



California Regulatory Notice Register

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Amendment

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Sierra-Sacramento Valley Emergency Medical Services Agency

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

ADOPTION

MULTICOUNTY: Kern River Watershed Coalition Authority
 Bay Area Regional Inter-operable Communications System Authority (BayRICS)

AMENDMENT

MULTICOUNTY: Eastern Sierra Transit Authority
 Sierra-Sacramento Valley
 Emergency Medical Services Agency

A written comment period has been established commencing on **August 24, 2012** and closing on **October 8, 2012**. Written comments should be directed to the Fair Political Practices Commission, Attention Alexandra Castillo, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **October 8, 2012**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Adrienne Tackley, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Adrienne Tackley, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. UNIVERSITY OF CALIFORNIA HASTINGS COLLEGE OF LAW

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE UNIVERSITY OF CALIFORNIA HASTINGS COLLEGE OF THE LAW

NOTICE IS HEREBY GIVEN that the University of California Hastings College of the Law, pursuant to the authority vested in it by Section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. The purpose of these amendments is to implement the requirements of Sections 87300 through 87302, and Section 87306 of the Government Code.

The University of California Hastings College of the Law proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of Section 87302 of the Government Code.

This amendment revises titles of existing positions, deletes titles of positions that have been abolished, revises the disclosure categories, and makes other technical changes to reflect the current organizational structure of the college. Copies of the amended code are available and may be requested from the contact person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than October 8, 2012, or at the conclusion of the

public hearing, if requested, whichever comes later, to the contact person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than September 23, 2012, by contacting the contact person set forth below.

The University of California Hastings College of the Law has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the contact person set forth below.

The University of California Hastings College of the Law has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the University of California Hastings College of the Law must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Elise Traynum, General Counsel
University of California Hastings College of the Law
200 McAllister Street
San Francisco, CA 94102
p. 415-565-4487
f. 415-565-4825

TITLE 16. BOARD OF OCCUPATIONAL THERAPY

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) is proposing to

take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the proposed action in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on October 8, 2012.

The Board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the board. The request must be received in the board office not later than 5:00 p.m. on September 24, 2012.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the action substantially as described below or may modify such action if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified action will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the action.

Authority and Reference: Pursuant to the authority vested by sections 2570.13 and 2570.20 of the Business and Professions Code (BPC), and to implement, interpret or make specific sections 2570.2 and 2570.3, the Board is proposing changes to Division 39, Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Existing regulations contained in section 4154 of Division 39, of Title 16, of the California Code of Regulations (CCR) set forth requirements to gain the Board’s approval as a post-professional education provider and course instructor in the advanced practice areas of hand therapy, physical agent modalities and swallowing. The qualification criteria for an advanced practice course instructor includes the instructor’s education, training, experience, scope of practice, licenses held, and expertise relevant to the subject matter. This proposed regulatory action seeks to establish a new requirement for advanced practice instructors. The board seeks to require instructors who hold a health care license to possess an active, current, and unrestricted license.

The purpose and benefit of adopting this proposed regulatory action is to make transparent, establish, and eliminate any possibility that a licensed health care provider with a suspended, revoked, or restricted license be able to teach post-professional (advanced practice) coursework. The proposed regulatory action is consis-

tent and compatible with the Board’s mandate to promote and protect the public’s health, safety, and welfare.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

Non-discretionary Costs/Savings to Local Agencies:

None.

Local Mandate:

None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement:

None.

Business Impact:

The proposed regulatory action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The amendment to proposed section 4154 may have a minimal cost impact to businesses that provide post-professional education for advance practice. Should a provider employ a course instructor who does not meet the current, active, or unrestricted license requirement, they may find it necessary to hire another licensee who does meet the requirement to teach the course content.

Results of Economic Impact Analysis:

The Board has determined that this regulatory proposal will not have an impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. The anticipated benefits of the proposed regulatory action are to protect the health, safety, and welfare of California consumers, including the occupational therapists and occupational therapy assistants that are regulated by the Board, by ensuring instructors who teach advanced practice education are competent, ethical, and knowledgeable practitioners, and whose license is not subject to disciplinary action.

