

Title 19, Division 1, Chapter 1.5

INITIAL STATEMENT OF REASONS

Pursuant to Health and Safety Code Sections 13263, the State Fire Marshal shall approve and list carbon monoxide devices.

SPECIFIC PURPOSE AND RATIONALE

The proposed regulations will establish the requirements for carbon monoxide devices and establishes the criteria by which these devices will be included into the State Fire Marshal's listing program. In addition, the proposed regulations will prohibit the sale of these devices unless they are approved and listed by the State Fire Marshal.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, OR REPORT

The State Fire Marshal has utilized State Fire Marshal's Fire Alarm Advisory Committee to analyze the proposed carbon monoxide devices requirements.

NECESSITY

These requirement are necessary to implement the provisions of Health and Safety Code Section 13263 (Chaptered bill SB 183, Chapter 19), which mandates, the State Fire Marshal to develop a certification and decertification process to approve and list carbon monoxide devices. In addition, Section 13263 mandates that a person shall not market, distribute, offer for sale, or sell any carbon monoxide device unless the device and the instructions have been approved and listed by the State Fire Marshal.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE STATE FIRE MARSHAL'S REASONS FOR REJECTING THOSE ALTERNATIVES

The State fire Marshal staff has thoroughly reviewed this proposed regulatory action, including both the negative and positive impacts it will place upon industry. No alternatives considered by the State Fire Marshal would be more effective in carrying out the purpose for which the regulation is proposed, or would be as effective, or less burdensome to affected private persons than the proposed regulations.

ALTERNATIVES – SMALL BUSINESSES

The proposed regulations have no substantial effect to small business and the State Fire Marshal has not identified any alternatives that would lessen any adverse impact, if any, on small business and still allow the SFM to effectively enforce the regulations.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The State Fire Marshal can find no evidence that this action will have a significant adverse economic impact on any business.

COORDINATION WITH FEDERAL LAW

The State Fire Marshal has determined that this proposed regulatory action neither conflicts with, nor duplicates any federal regulation contained in the Code of Federal Regulations.

Specific sections which have been modified:

Section 200 is being proposed to be amended to reference carbon monoxide devices.

Necessity: Carbon monoxide devices are not presently addressed in the code nor are they presently approved and listed by the State Fire Marshal.

Section 201 is being proposed to be amended to reference carbon monoxide devices.

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Section 204 is being proposed to be amended to define carbon monoxide devices covered by these regulations and the standards to which they will be tested to. With the addition of the definition for carbon monoxide devices, the remainder of the section is being renumbered. In addition, 204 (c) and (d) are proposed to be amended to correctly identify reference renumbered sections.

Necessity: The specific types of carbon monoxide devices being regulated by these regulations and the standards to which they need to be tested, prior to submittal from listing needs to be defined so as to avoid confusion. The addition of the definition for carbon monoxide devices, necessitates the renumbering of the remaining items and references in the section.

Section 208 is being proposed to be amended to add special provisions for carbon monoxide devices. With the addition of the carbon monoxide devices, the remainder of the section is being renumbered. In addition, 204 (b) is proposed to be amended to correctly identify reference renumbered sections.

Necessity: There are specific provisions for these devices, which are specified in statute, and which must be addressed in regulations in order to eliminate confusion as to the marketing, distribution, and sale or offering for sale of any carbon monoxide device. The addition of the special provisions for carbon monoxide devices, necessitates the renumbering of the remaining items and references in the section.