editorial and formatting amendments to the 2010 California Building Code.

The specific purpose and rationale of each adoption, amendment, or repeal is as follows:
Item No. 1. New California regulation or amendment necessary to address limitations and/or inadequacies of the adopted reference model code and SFM regulations relating to exit access travel distance and fire fighter operations in Group F-1 and S-1 occupancies

910.1, 910.2.1, 910.3.2.2, 910.3.2.2.1, 910.3.2.2.2, 910.3.2.2.3
Table 1016.1, 1016.3
Chapter 35, Referenced Standards, NFPA 13, NFPA 13D, NFPA 13R
For the specific purpose and rationale for each section containing California regulation, modification, amendment or repeal see the Initial Statement of Reasons for Part 9 California Fire Code (CFC) Item No. 1. The SFM is correlating amendments for Part 2 California Building Code (CBC) which are derived from the amendments proposed to the CFC relating to smoke and heat vents.

Item No. 2. Antifreeze solutions in residential fire sprinkler systems – permanent emergency rulemaking

Chapter 35, Referenced Standards, NFPA 13, NFPA 13D, NFPA 13R
The SFM proposes to make permanent the emergency regulations approved by the California Building Standards Commission October 19, 2010 with modification. The above sections amended as part of that emergency rulemaking and have no further modification proposed in this rulemaking to make permanent. This Rulemaking is submitted according with Government Code Section 11346.1(e).

The following information is evidence that the amendments to Title 24, Part 2, California Building Code (CBC), Part 2.5 California Residential Code (CRC) and Part 9 California Fire Code (CFC) – NFPA 13, 13D and 13R reference standards as proposed by the Office of the State Fire Marshal (OSFM) are necessary for the immediate preservation of the public peace, health and safety or general welfare of the public relating to the design and construction of Group R occupancies and other dwelling unit applications where automatic fire sprinkler systems utilizing antifreeze solutions.

At the February 28 – March 1, 2011 meeting of the National Fire Protection Association (NFPA) Standards Council meeting a final decision was made to issue the tentative interim agreements (TIA) 1015, 1012, and 1013 on NFPA 13, NFPA 13D and NFPA 13R, respectively to the use of antifreeze solutions within all NFPA 13D applications and within the dwelling unit portions of NFPA 13 and NFPA 13R sprinkler systems. The issuance of the TIAs was based on a detailed research project conducted by in the NFPA Research Foundation in conjunction with Underwriters Laboratories, Inc. The use of antifreeze additives to new residential fire sprinkler systems is estimated to only affect less than 5 percent of the total state-wide residential fire sprinkler installations.

The SFM concurs with the NFPA recommendations and is proposing the modifications contained in this proposed emergency rulemaking for installation of residential fire sprinklers in areas prone to prolong freezing conditions while maintaining the highest level of public safety through the installation of residential fire sprinklers. This emergency rulemaking would require that only pre-mixed antifreeze solutions in concentrations not to exceed 40% propylene glycol and concentrations of glycerin not exceeding 50% in residential occupancies and other dwelling units be permitted for the protection of sprinkler pipe in freezing conditions where no other alternative to freeze protection is available. The research did not test the performance of diethylene glycol-water or ethylene glycol-water mixtures. As no performance information is available through the research study, the SFM proposes prohibiting their use within dwelling unit portions of the sprinkler system.

These proposed building standards are being submitted to the California Building Standards Commission (CBSC) to continue the emergency adoption approved October 19, 2010 with the effective date of January 1, 2011, with additional modification. The emergency building standards will expire June 29, 2011 without continuation or completion of the certification of compliance submitted to the CBSC. With staff resources, timelines of the 2010 interim rulemaking cycle and the dedication of completing rulemaking packages for the 2010 California Building Standards Codes interim supplement, OSFM does not foresee the conclusion of the certification of compliance phase for the April 2011 CBSC meeting. Thus, the OSFM requests a re-approval and re-adoption on an emergency basis the SFM EF 01/10, 02/10 and 03/10 emergency rulemaking that was approved by the CBSC on October 19, 2010 with additional modification.