Cost Impact on Representative Private Person or Business:

The Board has determined that a course instructor who does not meet the current, active, or unrestricted license requirements or violates this regulation potentially could be disciplined and lose their license and teaching position ultimately resulting in loss of income.

Effect on Housing Costs:

None.

EFFECT ON SMALL BUSINESS

The Board has determined that there would be fiscal impact to a post-professional education provider who owns and operates his/her own private practice, does not employ any additional licensees, and teaches the required courses. Please refer to the Business Impact statement above.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposal 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. Adoption of the proposed regulatory action is consistent with the Board's mandate to coordinate, administer, and regulate the practice of occupational therapy.

TEXT OF PROPOSAL AND INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons that sets forth the reasons for the proposed action and has all the information upon which the proposal is based.

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained from our website as listed below or upon written request from the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulation is based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Board's website as listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Jeff Hanson
California Board of Occupational Therapy
2005 Evergreen Street, Suite 2050
Sacramento, CA 95815
(916) 263-2294
(916) 263-2701 (FAX)
cbot@dca.ca.gov

OR

Heather Martin
California Board of Occupational Therapy
2005 Evergreen Street, Suite 2050
Sacramento, CA 95815
(916) 263-2294
(916) 263-2701 (FAX)
cbot@dca.ca.gov

Website Access: All materials regarding this proposal can be found on-line at www.bot.ca.gov > **Laws and Regulations** > **Proposed Regulations**.

TITLE 16. BOARD OF OCCUPATIONAL THERAPY

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (CBOT) is proposing to take the action described in the Informative Digest. Any person interested may submit statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on October 8, 2012.

The Board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the Board. The request must be received in the CBOT office not later than 5:00 p.m. on September 24, 2012.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as Contact Person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 2570.3 and 2570.20 of the Business and Professions Code (BPC), and to implement, interpret or make specific section 2570.28, the Board is proposing to revise Division 39, Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

Informative Digest

Existing regulations contained in section 4170 of Division 39 of Title 16 of the California Code Regulations identify Ethical Standards of Practice that have been adopted by the Board. Any violation of the adopted standards would constitute grounds for the CBOT to take an enforcement action against a licensee. The proposed action would incorporate the American Occupational Therapy Association's (AOTA) "Occupational Therapy Code of Ethics and Ethics Standards" (2010) into the CBOT's existing regulations, thereby requiring licensees to comply with the AOTA standards as well as those specified in current language.

Policy Statement/Anticipated Benefits of Proposal

Pursuant to BPC section 2570.25, protection of the public shall be the highest priority of the CBOT in exercising its licensing, regulatory, and disciplinary functions. The intent and design of the proposed action is to promote public protection and otherwise enhance the CBOT's regulatory and disciplinary functions.

Consistency with Existing State Regulations

This regulatory proposal is consistent and compatible with existing state regulations.

Document Incorporated by Reference:

American Occupational Therapy Association's "Occupational Therapy Code of Ethics and Ethics Standards," published (2010).

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

Nondiscretionary Costs/Savings to Local Agencies:

None.

Local Mandate:

None.

Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement:

None.

Business Impact:

This regulation will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with business in other states.

RESULTS OF ECONOMIC IMPACT ANALYSIS

The Board has determined that this regulatory proposal will not have an adverse impact on the creation of

jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Impact on Jobs/New Business:

The Board has determined that this regulatory proposal will not have a significant on the creation of jobs or new business or the elimination of jobs or existing business or the expansion of businesses in the State of California.

Cost Impact on Affected Private Persons:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs:

None.

