

**NOTICE OF PROPOSED RULEMAKING
TO
OFFICE OF THE STATE FIRE MARSHAL
California Code of Regulations, Title 19, Division 1, Chapter 1.5**

Smoke Alarms

The State Fire Marshal (SFM) is providing notice to adopt proposed regulations related to the approval and listing of smoke alarms only operated by a battery as described below, after considering all comments, objections, or recommendations regarding the proposed action.

WRITTEN COMMENT PERIOD

The SFM will accept written comments regarding this proposed regulatory action for at least 45 days beginning January 24, 2014 until 5:00 PM on March 10, 2014.

Comments may be submitted to the SFM via:

- Email: diane.arend@fire.ca.gov; or
- Facsimile: (916) 445-8459; or
- US Mail (postmarked no later than March 10, 2014)

Office of the State Fire Marshal
P.O. Box 944246
Sacramento, CA 94244-2460
Attn: Diane Arend, Senior Deputy State Fire Marshal

PUBLIC HEARING

The SFM has not scheduled a public hearing on this proposed action. However, the SFM will hold a public hearing to accept comments if a written request is received from any interested party or their authorized representative no later than 15 days prior to the end of the 45-day written comment period, pursuant to Government Code Section 11346.8.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the 45-day comment period, the SFM may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text – with changes indicated – shall be made available to the public for at least 15 days before the SFM adopts, amends, or repeals the regulations as revised. The SFM will accept written comments on the modified regulations for 15 days after the date on which they are made available. To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modified regulations. Requests should be sent to the contact person at the address indicated above.

AUTHORITY & REFERENCE

The State Fire Marshal is proposing this regulatory action pursuant to Health and Safety Code Section 13114 with reference to 13114, Health and Safety Code to

control the quality of smoke alarms marketed, distributed, offered for sale, or sold in this state.

INFORMATIVE DIGEST - POLICY STATEMENT OVERVIEW

This regulatory proposal implements the new smoke alarm requirements mandated by Health and Safety Code Section 13114 and proposes the State Fire Marshal's exceptions authorized by that section.

Summary of Existing Laws

Health and Safety Code Section 13114 mandates the State Fire Marshal to adopt regulations and standards as he or she may determine to be necessary to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state. No person shall market, distribute, offer for sale, or sell any fire alarm system or fire alarm device in this state unless the system or device has been approved and listed by the State Fire Marshal.

With the passage of SB 1394, Chaptered September 21, 2012 and SB 745, Chaptered August 27, 2013, Section 13114 was amended to add specific requirements for smoke alarms in order for them to be approved and listed by the State Fire Marshal. The section was also amended to authorize the State Fire Marshal to create exceptions, through its regulatory process, to the new smoke alarm requirements.

Summary of Existing Regulations

Existing regulations establish the basic listing requirements for fire alarm devices.

With the amendments made to Health and Safety Code Section 13114 the State Fire Marshal is proposing to add California Code of Regulations (CCR), Title 19, Chapter 1.5, Sections 208(d), 208(d)(1), and 208(d)(2).

Summary of Effect

The effect of these changes will be to implement the mandated requirements for smoke alarm approval and listing and to codify the exemptions to smoke alarm requirements as deemed necessary by the State Fire Marshal.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Determination of Inconsistency/Incompatibility with Existing State Regulations

After conducting a review for any regulation that would relate to or affect this area, the OSFM concluded this is the only regulation that concerns the approval and listing of smoke alarms. The OSFM determined this proposed regulation is not inconsistent or incompatible with existing regulations.

OBJECTIVE AND ANTICIPATED BENEFITS

The broad objective of the proposed action is to relieve the consumers from having to annually replace the smoke alarm battery by requiring the manufacturers to provide a 10 year battery and to provide a hush feature to silence unnecessary alarms.

The specific benefit anticipated from the regulation is that it will consolidate all smoke alarm requirements in one location and that code officials and smoke alarm manufacturers will be able to access the smoke alarm requirements in a location with which they are familiar.