Furthermore, the SFM is providing modification to NFPA 13D Section 4.1.4.1.1 (TIA 1012) to maintain voluntary annual testing and inspection provisions. Until further research through the SFM Automatic Extinguishing Advisory Committee and statutory analysis is made, voluntary testing and maintenance for one- and two-family dwelling fire sprinkler systems with antifreeze will be maintained. This modification has no change in regulatory effect and will not affect the testing and maintenance requirements for other residential occupancies or provisions found in the California edition of NFPA 25.
SFM recommends and encourages testing and inspection be done on an annual basis.

The SFM proposes where necessary to ensure that the regulations of the California Building Standards Code, establish and or maintain minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in accordance with Health and Safety Code 13100.1 that foster, promote and develop ways and means of protecting life and property against fire and panic.

Background

Automatic fire sprinkler systems with antifreeze solutions have more than 60 years of successful use in commercial applications and an equally successful experience since they have been in use in residential applications. Most fire fatalities occur in the home, and when home sprinklers are present, the risk of dying in a home fire decreases by 83%. The Office of the State Fire Marshal supports and urges the expanded use of residential sprinkler systems as the most effective way to prevent fire injury and death in the home and other residential occupancies. While OSFM emphasizes that residential sprinkler systems are and remain reliable and effective, a recent fire incident involving a sprinkler system that contained a high concentration antifreeze solution has raised concerns about the combustibility of antifreeze solutions in residential sprinkler systems. The incident involved a grease fire in a kitchen where a sprinkler system with a reported 71.2% concentration of antifreeze deployed. The fire resulted in a single fatality and serious injury to another person. (Recently, NFPA received a report of another incident, this time in a living room, which may have been exacerbated by the presence of an antifreeze solution.) Following the first incident, NFPA initiated a research project with the Fire Protection Research Foundation (Foundation) and an initial set of fire tests was also conducted by Underwriters Laboratories. Based on information learned from these efforts, NFPA issued an interim safety alert and recommendations in July 2010 and began additional research to gain further information on antifreeze solution performance under various fire scenarios. The Foundation has completed this additional research in a report entitled "Antifreeze Solutions in Home Fire Sprinkler Systems: Phase II Research Interim Report" (2010), and NFPA is providing updated safety information and guidance based on the test results.

Key findings of fire tests:

- Both the 40% propylene glycol and 50% glycerin solutions demonstrated similar performance to that of water alone for fire control throughout the series of tests.
- Antifreeze solutions with concentrations of propylene glycol exceeding 40% and concentrations of glycerin exceeding 50% have the potential to ignite when discharged through automatic sprinklers.
- Based on the results of this research, antifreeze solutions of propylene glycol exceeding 40% and glycerin exceeding 50% are not appropriate for use in residential fire sprinkler systems.
- Consideration should be given to reducing the acceptable concentrations of these antifreeze solutions by an appropriate safety factor.

Based on the detailed evaluation of the NFPA research report, the SFM maintains pre-mixed antifreeze solutions in concentration not to exceed 40% propylene glycol and concentration of glycerin not exceeding 50% and research showed that these concentrations performed in the same manner as water. The research did not test the performance of diethylene glycol-water or ethylene glycol-water mixtures. As no performance information is available through the study, the SFM proposes prohibiting their use within dwelling unit portions of the sprinkler system. The use of antifreeze solutions is one measure for the protection of residential sprinkler pipe in freezing conditions, shall only be used as a last method for protection, consideration given to recorded prolonged temperatures, and approved by the authority having jurisdiction.