Effect on Small Business:

The Board has determined that compliance with proposed regulations would not significantly affect small business. Individual occupational therapy practitioners are required to comply with the proposed regulations. However, the CBOT acknowledges the potential exists that the owner or an employee of a small occupational therapy business might subject their license to an enforcement action for violating the proposed regulations. The Board does not anticipate a significant number of small businesses would be affected and any detrimental impact or hardship that might be incurred would be outweighed by the Board's mandate to protect the health, safety, and welfare of California consumers.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposal described in this Notice or would be more cost-effective to the private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations within the timeframes identified in this Notice, or at a hearing in the event that such a request is made by the public.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation, and any document incorporated by reference, and of the initial statement of reasons, and all of the in-

formation upon which the proposal is based, may be obtained from the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulation is based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Board's website as listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Jeff Hanson
California Board of Occupational Therapy
2005 Evergreen Street, Suite 2050
Sacramento, CA 95815
(916) 263-2294 (Tel)
(916) 263-2701 (FAX)
cbot@dca.ca.gov

OR

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Website Access: All materials regarding this proposal can be found on-line at www.bot.ca.gov > Laws and Regulations > Proposed Regulations.

TITLE 16. BOARD OF OCCUPATIONAL THERAPY

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) is proposing to take the action described in the Informative Digest. Any person interested may submit statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on October 8, 2012.

The Board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the Board. The request must be received in the Board office not later than 5:00 p.m., September 24, 2012.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as Contact Person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Business and Professions Code Sections 122, 144, 163.5, and 2570.20, and to implement, interpret or make specific Sections 144, 2570.5, 2570.9, 2570.10, 2570.11, and 2570.16, of said Code, the Board is considering changes to Division 39 of Title 16 as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed regulation makes formatting changes to existing language, amending the title of Article 3, by deleting references to "Certificate" and "Inactive Status," and placing "Inactive Status" into newly proposed Article 3.5 that will be titled "Inactive and Retired Status." The reference to "Certificate" is obsolete since recent legislation deleted all references to occupational therapy assistants as being "Certified" and replaced it with "Licensed" in SB 821 (Chapter 307, Statutes 2009).

The Board proposes to add new language, section 4128, to establish and implement Business and Professions Code (BPC) Section 2570.17, which authorizes the Board to issue retired licenses. Existing laws and regulations prohibit anyone from representing that they are an occupational therapy practitioner unless they are licensed by the Board. The proposed regulations are intended to allow a retired practitioner to use references and titles that they are an occupational therapy practitioner as long as they clearly indicate they are retired. The proposed regulations establish requirements for a license being placed on Retired Status, establish that a license on Retired Status can be disciplined, and set forth requirements and procedures for reactivating a license.

Existing language in Section 4130 identifies fees the Board charges for initial licensing, renewals, and other functions. The Board is proposing to implement BPC

Section 2570.16, by establishing a new fee to process Applications for Licensure (\$50) and implement BPC Section 2570.17 by establishing a new fee to process applications when a licensee requests Retired Status (\$25).

The Board also is proposing to increase the biennial license renewal fee and the (pro-rated) initial license fees from \$150 to \$170. The proposed regulation also removes obsolete and outdated language that was needed to implement a transition from annual to biennial renewals in 2007, and makes other minor formatting changes.

The proposed adoption and amendments to the regulations incorporate by reference the following forms:

- Application for Retired License Status, Form ARS (New 7/2012)
- Application to Restore License to Active Status, Form ARL (New 7/2012)
- Initial Application for Licensure, Form ILA (Rev 8/2012)

The specific benefit anticipated by the proposed adoption of the regulation is to establish and implement statutes authorizing the Board to issue licenses on retired status. The proposed regulatory action is designed to allow individuals who place their license on retired status to provide specific representations to the public, which would otherwise be prohibited without implementation of this proposed regulatory action. Adoption of the proposed regulatory action will benefit licensees who retire by charging only a \$25 fee for retired status rather than an on-going biennial renewal fee and promotes transparency in rules that the Board establishes pertaining to occupational therapy practitioners making public representations of their license status; this serves to promote and protect public safety.

The specific benefit anticipated in adopting and amending the regulations is to implement the statutes authorizing the Board to charge a variety of fees to generate revenue and ensure the Board is self-supporting. The specific benefits in establishing a fee for processing the application for licensure and for increasing the Board's biennial renewal and inactive fees is to increase revenue to align revenues with projected operating expenses. The proposed regulatory action is designed to ensure future fiscal solvency of the Board, whose mission is to regulate occupational therapy by serving and protecting California's consumers and licensees.

