

**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.
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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. 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).

For the specific purpose and rationale for each section containing California regulation, modification, amendment or repeal **see the Initial Statement of Reasons for Part 2.5 California Residential Code (CRC) Item No 1**. . The SFM is correlating amendments for Part 2 California Building Code (CBC) which are derived from the amendments proposed to the CRC relating to antifreeze solutions in residential fire sprinkler systems.

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 a 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 602 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 and 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 2010 California Building Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

709.3

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.

907.2.2

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 fire alarm systems.

1008.1.2, 1008.1.4.3

The SFM proposes to modify exception 6 of section 1008.2 and include language in 1008.1.4.3 to exclude certain horizontal sliding doors in "exit enclosures" of Group A, E, I and R occupancies and high-rise buildings. These limitations are based on adverse effects that seismic events may dramatically compromise this portion of the occupant egress or firefighter access component on the means of egress system.

The ability to function properly as part of a smoke control system has proved to be inadequate in nearly all systems tested. Additional numerous reports of these devices failing or having operation problems during the commissioning of smoke control in buildings has been observed.

The reliability and maintenance over time of devices requiring power to operate is limited at best in many cases. The familiarity occupants have to their surroundings, "The opening that was there is now a wall how do I get to the stair".

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.

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.

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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.

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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 in 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. Additional modification is proposed to clarify the story and square footage limitations are to be considered together.

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

**3001.2, 3001.4, 3002.5, 3003.2, 3007.1, 3008.3, 3008.12, 3008.14.1
3411.8.2**

Chapter 35

Referenced Standards

ASME A17.1

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.

3001.5, 3001.6

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 shunt-trip inspection and testing cost with the elimination of the following; fire sprinklers and associated supply piping, shunt-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.

3008.6.1 (CBC/CFC 903.3.1.1.1)

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 shunt-trip inspection and testing cost by eliminating from the elevator machine room; fire sprinklers and associated supply piping, shunt-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 and 4 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.

[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

3008.2

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

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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 11346.2(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.