Background and summary from NFPA Standards Council decision on Tentative Interim Amendments (TIA) 1015 (NFPA 13), 1012 (NFPA 13D) and 1013 (NFPA 13R)

In August of 2010, the Standards Council voted to issue three Tentative Interim Amendments (TIAs), the effect of which, pending further technical committee consideration, was to prohibit the use of antifreeze within the dwelling unit portions of sprinkler systems. In doing so, the Council took the unusual step of issuing TIAs without the full support of the responsible sprinkler committees. This was because the Council was presented with an unusual and compelling situation in which the status quo in the existing sprinkler documents was no longer tenable, and in which the circumstances required emergency action. (See Standards Council Decision #10-10 [August 5, 2010]. In its decision, the Council stressed that its action was strictly an interim measure that would remain in place "unless and until the responsible technical committees, after due consideration and any correlation by the [Technical Correlating Committee], reach consensus on a different approach." The Council, moreover, stressed that "it is not undertaking to make any final technical determination about the correct course of action that may eventually emerge. The technical issues concerning the content of NFPA codes and standards are generally for the responsible consensus-based technical committees to determine, and the same should be true in this case." In turning the matter back to the sprinkler committees, the Council noted that the TIAs all involved standards that
address the design and installation of new sprinkler systems. It asked the technical committees to examine the important question of what should be done to address antifreeze in existing residential sprinkler systems. Finally, the Council noted that the TIAs did not address antifreeze in nonresidential commercial applications and suggested the need for further research and consideration of the treatment of nonresidential commercial applications as well. (See Standards Council Decision #10-10).

The sprinkler committees have now completed the review and consideration of the antifreeze issues as anticipated in Standards Council Decision #10-10. The technical committees have developed and reached consensus on three new TIAs related to the use of antifreeze in sprinkler systems that proposed to supersede the TIAs previously issued on an interim basis by the Council.

The new TIAs, which were presented to the Council at its meeting of February 28 – March 1, 2011 are: TIA Nos. 1015, 1012 and 1013 on the 2010 editions, respectively, of NFPA 13, Standard for the Installation of Sprinkler Systems, NFPA 13D, Standard for the Installation of Sprinkler Systems in One- and Two- Family Dwellings and Manufactured Homes, and NFPA 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and including Four Stories in Height. Also considered by the Council at the meeting was an appeal relating to the TIAs from Dana Haagensen, Massachusetts Department of Fire Services. The appeal requested that the Council not issue the new TIAs and that the three existing TIAs issued in Standards Council Decision D#10-10, and which would be superseded by the new TIAs, remain in place. The existing TIAs, for new installations, prohibit the use of antifreeze solutions within all NFPA 13D applications and within the dwelling unit portions of NFPA 13 and NFPA 13R sprinkler systems.

As suggested above, the new TIAs replace the complete prohibition on the use of antifreeze in the dwelling unit portions of new sprinkler systems. Described in general terms, TIA Nos. 1015, 1012 and 1013, taken together: limit the antifreeze solutions used in sprinkler systems to manufacturer premixed antifreeze solutions only; limit the use of antifreeze in sprinkler systems to specified volume concentrations based on one of the types of permitted solutions; provide additional provisions based on the type of sprinkler for NFPA 13 sprinkler systems; and provide additional requirements for NFPA 13D systems including provisions for annual testing and provisions based on whether the NFPA 13D system is new or existing. The TIAs do not address existing systems designed to NFPA 13 or 13R, however, another TIA on NFPA 25, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, that is being issued concurrently with these TIAs and that has not been the subject of an appeal, does address antifreeze concentrations for these systems. (See Minute Item 11-3-6, Standards Council Meeting of February 28-March 1, 2011; see also Minute Item 11-3-7, for another TIA on NFPA 25, which did not pass ballot and has not been appealed.) The individual TIAs must, of course, be consulted for the precise terms of the provisions they contain.

The three new TIAs were balloted through the responsible Technical Committees (TC) – the Technical Committee on Sprinkler System Installation Criteria for NFPA 13, and the Technical Committee on Residential Sprinklers for NFPA 13D and NFPA 13R – as well as the Technical Correlating Committee on Automatic Sprinkler Systems (the TCC). Balloting was completed in accordance with the NFPA Regulations Governing Committee Projects, to determine if it had the necessary three-fourths majority support on technical merit and emergency nature in favor of issuance. All three TIAs passed the ballots of the TCs and the TCC on both technical merit and emergency nature. One public comment was received.