The proposed regulations are consistent and compatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

Non-discretionary Costs/Savings to Local Agencies:

None.

Local Mandate:

None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement:

None.

Business Impact:

This regulation will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states.

RESULTS OF ECONOMIC IMPACT ANALYSIS

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

The Board has determined that this regulatory proposal benefits the health and welfare of California's consumers of occupational therapy services by ensuring transparency and appropriate representation by practitioners and ensuring sufficient revenue levels to support projected Board expenditures.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Minor costs will be imposed on private occupational therapy practices that choose to pay or reimburse their employee's application and renewal fees. Occupational therapy practitioners who do not have an employer that pays for or reimburses a licensee for application and renewal fees will incur minor costs due to the regulation. The regulation proposes to increase existing initial licensing and renewal fees \$20 biennially. The proposed regulations will establish the Board will charge a \$50 fee for the processing of an application for licensure. The proposed regulations will establish that practitioners who wish to represent they are Retired will be required to pay a one-time processing fee of \$25.

EFFECT ON HOUSING COSTS

None.

EFFECT ON SMALL BUSINESS

There is no cost impact on general small business. Minor costs will be incurred on small occupational therapy practices as outlined above under Cost Impact on Representative Private Person or Business.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed, or be as effective as and less burdensome to affected private persons than the proposal 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.

TEXT OF PROPOSAL AND INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons that sets forth the reasons for the proposed action and has all the information upon which the proposal is based.

Copies of the exact language of the proposed regulation, any documents incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained from the Board's website as listed below or upon written request from the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulation is based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Board's website as listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Jeff Hanson
California Board of Occupational Therapy
2005 Evergreen Street, Suite 2050
Sacramento, CA 95815
(916) 263-2294 (Tel)
(916) 263-2701 (Fax)
cbot@dca.ca.gov

The backup contact person is:

Heather Martin
California Board of Occupational Therapy
2005 Evergreen Street, Suite 2050
Sacramento, CA 95815
(916) 263-2294 (Tel)
(916) 263-2701 (Fax)
cbot@dca.ca.gov

All materials regarding this proposal can be found on-line at:

www.bot.ca.gov > Laws and Regulations > Proposed Regulations.

TITLE 16. BOARD OF OCCUPATIONAL THERAPY

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the proposed action in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on October 8, 2012.

The Board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the board. The request must be received in the board office not later than 5:00 p.m. on September 24, 2012.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the action substantially as described below or may modify such action if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified action will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the action.

Authority and Reference: Pursuant to the authority vested by section 2570.20 of the Business and Professions Code (BPC), and to implement, interpret or make specific sections 2290.5 and 2570.20, the Board is proposing changes to Division 39, Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Existing law, Business and Professions Codes (BPC) section 2290.5, defines and establishes “telehealth” as a mode of delivering health care services via information and communication technologies to facilitate the diagnosis, consultation, treatment, education, care management, and self–management of a patient’s health while the patient is at the originating site (where the patient is located at the time health care services are provided) and the health care provider is at a distant site (site where the health care provider who provides health care services is located while providing these services via telecommunication). This emerging method in delivering health care services is designed to expand access to underserved and rural communities and provide greater modern day flexibility to all consumers in scheduling appointments and reducing or eliminating the need for long trips or congested urban travel.

This proposed regulatory action is designed to implement and establish rules and protocols, and clarify occupational therapy practice standards relevant to occupational therapy practitioners who provide services via telehealth.

