

## **Title 19, Division 1, Chapter 1.5**

### **FINAL STATEMENT OF REASONS**

#### **UPDATE OF INITIAL STATEMENT OF REASONS**

The Office of the State Fire Marshal (SFM) has updated the Initial Statement of Reasons and recommends approval of the proposed regulatory action.

Pursuant to Health and Safety Code Section 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 and provided with a State Fire Marshal approved label.

#### **COMMENTS RECEIVED DURING THE PUBLIC COMMENT PERIOD**

The text of the proposed regulations was made available to the public for 45 days from December 10, 2010 through January 24, 2011. The Office of the State Fire Marshal received no public comments, however upon further review the Office of the State Fire Marshal proposed to make minor modifications to the text of the regulations by adding an amendment to Section 212 "Labels", to clarify labeling requirements for carbon monoxide devices, as discussed below.

The modified text pertaining to the Section 212 amendment was made available to the public for 15 days from February 18, 2011 to March 5, 2011. The Office of the State Fire Marshal received no public comments.

#### **SPECIFIC SECTIONS WHICH HAVE BEEN AMENDED AND/OR ADDED SINCE THE PUBLICATION OF THE 45 DAY NOTICE PERIOD**

Section 212 was amended to add subsection (i). This addition requires the manufacturer to provide a State Fire Marshal approved label to be placed on the box or container containing the carbon monoxide device. This amendment was necessary to provide the public and local fire departments an easy method of identifying devices which are State Fire Marshal approved and listed. Without this amendment, it would have been necessary for the public and local fire departments to contact the State Fire Marshal each and every time to determine whether a particular carbon monoxide device is approved and listed with the State Fire Marshal.

During the review of the regulations by the Office of Administrative Law, Sections 202 and 209 of Title 19 were added to the final regulation text. The amendments to Sections 202 and 209 were solely to make non-substantial cross-reference changes to reflect subsection re-lettering within Sections 204 and 208,

During the review of the regulations by the Office of Administrative Law, the SFM also made the following non-substantial changes to the final regulation text:

1. Correction of the showing of existing regulation text and underline/strikeout in Sections 200 and 204.
2. Correction of the reference to “chapter” in regulation Section 204(a)(3)(A) to be consistent with Health & Safety Code Section 13262(a)(3)(A).
3. Revision of the wording of Section 212(i) to provide greater clarity. Section 13263 of the Health & Safety Code was also added as an authority and reference citation for regulation section 212.

#### **ALTERNATIVES DETERMINATION**

The State fire Marshal has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective as and less burdensome to affected private persons than the proposed regulations.

#### **LOCAL MANDATE DETERMINATION**

The proposed regulation does not impose any mandate on local agencies or school districts.

#### **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.