The appeal requests that the Council overturn the action recommended by the NFPA codes and standards development process and not issue the TIAs. On appeal, the Standards Council accords great respect and deference to the codes and standards development process. In conducting its review, the Council will overturn the result recommended through that process, only where a clear and substantial basis for doing so is demonstrated. The Council has reviewed the entire record concerning this matter and has considered all the arguments raised in this appeal. In the view of the Council, this appeal does not present any clear and substantial basis on which to overturn the result recommended by the NFPA codes and standards development process. Accordingly, the Council has voted to deny the appeal and issue TIA Nos. 1015, 1012 and 1013.

As indicated above, the Council’s previous action in limiting the use of antifreeze in sprinkler systems was intended as an interim measure to allow the sprinkler committees the time and opportunity to review the available information and research and make the final consensus determination about what should or should not be contained in the sprinkler standards concerning the antifreeze issues. The sprinkler committees have now processed the issues and reached a consensus, meeting in each case the demanding threequarter majority vote. The committees have reviewed and considered the available information, including the research presented in the Fire Protection Research Foundation report, “Antifreeze Solutions in Home Fire Sprinkler Systems, Phase II Research Final Report” issued in 2010. Moreover, and importantly, the TIAs address the use of antifreeze in nonresidential commercial applications and in existing installations, subjects that were not able to be addressed in the previous TIAs. The committees have arrived at reasonable conclusions.
based on the available information and the many considerations that must be weighed in arriving at consensus judgments. Since absent compelling circumstances were not presented here, the Council must defer to the consensus judgments of the committees.

In voting to issue these TIAs, the Council stresses that the sprinkler committees’ consideration of issues related to antifreeze is not at an end. The sprinkler standards are in the Annual 2012 revision cycle, and that the content of the new TIAs will be considered as Proposals during the process. The Fire Protection Research Foundation report discussed areas where future research might be needed, as, for example, in the area of commercial applications. It is anticipated that further research will be conducted and information developed that will aid the sprinkler committees in their continuing consideration of issues raised by the use of antifreeze in sprinkler systems. In the meantime, the Council is requesting, both in aid of the committees’ work and for the Council’s information, that the sprinkler committees, representatives of the relevant sprinkler industries, the Fire Protection Research Foundation, and any other parties with relevant information provide reports to the Council at its next meeting identifying research needs, planned or ongoing research, and any other activities or developments related to the use of antifreeze in sprinkler systems. Council Member Roland Huggins recused himself during the deliberation and vote on the issue.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 International Building Code and published as the 2010 California Building Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[Item No. 3. Amendments for further clarification, correction and consistency with other SFM regulations]

705.2.3
The SFM is proposing amendment to the above section to correlate modifications made to the 2010 California Residential Code for building setback projections. The revised exception #1 and new exception #2 address different setback allowances for nonsprinklered dwellings (typically existing dwellings) and sprinklered dwellings. Furthermore, amendments made to the base provisions and the exception are made for clarity and brought forward from proposals proposed by the City of San Diego Building and Safety to the 2009 International Building Code through code change FS 13 09/10. This proposal has also been proposed to the SFM for inclusion in the 2010 CBC.

The proposed change adds clarity to the CBC. Code change FS14-07/08 amended Section 704.2 to improve the code section to make clear when the length of projections is to be limited due to fire separation; the section was brought to the IBC from a legacy Code that did not include table like Table 704.8 where the area of openings is limited and protected openings are an option to include more openings in an exterior wall based on fire separation distance within ranges of distance. The initial portion of the code change merely continues the effort that was started in the prior code change cycle and extends the same logic to this Section. Using the word “location” makes clear that if the projection falls within the distance range it is subject to the requirement.

ICC has indicated that they believe that Code intends only portions of the eave extending into the regulated area to be protected since the protection is intended to prevent ignition; additionally the IBC in Table 502 requires measurement of fire separation perpendicular to the face of a wall so it is possible for portions of a wall at an angle to be connected to portions of a wall that are not protected. The proposed code change does not seek to make a change to current practice insofar as the extent of the protection along the projection is concerned.

