

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF THE STATE FIRE MARSHAL (SFM)
REGARDING THE ADOPTION BY REFERENCE OF THE
2006 EDITION OF THE UNIFORM MECHANICAL CODE (UMC)
WITH AMENDMENTS INTO THE 2007 CALIFORNIA MECHANICAL CODE
CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 4.**

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

The specific purpose of this rulemaking effort by the Office of the State Fire Marshal (SFM) is to act 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 it's 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 2005 Uniform Mechanical Code and published as the 2007 California Mechanical Code.

The general purpose of this proposed action is principally intended to update and codify a new edition of the California Mechanical Code (California Code of Regulations, Title 24, Part 4) based upon a more current edition of a model code. The current California Mechanical Code in effect is the 2001 California Mechanical Code which is based upon the 2000 Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials. This proposed action:

- Repeal the 2000 Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials and incorporate and adopt in its place the 2006 Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials for application and effectiveness in the 2007 California Mechanical Code pursuant to Health and Safety Code 18928. Health and Safety Code 18928 requires any state agency adopting model codes to adopt the most recent edition.
- Repeal amendments to the 2000 Uniform Mechanical 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 2006 Uniform Mechanical Code that address inadequacies of the 2005 Uniform Mechanical Code as they pertain to California laws.
- Bring forward previously existing California amendments, which represent no change in their effect from the 2001 Triennial California Building Standards Code. Some of the existing California amendments will be amended as follows:
 - Renumbering in order to fit into the newly text of the 2000 edition of the Uniform Mechanical Code.
 - Adding or changing the references to the application authority of SFM.
 - Language changes for clarification of existing law.
 - Not adopting into the text of the 2006 edition of the Uniform Mechanical Code.
- Codify non-substantive editorial and formatting amendments from the format based upon the 2000 Uniform Mechanical Code to the format of the 2006 Uniform Mechanical Code.

The specific purpose and rationale of each adoption, amendment, or repeal is as follows:

Chapter 1 Administration

Chapter 1, Section 101, was provided by the California Building Standards Commission (CBSC).

SFM is proposing adoption of this new California Chapter.

SFM proposes to not adopt Chapter 1 of the 2006 Uniform Mechanical Code (UMC). SFM is proposing that Chapter 1 of the 2006 UMC be relocated in its entirety to a newly created Appendix Chapter 1 for the 2007 California Mechanical Code. SFM is proposing the adoption of a newly developed Chapter 1 with sections specific to the needs of California and each state agency. This new chapter will promote uniform enforcement throughout the state and ensure local enforcement agencies are provided accurate statutory information regarding the enforcement of building standards in the State of California.

Amendments that previously existed in Chapter 1 of the 2001 California Mechanical Code have either been repealed, reformatted, or relocated and are shown appropriately throughout this rulemaking package.

The proposed adoption of the new California Chapter 1, including the text of Section 101 which was provided by the CBSC, is consistent with the format guidance given by the CBSC and the 2006 UMC.

Chapter 2 Definitions

203 A

**APPROVED
APPROVED AGENCY
ASSEMBLY BUILDING
AUTHORITY HAVING JURISDICTION**

The SFM proposes to remove the identification banner [For SFM] and where necessary replace with specific language which provides the code user with scoping language for applications regulated by SFM. This change is consistent with the format guidance offered by the California Building Standards Commission for the 2006 UMC. The amendment does not represent change in its effect from the 2001 CMC.

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 SFM regulated occupancies that are addressed in the 2006 Uniform Mechanical Code (UMC) and published as the 2007 CMC pursuant to Health and Safety Code Section 18949.2, 13113, 13114, 13131.5, 13143 and 17921.

204 B

BRINE

The SFM proposes to remove the SFM amendment revisions to the UMC with reference to current standards no longer necessitate the amendment. The amendment does not represent change in its effect from the 2001 CMC.

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BUILDING CODE

BUILDING OFFICIAL

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207 E

ENFORCING AGENCY

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208 F

FIRE CODE

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214 L

LISTED and LISTING

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215 M

MACHINERY ROOM

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217 O

OCCUPANCY CLASSIFICATION. -

The SFM proposes to remove the Occupancy classifications from the UMC that are different than that found in the proposed California Building Code (CBC) based on the 2006 International Building Code with necessary amendments. As a result a reference to the CBC is proposed for the code user which adds clarity and correct application.

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223-U

U.M.C.

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Chapter 3 General Requirements

Section 304.6 [The SFM proposes to remove the identification banner [For SFM] . This change is consistent with the format guidance offered by the California Building Standards Commission for the 2006 UMC. The amendment does not represent change in its effect from the 2001 CMC.

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Chapter 4 Ventilation Air Supply

Section 401

The SFM proposes to remove the identification banner [For SFM] and replace with specific language which provides the code user with scoping language for applications regulated by SFM. This change is consistent with the format guidance offered by the California Building Standards Commission for the 2006 UMC. The amendment does not represent change in its effect from the 2001 CMC.

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Chapter 5 Exhaust Systems

Section 509.2.4

[The SFM proposes to move amendments from 2001 CMC 509.5 to 509.2.4 as a result of model code revisions]

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Section 510.7.1.1 [The SFM proposes the addition of a new section, previously not in the UMC 2001, to be amended by the SFM relating to duct enclosures on a grease duct serving a type 1 hood.]