The proposed regulations were developed by the SFM in cooperation with the SFM Fire Alarm Advisory Committee. The SFM consulted with the committee for their recommendations and analysis of the proposed amendments and they concur with the proposal.

Further, the SFM sought the advice of the State Board of Fire Services on the amendments pursuant to Health and Safety Code Section 13114. The State Fire Marshal conferred with the Board at the Board's November 21, 2013 meeting. The Board had no comments regarding the proposed amendments

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

There are no other matters prescribed by statute applicable to the Office of the State Fire Marshal, or to any specific regulation or class of regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The State Fire Marshal has made the following initial determinations:

1. Mandate on local agencies and school districts: **None**
2. Cost or savings to any other State agency: **None**
3. Cost to any local agency or school district which must be reimbursed in accordance with Government Code, Sections 17500-17630: **None**
4. Other non-discretionary cost or savings imposed upon local agencies: **None**
5. Cost or savings in federal funding to the State: **None**
6. Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other States: **None**
7. Significant effect on housing costs: **None**

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS:

8. The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action are provided as follows: This regulatory proposal provides certain exemptions to the 10 year battery life, hush feature and labeling requirements, which will benefit the smoke alarm manufacturers by reducing cost without compromising consumer fire safety or reliability of the smoke alarms.

DECLARATION OF EVIDENCE

The OSFM has not relied on any other facts, evidence, documents, testimony or other evidence to make its initial determination of no statewide adverse economic impact.

SMALL BUSINESS EFFECTS

The State Fire Marshal has made the initial determination that the amendments to these regulations will 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. The proposed amendments are statutory mandates as set forth in Health and Safety Code, Section 13114.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Adoption of these regulations *will not*:

- a) Create or eliminate jobs within California;
- b) Create new businesses or eliminate existing businesses within California;
- or
- c) Affect the expansion of businesses currently doing business within California.

The State Fire Marshal has assessed that the exceptions being proposed in this regulatory proposal:

- d) Will benefit California residents and smoke alarm manufacturers by eliminating the unnecessary cost of the 10 year battery and labeling requirements for specific smoke alarm installation configurations, which by the nature of their installation will be supervised for low battery power.

The requirements set forth in this proposed rulemaking are statutorily mandated by Health and Safety Code, Section 13114.

Small Business Determination: The OSFM has determined that the proposed regulations will not affect small business. During the crafting of the legislation, representatives of the fire alarm industry were consulted and the consensus of the representatives was that the technology and materials (10 year batteries, hush feature and labels) required by the new regulations are readily available to all smoke alarm manufacturers and that there would be no substantial impact upon the industry.

CONSIDERATION OF ALTERNATIVES

The State Fire Marshal must determine that no reasonable alternative is considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action described in this Notice, or would be

more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The State Fire Marshal invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period

BUSINESS REPORT

This regulatory proposal does not mandate any new reporting or recordkeeping requirements, but will require 10 year battery life and labeling requirements for smoke alarms.

CONTACT PERSON

Inquiries concerning the proposed regulatory action, or requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations or other information upon which the rulemaking is based may be directed to:

- Office of the State Fire Marshal: 1131 'S' Street, Sacramento, CA 95814

Diane Arend, Senior Deputy SFM (RA), Regulations Coordinator
(916) 324-9592
diane.arend@fire.ca.gov

James Parsegian, Supervising Deputy SFM
(916) 445-8415
James.parsegian@fire.ca.gov

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The State Fire Marshal will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office, shown above. As of the date, this notice is published in the Notice Register the SFM's rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons for the proposed action. The full text of the regulations, along with the Final Statement of Reasons (FSOR) upon which the changes are based is available from the contact person as shown above. Copies may be obtained through the contact at the address or telephone number listed above.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons (FSOR) may be obtained by making a written request to the contact person at the above address or by accessing the website listed below.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons (ISOR) and the text of proposed regulations, highlighted in underline and strikeout may be accessed through the SFM web site at:

<http://osfm.fire.ca.gov/codedevelopment/codedevelopment.php>