The exception has been amended to require the same level of protection as the IRC and eliminates ambiguity as to whether rated or non rated projections are required. Table R302.1 of the 2009 IRC requires eaves located at a fire separation distance less than 5 ft to be protected with one-hour construction on the underside. Both the 2009 IRC ad 2009 IBC require sprinkler protection in R-3 occupancies so the codes should be comparable.

Without changing the exception, the code user could conclude that an exposed 12 inch long wood eave located within 24 inches from a lot line and supported on an exterior one hour rated wall located 3 ft from a lot line is permissible which makes no sense. The IBC and IRC have increased the level of exterior fire protection due to fire separation distance recognizing the vulnerability of the least protected occupancies such R-3 from conflagration hazards.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 International Building Code and published as the
The SFM received a petition for regulation change for correcting the tenant separation wall requirements. The petitioner requests that in high-rise building equipped throughout with an automatic fire sprinkler system be permitted to utilize non-fire resistant rated walls for the separation of different tenants.

The SFM has reviewed the justification provided by in the petition for change. The SFM concurs with the petitioner and has proposed modification to the above section. The following justifications and additional information is provided by the petitioner which complete the SFM rationale for the proposed modifications:

In the 2001 CBC, Section 403.2.2 Modifications says (in reference to fully-sprinklered high-rise buildings), "The following modifications of code requirements are permitted…

...2. Except for corridors in Group B offices and Group R, Division 1 Occupancies, and partitions separating dwelling units or guest rooms, all interior non-bearing partitions required to be one-hour fire-resistive construction by Table 6-A may be of non-combustible construction without a fire-resistive time period.

In the Office of the State Fire Marshal in their November 5, 2007 explanation of their intent for the amendment to Section 708.1, they say, in part, “This would be consistent with Table 6-A of the 2001 CBC…”

In the 1997 UBC Handbook, Section 403.2.2 Modifications explains it as follows: “Because the high-rise building is sprinklered, the UBC permits certain modifications of the code requirements, which are sometimes referred to as ‘trade-offs’. The trade-offs in this case are considered to be justified on the basis that the sprinkler system, although a mechanical system, is highly reliable due to the provisions of Section 403.2, which require supervision and a secondary on-site supply of water. The provisions of this section were originally developed when the basic requirement for high-rise buildings was compartmentalization and the installation of an automatic fire sprinkler system was considered to be an alternate to the basic requirement. Nevertheless, there are certain modifications of the code requirements permitted because of the installation of the automatic fire sprinkler system…” As we know, the 1997 CBC was adopted virtually in its entirety as the 2001 CBC. ADC Schultheis has recovered the data from past high-rise office building fires in San Francisco, and can find no cases where the fire migrated from one tenant to another in a building that was equipped with an automatic fire sprinkler system.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 International Building Code and published as the 2010 California Building Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

3102.3.1
For the specific purpose and rationale for each section containing California regulation, modification, amendment or repeal see the Initial Statement of Reasons for Part 9 California Fire Code (CFC) Item No. 3. The SFM is correlating amendments for Part 2 California Building Code (CBC) which are derived from the amendments proposed to the CFC relating to tents and membrane structures.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 International Building Code and published as the 2010 California Building Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[Item No. 4. Modifications that have no change in regulatory effect or repeal of amendments that are no longer necessary]

405.1
The SFM is repealing exception 6 to Section 405.1. Section 405.1 applies the provisions to spaces having a floor level more than 30 from the lowest level of discharge. This exception was intended to provide clarity in that wine caves would be addressed by Section 436 when less than 30 from the lowest level of discharge. However, it only creates confusion as
wine caves as described are excluded by default in the charging section. There is no change in regulatory effect.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 International Building Code and published as the 2010 California Building Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

442.4
The SFM is proposing to correct the referenced section to the appropriate section for egress systems. This change is a result of sections contained in the IBC being relocated.