The proposed regulatory action seeks to clarify and establish that occupational therapy practitioners may provide occupational therapy services via telehealth to patients or clients in the State of California, when they possess a license issued by the Board. It proposes to establish the same standard of care must be exercised as compared to any other occupational therapy services. It proposes to require that an occupational therapist obtain a client’s or patient’s consent prior to delivering telehealth services, and the consent shall be documented in the client’s or patient’s medical record. It proposes to clarify and establish that an occupational therapist must make a determination whether an in–person evaluation and/or intervention(s) is/are necessary based on the complexity of the patient’s/client’s condition and other factors. And it proposes to clarify that occupational therapy practitioners shall not deviate from their scope of practice in delivering telehealth services.

The purpose of the proposed regulatory action is to protect consumers and to establish and make clear standards and expectations associated with the delivery of occupational therapy services via information and communication technologies. The proposed regulatory action is consistent and compatible with the Board’s mission in regulating the practice of occupational therapy and protecting the public’s health, safety, and welfare.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

Non–discretionary Costs/Savings to Local Agencies:

None.

Local Mandate:

None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement:

None.

Business Impact:

The Board has determined the proposed regulatory action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

It is anticipated the proposed regulations will promote new business opportunities and result in deployment of new advanced telecommunication technologies.

Results of the Economic Impact Analysis:

The Board has determined that this regulatory proposal will not have an adverse impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. It is anticipated the proposed regulations will promote new business, new jobs, and result in the increased use of advanced telecommunication technologies.

Cost Impact on Representative Private Person or Business:

There would be a cost impact to representative private persons or businesses who wish to provide the services (telehealth) described in this proposed regulatory action. Representative private persons or businesses would need to acquire telecommunication equipment and technologies that would protect and secure a consumer’s health care information and treatment.

Effect on Housing Costs:

None.

EFFECT ON SMALL BUSINESS

The Board has determined that there would be fiscal impact to any private practice or small business that wished to provide the services described in this proposed regulatory action.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposal 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. Adoption of the proposed regulatory action is consistent with the Board's mandate to regulate the practice of occupational therapy.

TEXT OF PROPOSAL AND INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons that sets forth the reasons for the proposed action and has all the information upon which the proposal is based.

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained from our website as listed below or upon written request from the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulation is based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Board's website as listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Jeff Hanson
California Board of Occupational Therapy
2005 Evergreen Street, Suite 2050
Sacramento, CA 95815
(916) 263-2294
(916) 263-2701 (FAX)
cbot@dca.ca.gov

OR

Heather Martin
California Board of Occupational Therapy
2005 Evergreen Street, Suite 2050
Sacramento, CA 95815
(916) 263-2294
(916) 263-2701 (FAX)
cbot@dca.ca.gov

Website Access: All materials regarding this proposal can be found on-line at www.bot.ca.gov > **Laws and Regulations** > **Proposed Regulations**.

TITLE 24. BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC)

REGARDING ADOPTION OF THE 2011 NATIONAL ELECTRICAL CODE (NEC), FOR USE IN THE CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 3 THE CALIFORNIA ELECTRICAL CODE

Notice is hereby given that the CBSC proposes to repeal the 2008 NEC and adopt, approve, codify, and publish changes to building standards contained in the 2011 NEC for use as the 2013 California Electrical Code, Part 3, Title 24, CCR.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 24, 2012 until 5:00 p.m. on October 8, 2012. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Jim McGowan, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Sections (H&SC) 18928 and 18934.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Section 18928 and 18928.1. The California Building Standards Commission is proposing this regulatory action based on Health and Safety Code Section (H&SC) 18928.

INFORMATIVE DIGEST

Summary of Existing Laws

Health & Safety Code Section 18928. Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee

Authorizes the commission to adopt the most recent edition of the National Electrical Code.

Health & Safety Code Section 18928(b). Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee

Sets forth that each state agency adopting or proposing adoption of a model code, national standard, or

specification shall adopt or propose adoption of the most recent edition of the model code, as amended or proposed to be amended by the adopting agency, within one (1) year after the date of publication of the model code, national standard, or specification.

Health & Safety Code Section 18934.5. Standards or administrative regulations for state buildings; adoption, approval, codification and publication

Sets forth that where no state agency has the authority to adopt building standards applicable to state buildings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings.