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 SFM regulated occupancies that are addressed in the 2006 Uniform Mechanical Code (UMC) and published as the 2007 CMC pursuant to Health and Safety Code Section 18949.2, 13113, 13114, 13131.5, 13143 and 17921.

Sections 510.7.5 [The SFM proposes an amendment to clarify that the SFM adoption is in accordance with the California Building Code and UBC Standard 7-2.]

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Sections 511.1.6, 512.2.5, 516.2.5, 516.2.7 [The SFM proposes amendments to these sections to clarify SFM adoption with reference to the California Electrical Code.]

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 SFM regulated occupancies that are addressed in the 2006 Uniform Mechanical Code (UMC) and published as the 2007 CMC pursuant to Health and Safety Code Section 18949.2, 13113, 13114, 13131.5, 13143 and 17921.

Sections 513.2.2.1 and 5613.3. Changes in the cooking medium and appliance efficiency in modern restaurants have significantly altered the fire hazard in cooking areas. This necessitated a change in the UL testing standards for fixed extinguishing systems in 1994. Although it has been almost 10 years since the issuance of the new standard many existing locations are still protected by non-compliant systems even though they are using the newer cooking mediums and high efficiency appliances. This represents a risk of loss of property and personal injury as these non-compliant systems have been shown to lack effectiveness in extinguishing fires under modern conditions. Current code and manufacturer's requirements call for a semi-annual service/maintenance of all restaurant fire suppression systems. The State Fire Marshal has determined that it is not in the public interest to continue to service and certify fire suppression systems that do not meet the requirements of UL 300.

The SFM has determined that this regulatory action will produce a significant public and private benefit by reducing the risk of property loss and/or personal injury to the owners of the commercial cooking equipment, the public, and surrounding businesses. It should also reduce the cost of fighting fires at restaurants that are properly protected.

Section 513.10 [The SFM proposes an amendment to clarify this section by adding a reference that the SFM does not adopt and also referencing Title 19 for SFM related occupancies.]

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Section 513.10.1 and 513.10.2

Health and Safety Code Section 13160. Regulations and standards; administration. With the advice of the State Fire Advisory Board, the State Fire Marshal shall adopt, in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and administer regulations and standards as he or she may deem necessary for the protection and preservation of life and property to control the servicing, including charging, and testing, of all portable fire extinguishers for controlling and extinguishing fires, and for controlling the sale and marketing of all such devices with respect to conformance with standards of their use, capacity, and effectiveness. In adopting the regulations, the State Fire Marshal shall consider the standards of the National Fire Protection Association.

13161. Legislative intention. It is the legislative intention in enacting this chapter that the provisions of this chapter and the regulations and standards adopted by the State Fire Marshal pursuant to this chapter shall apply uniformly throughout the State of California and no county, city, city or county or district shall adopt or enforce any ordinance or rule or regulation regarding portable fire extinguishers which is inconsistent with the provisions of this chapter or the regulations and standards adopted by the State Fire Marshal pursuant to this chapter.

Chapter 6 Duct Systems

Sections 609 [The SFM proposes an amendment to clarify SFM adoption with a requirement that all automatic shutoff smoke detectors be approved, listed and installed by the CA State Fire Marshal and labeled accordingly. Also the SFM proposes to amend this section to require these devices be installed in accordance with NFPA 72 and the California Fire Code.]

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During the Plumbing, Electrical, Mechanical and Energy Code Advisory Committee meeting a minor change was suggested to the text of the proposal. This editorial change was for grammatical purposes only. The State Fire Marshal concurs with the change and the text of the proposal was so amended.

Chapter 9 Installation of Specific Equipment

Sections 932.0, 932.1, 932.2, 932.3, 932.4, 932.5 [The SFM proposes the addition of these sections to provide safety requirements for warm-air furnaces installed in under-floor spaces.]

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The requirements of these proposed sections are currently mandated in the 2001 CMC and are proposed to be brought forward as SFM amendments. The amendments are necessary to provide clarity for the code user. The amendments will provide no change from existing regulations.]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 SFM regulated occupancies that are addressed in the 2006 Uniform Mechanical Code (UMC) and published as the 2007 CMC pursuant to Health and Safety Code Section 18949.2, 13113, 13114, 13131.5, 13143 and 17921

AN IDENTIFICATION OF EACH TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENT UPON WHICH THE AGENCY IS RELYING IN PROPOSING THE ADOPTION, AMENDMENT, OR REPEAL.

The SFM did not rely on any technical, theoretical, and empirical study, report in proposing the amendments to the 2006 UMC.

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 regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed adoption by reference with amendments to the 2006 UMC.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

(Government Code Section 11346.2(b)(3)(B))

No other alternatives have been identified or 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 an initial determination that this proposed action will not have a significant adverse economic impact on business. Therefore, there are no other facts, evidence, documents, testimony, or other evidence on which the SFM relies to support this rulemaking.

The SFM is required under H&SC section 18928 to propose the adoption by reference with amendments the 2006 UMC within one year after it's publication.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

The SFM has determined that there is no duplication or conflict with Federal regulations. There are no comparable federal regulations or statutes addressing the fire and life safety requirements of a mechanical code.