506.3
The SFM is making editorial modification to the existing SFM amendment contained in the above listed section for clarity. The text “and story” to be added is for consistency with CBC Section 504.2. Section 506.3 and 504.2 are permitted to be used together for area and height and/or story increases are used together in Type VA Group R-2 occupancies that are sprinklered throughout.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 International Building Code and published as the 2010 California Building Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

903.2.2
The SFM proposes to remove the duplication of Group E occupancy provisions from the Group B occupancy section as editorial only modification. These amendments to Section 903.2.2, Exception # 3 and 4 were inadvertently duplicated into the incorrect section in the promulgation/publication of the 2010 CBC. The amendments to Section 903.2.3, Exception # 4 and 5 are the appropriate amendments for Group E occupancies which are correctly shown in the CBC and CFC.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 International Building Code and published as the 2010 California Building Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

1011.3
The SFM is making editorial modification to the existing SFM building standards listed in the above section for clarity. The proposed modifications are intended to clarify specifically when tactile exit signage is required, only those exit doors that are required to comply with section 1011.1 and required to have this type of tactile exit signage. Modification is proposed to clarify the signage type where an exit door leads to both a ramp and stair. Modification is proposed to clarify the scope by relocation and modifying the first sentence to the last.

These modifications are in part brought by a stakeholder and SFM access task force member who assisted in the development of the original provisions. The following rationale has been provided to assist in the intent of the original provisions as well as the proposed modifications.

The Americans with Disabilities Act is to provide equal access to persons with disabilities. A Technical Staff member of the United States Access Board stated that the intent of requiring tactile exit signs at doors was to provide them wherever the general public was provided a visual exit sign. In other words, the requirement for labeling of doors with tactile sign is always intended to provide equal information to everyone, and not to provide enhanced information to one group only.

Unfortunately, many are interpreting the current regulation to mean that every single door that is “cut” into the exterior wall of a building, such as a ball storage unit or electrical room with an exterior door, requires a tactile exit sign. Also, classrooms with only one door, which is, of course an exit door, are often not required to have illuminated exit signs, because the exit path is obvious to everyone. This includes students, teachers, or aides who use the classroom, blind and sighted. They are capable of realizing that the single door they enter by is also the single door they exit by. The same is the case with restrooms with just one door.
Further modification is proposed to change the wording for horizontal exit signs from “TO EXIT” to “EXIT ROUTE.” This term is consistent with the other means of egress components leading to the exit. Very strong recommendation from individuals who are blind and or orientation mobility stakeholder state that all exit signs should begin with the word “EXIT,” so that during an emergency, they can be read quickly by touch readers. Simplification is in order, and the term “EXIT ROUTE” would convey the appropriate information, that a final exit discharge still needs to be obtained.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 International Building Code and published as the 2010 California Building Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

1011.7
The SFM proposes to remove an inappropriately placed comma following Group A occupancies. The provisions of this section are intended to apply only to interior rated corridors of unsprinklered buildings of Group A, R-1 and R-2 occupancies. As currently written it could be applied to any group R-1 or R-2 occupancy which goes beyond the original intent (see 2001 CBC 1007.6.2.1.1). There is no change in regulatory effect.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 International Building Code and published as the 2010 California Building Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

1025.5
The SFM proposes to repeal the above SFM building standard. Changes made between the 2006 to 2009 IBC Sections 1025.2, 716.5.1.1 and 716.5.2.1 address the SFM provisions of Section 1025.5. The SFM proposes to repeal this building standard as it is no longer necessary with the adoption of the above listed sections. There is no change in regulatory effect.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 International Building Code and published as the 2010 California Building Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[Item No. 5. Statutory modification and/or correction of existing regulation]

308.5.1
The SFM is proposing to coordinated with other occupancy classifications that set a minimum and/or maximum number of clients, including Groups I-2, I-4, R-2.1, R-3.1 and R-4 occupancies throughout the CBC. This modification further coordinates statutory provisions and DHS licensing regulations for care facilities. There is no change in regulatory effect.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 International Building Code and published as the 2010 California Building Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