Summary of Existing Regulations

The existing 2010 California Electric Code is a part of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code and incorporates, by adoption, by the California Building Standards Commission, the 2008 National Electrical Code of the National Fire Protection Association (NFPA) without amendments for state-owned buildings & buildings constructed by the University of California and California State Universities.

Summary of Effect

This proposed action will make effective the 2011 NEC of NFPA with necessary amendments to state-owned buildings and to all occupancies identified pursuant to Health and Safety Code 18938, 180 days after the publication of the next triennial edition of the California Electrical Code (CEC). This proposed action by the California Building Standards Commission will also make the 2010 CEC, inoperative for state-owned buildings, and for persons applying for a building permit upon the effective date of the next triennial edition of the CEC.

Comparable Federal Statute or Regulations

There are no comparable Federal Statutes or regulations related to the proposed action by the California Building Standards Commission.

Policy Statement Overview

This proposed adoption of the most current edition of the NEC, makes it applicable to state-owned building projects, or any person seeking a building permit at the local level, the most current edition of the NEC by reference through the California Code of Regulations, Title 24. The adoption of the most current edition of the NEC provides an up-to-date reference document for new building projects and existing buildings to be remodeled or otherwise altered under the next triennial edition of the California Electrical Code.

Evaluation of consistency

The proposed regulation is not inconsistent or incompatible with existing state regulations.

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

The California Building Standards Commission has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations

**MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

The California Building Standards Commission has determined that the proposed regulatory action would impose a mandate on local agencies or school districts. However, the mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code. H&SC section 18928 requires the CBSC to adopt the most current edition of the model codes. H&SC 18938(b) makes applicable the most current edition of the model electrical code to all occupancies throughout the State of California as prescribed.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **None.**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None.**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None.**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None.**
- E. Cost or savings in federal funding to the state: **None.**
Estimate: **None.**

**INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES**

The CBSC has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The CBSC affirms that the rulemaking action complies with the mandates set forth by the Health & Safety Code, Section 18928, & 18934.5.

Therefore, the CBSC's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action.

**FINDING OF NECESSITY FOR THE PUBLIC'S
HEALTH, SAFETY, OR WELFARE**

The CBSC has made an assessment of the proposed code changes and has determined that these changes do not require a report.

**COST IMPACT ON REPRESENTATIVE PRIVATE
PERSON OR BUSINESS**

The CBSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF EFFECT OF REGULATIONS
UPON JOBS AND BUSINESS EXPANSION,
ELIMINATION OR CREATION**

The CBSC has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.**
 - These regulations will not affect the creation of or elimination of jobs within the State of California.
- The creation of new businesses or the elimination of existing businesses within the State of California.**
 - These regulations will not affect the creation of or the elimination of existing business within the State of California.
- The expansion of businesses currently doing business with the State of California.**
 - These regulations will not affect the expansion of businesses currently doing business within the State of California

**INITIAL DETERMINATION OF SIGNIFICANT
EFFECT ON HOUSING COSTS**

The CBSC has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The CBSC must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF
RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CBSC CONTACT PERSON FOR PROCEDURAL
AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Michael Nearman, Deputy Director
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959
Michael.Nearman@dgs.ca.gov

PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Russ Frank, Associate Architect
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No: (916) 263-5383
Facsimile No: (916) 263-0959
Russell.Frank@dgs.ca.gov

**TITLE 24. BUILDING STANDARDS
COMMISSION**

**NOTICE OF PROPOSED ACTION TO
BUILDING STANDARDS OF THE
CALIFORNIA BUILDING STANDARDS
COMMISSION (CBSC)**

**REGARDING THE ADOPTION OF THE 2012
UNIFORM MECHANICAL CODE (UMC),
CALIFORNIA CODE OF REGULATIONS
(CCR), TITLE 24, PART 4
THE CALIFORNIA MECHANICAL CODE**

Notice is hereby given that the CBSC proposes to repeal the 2009 UMC and adopt, approve, codify, and publish changes to building standards contained in the 2012 UMC for use as the 2013 California Mechanical Code, Part 4, Title 24, CCR.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 24, 2012 until 5:00 p.m. on October 8, 2012. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Jim McGowan, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Sections (H&SC) 18928 and 18934.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Section 18928 and 18928.1. The CBSC is proposing this regulatory action based on Health and Safety Code Section (H&SC) 18928.