310.2 Definitions - Bedridden Person.
The SFM is including language derived from AB762 (Chapter 471 of 2009) that further defined bedridden person for the purpose of fire clearance. There is no change in regulatory effect, where this modification is consistent with statute.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 International Building Code and published as the 2010 California Building Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.
425.3.2
The SFM is correcting the provisions of the above section with regards to the construction limitations for care facilities housing nonambulatory clients. Current provisions are inconsistent with the provisions for other residential cares facilities and is some cases are more restrictive for ambulatory clients than those for a Group R-4. The intent of 425.3.2 has been for nonambulatory clients, this modification codifies such.

907.2.11.5
The SFM proposes to make permanent the emergency regulations proposed to the California Building Standards Commission April 19, 2011. The above sections amended as part of that emergency rulemaking and have no further modification proposed in this rulemaking to make permanent. This Rulemaking is submitted accordance with Government Code Section 11346.1(e).

The SFM is proposing to reinstate and relocate two exceptions contained in the base 2009 International Residential Code (IRC) that relate to certain exemptions for alterations, repairs and exterior work. These two exceptions exist in the 2009 IRC Section R314.3.1 and were removed for the 2010 CRC for compliance with Health and Safety Code 13113.8. These two exceptions if maintained in section R314.3.1 would have exempted any installation of a smoke alarm in existing dwellings undergoing certain alterations, repairs and exterior work and would violate the statute. This proposal reinstates the two exceptions but limits them to the power source (Section R314.4) and interconnection (Section R314.5) only without creating a conflict with statute.

These modifications are also proposed to Section 4603.7.2 and 4603.7.3 of the CFC to correlate and correct the provisions for power supply and interconnection for all other Group R occupancies. Additional editorial modification to CFC Section 4603.7.5 and 4603.7.5.1 and CBC Section 907.2.11.5 correct the reference to Group R-3 occupancies to all Group R occupancies.

These proposed regulations would correct the regulations to allow for smoke alarms to be battery powered in existing buildings undergoing certain alterations, repairs, additions or exterior work. This emergency modification reinstates provisions that had been contained in previous editions of the California Building Code and maintains the intent of Health and Safety Code 13113.7 and 13113.8 to allow for battery operated smoke alarms.

The following information is evidence that the amendments to Title 24, Part 2, California Building Code (CBC), Part 2.5 California Residential Code (CRC) and Part 9 California Fire Code (CFC) as proposed by the Office of the State Fire Marshal (SFM) are necessary for the immediate preservation of the public peace, health and safety or general welfare of the public relating to alterations, repairs, additions or exterior work on existing Group R occupancies and other dwelling unit applications where smoke alarms are required.

The SFM is proposing to reinstate and relocate two exceptions contained in the base 2009 International Residential Code (IRC) that relate to certain exemptions for alterations, repairs and exterior work. These two exceptions exist in the 2009 IRC Section R314.3.1 and were removed for the 2010 CRC for compliance with Health and Safety Code 13113.8. These two exceptions if maintained in section R314.3.1 would have exempted any installation of a smoke alarm in existing dwellings undergoing certain alterations, repairs and exterior work and would violate the statute.

However, the omission of these two exceptions has created an unintended problem relating to the power source and interconnection. Dwellings undergoing minor alteration, repair of certain exterior work as specified would in most cases require additional permits, inspections and other contracting obligations for specified trades to do electrical work associated with the power source, whereas, the statute would allow battery operated smoke alarms.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 International Building Code and published as the 2010 California Building Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[Item No. 6. Modifications for elevator standards and correlation with CCR, Title 8, Division 1, DOSH Elevator Safety Orders]

907.3.3, 911.1.5
1007.4
The SFM is deleting all references to ASME, A17.1 /CSA B44 Safety Code For Elevators and Escalators and instead referencing; California Code of Regulations, Title 8, Division 1, Chapter 4, Subchapter 6, Elevator Safety Orders for correlation and to resolve conflicts with California Division of Occupational Health and Safety (DOSH) adoption and amendments to A17.1.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 International Building Code and published as the 2010 California Building Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