INFORMATIVE DIGEST

Summary of Existing Laws

Health & Safety Code Section 18928. Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee

Authorizes the commission to adopt the most recent edition of the Uniform Mechanical Code.

Health & Safety Code Section 18928(b). Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee

Sets forth that each state agency adopting or proposing adoption of a model code, national standard, or specification shall adopt or propose adoption of the most recent edition of the model code, as amended or proposed to be amended by the adopting agency, within one (1) year after the date of publication of the model code, national standard, or specification.

Health & Safety Code Section 18934.5. Standards or administrative regulations for state buildings; adoption, approval, codification and publication

Sets forth that where no state agency has the authority to adopt building standards applicable to state buildings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings.

Summary of Existing Regulations

The existing 2010 California Mechanical Code is a part of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code and incorporates, by adoption, by the California Building Standards Commission, the 2009 UMC of the International Association of Plumbing and Mechanical Officials (IAPMO) without amendments for state-

owned buildings & buildings constructed by the University of California and California State Universities.

Summary of Effect

This proposed action will make effective the 2012 UMC of IAPMO with necessary amendments to state-owned buildings and to all occupancies identified pursuant to Health and Safety Code 18938, 180 days after the publication of the next triennial edition of CMC. This proposed action by the California Building Standards Commission will also make the 2010 CMC, inoperative for state-owned buildings, and for persons applying for a building permit upon the effective date of the next triennial edition of CMC.

Comparable Federal Statute or Regulations

There are no comparable Federal Statutes or regulations related to the proposed action by the California Building Standards Commission.

Policy Statement Overview

This proposed adoption of the most current edition of the UMC, makes it applicable to state-owned building projects, or any person seeking a building permit at the local level, the most current edition of the UMC by reference through the California Code of Regulations, Title 24. The adoption of the most current edition of the UMC provides an up-to-date reference document for new building projects and existing buildings to be remodeled or otherwise altered under the next triennial edition of California Mechanical Code.

Evaluation of consistency

The proposed regulation is not inconsistent or incompatible with existing state regulations.

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

The California Building Standards Commission has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The California Building Standards Commission has determined that the proposed regulatory action would impose a mandate on local agencies or school districts. However, the mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code. H&SC section 18928 requires the CBSC to adopt the most current edition of the model codes. H&SC 18938(b) makes applicable the most current edition of the model mechanical code to all

occupancies throughout the State of California as prescribed.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **None.**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None.**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None.**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None.**
- E. Cost or savings in federal funding to the state: **None.**
Estimate: **None.**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The CBSC has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The CBSC affirms that the rulemaking action complies with the mandates set forth by the Health & Safety Code, Section 18928, & 18934.5.

Therefore, the CBSC's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The CBSC has made an assessment of the proposed code changes and has determined that these changes do not require a report.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The CBSC is not aware of any cost impacts that a representative private person or business would

necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The CBSC has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
 - These regulations will not affect the creation of or elimination of jobs within the State of California.
- The creation of new businesses or the elimination of existing businesses within the State of California.
 - These regulations will not affect the creation of or the elimination of existing business within the State of California.
- The expansion of businesses currently doing business with the State of California.
 - These regulations will not affect the expansion of businesses currently doing business within the State of California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The CBSC has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The CBSC must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below.