The SFM proposed to correct the NFPA 72 Section referenced. This modification is a result of the adoption of the 2010 edition of NFPA 72 where sections have been relocated in the latest standard.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 International Building Code and published as the 2010 California Building Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

The SFM is proposing these amendments requiring that elevator cables, belts or equipment within or exposed to the elevator hoistway be non-combustible or limited combustible with a flame spread of less than 25 in order that fire sprinklers will not be required in the elevator shaft. By the elimination of fire sprinklers in the elevator hoistway, “shut-trip” will also not be required. This amendment has the potential of saving thousands of dollars in the elevator installation and the required annual shut-trip inspection and testing cost with the elimination of the following; fire sprinklers and associated supply piping, shut-trip circuit breaker, heat detectors and associated electrical conduit, wiring, relays and interfaces.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 International Building Code and published as the 2010 California Building Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

The SFM is proposing to delete existing SFM amendments contained in Sections 3006.5.1 through 3006.5.5. These existing amendments will no longer be required with the proposed modifications contained in this rulemaking related to elevator standards and the California Division of Occupational Health and Safety (DOSH) Elevator Safety Orders, which will eliminate almost all requirements for sprinklers in the elevator hoistways and elevator machinery rooms. With the elimination of sprinklers in the areas, the model code requirement for elevator power “shunt-trip” is no longer necessary.

The SFM is proposing these amendments to allow the elimination of fire sprinklers in the elevator machine where all the requirements of the exception are met, including elevator machine room fire-resistive construction and separation, smoke and heat detection and approved signage. By the elimination of sprinklers in the elevator machine room, “shut-trip” will also not be required. The SFM and other fire authorities have allowed these requirements as an acceptable alternate means of protection in lieu of sprinklers in elevator machine rooms on a case-by-case basis. The amendment will codify this proven alternate means of protection.

These amendments have the potential to save thousands of dollars in the elevator installation and the required annual shut-trip inspection and testing cost by eliminating from the elevator machine room; fire sprinklers and associated supply piping, shut-trip circuit breaker, and associated electrical conduit, wiring, relays and interfaces.

Modification to 903.3.1.1.1 relocates the preemption for Group I-2, I-2.1 and I-3 occupancies the items 1 and 2 only. Additional reference to Section 3006.4.1 is proposed for Items 3 relating to fire service access elevators and occupant
evacuation elevators. These provisions further clarify current model requirements prohibiting sprinklers in elevator machines of fire service access elevators and occupant evacuation elevators to the appropriate sections to conform to IBC format and for clarification and user-friendliness. These references are necessary as the controlling provisions are located in Chapter 30.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 International Building Code and published as the 2010 California Building Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

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[Item No. 7. Editorial modification correcting code references to the appropriate California Code]

101.4.1, 101.4.2, 101.4.3, 101.4.5
402.2 Definitions - Open mall building.
403.4.4, 404.2, Table 415.3.1
705.8.1, 707.1
2603.4.1.12
3005.2

The SFM is amending the above sections to correctly reference the appropriate California Code. There is no change in regulatory effect.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 International Building Code and published as the 2010 California Building Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

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TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:
(Government Code Section 11346.2(b)(2)

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.

CONSIDERATION OF REASONABLE ALTERNATIVES
(Government Code Section 11346.2(b)(3)(A)

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 an electrical code.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.
(Government Code Section 11346.2(b)(3)(B)

The SFM has determined that no alternative available 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, no alternatives have been identified or that have otherwise been identified and brought to the attention of the SFM that would lessen any 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)(4)
The SFM has made a determination 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.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS
(Government Code Section 113465.2(b)(5))

The SFM has determined that this proposed rulemaking action does not unnecessary duplicate or conflict with federal regulations contained in the Code of Federal Regulations that address the same issues as this proposed rulemaking.