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

**CBSC CONTACT PERSON FOR PROCEDURAL
AND ADMINISTRATIVE QUESTIONS**

General questions regarding procedural and administrative issues should be addressed to:

**Michael Nearman, Deputy Director
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959
Michael.Nearman@dgs.ca.gov**

**PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

**Russ Frank, Associate Architect
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No: (916) 263-5383
Facsimile No: (916) 263-0959
Russell.Frank@dgs.ca.gov**

**TITLE 24. BUILDING STANDARDS
COMMISSION**

**NOTICE OF PROPOSED ACTION TO
BUILDING STANDARDS OF THE
CALIFORNIA BUILDING STANDARDS
COMMISSION (CBSC)**

**REGARDING ADOPTION OF THE 2012
UNIFORM PLUMBING CODE (UPC),
CALIFORNIA CODE OF REGULATIONS
(CCR), TITLE 24, PART 5
THE CALIFORNIA PLUMBING CODE**

Notice is hereby given that the CBSC proposes to repeal the 2009 UPC and adopt, approve, codify, and publish changes to building standards contained in the 2012 UPC for use as the 2013 California Plumbing Code, Part 5, Title 24, CCR.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 24, 2012 until 5:00 p.m. on October 8, 2012. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Jim McGowan, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Sections (H&SC) 18928 and 18934.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Section 18928 and 18928.1. The California Building Standards Commission is proposing this regulatory action based on Health and Safety Code Section (H&SC) 18928.

INFORMATIVE DIGEST

Summary of Existing Laws

Health & Safety Code Section 18928. Model code, national standard, or specification; adoption of and

reference to the most recent addition; date of publication; committee

Authorizes the commission to adopt the most recent edition of the Uniform Plumbing Code.

Health & Safety Code Section 18928(b). Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee

Sets forth that each state agency adopting or proposing adoption of a model code, national standard, or specification shall adopt or propose adoption of the most recent edition of the model code, as amended or proposed to be amended by the adopting agency, within one (1) year after the date of publication of the model code, national standard, or specification.

Health & Safety Code Section 18934.5. Standards or administrative regulations for state buildings; adoption, approval, codification and publication

Sets forth that where no state agency has the authority to adopt building standards applicable to state buildings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings.

Summary of Existing Regulations

The existing 2010 California Plumbing Code is a part of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code and incorporates, by adoption, by the California Building Standards Commission, the 2009 UPC of the International Association of Plumbing and Mechanical Officials without amendments for state-owned buildings & buildings constructed by the University of California and California State Universities.

Summary of Effect

This proposed action will make effective the 2012 UPC of IAPMO with necessary amendments to state-owned buildings and to all occupancies identified pursuant to Health and Safety Code 18938, 180 days after the publication of the next triennial edition of the CPC. This proposed action by the California Building Standards Commission will also make the 2010 CPC, inoperative for state-owned buildings, and for persons applying for a building permit upon the effective date of the next triennial edition of the CPC.

Comparable Federal Statute or Regulations

There are no comparable Federal Statutes or regulations related to the proposed action by the California Building Standards Commission.

Policy Statement Overview

This proposed adoption of the most current edition of the Uniform Plumbing Code, makes it applicable to state-owned building projects, or any person seeking a building permit at the local level, the most current edition of the UPC by reference through the California Code of Regulations, Title 24. The adoption of the most current edition of the UPC provides an up-to-date reference document for new building projects and existing buildings to be remodeled or otherwise altered under the next triennial edition of the California Plumbing Code.

Evaluation of consistency

The proposed regulation is not inconsistent or incompatible with existing state regulations.

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

The California Building Standards Commission has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The California Building Standards Commission has determined that the proposed regulatory action would impose a mandate on local agencies or school districts. However, the mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code. H&SC section 18928 requires the CBSC to adopt the most current edition of the model codes. H&SC 18938(b) makes applicable the most current edition of the model plumbing code to all occupancies throughout the State of California as prescribed.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **None.**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None.**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None.**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None.**
- E. Cost or savings in federal funding to the state: **None.**
Estimate: **None.**

**INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES**

The CBSC has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The CBSC affirms that the rulemaking action complies with the mandates set forth by the Health & Safety Code, Section 18928, & 18934.5.

Therefore, the CBSC's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action.

**FINDING OF NECESSITY FOR THE PUBLIC'S
HEALTH, SAFETY, OR WELFARE**

The CBSC has made an assessment of the proposed code changes and has determined that these changes do not require a report.

**COST IMPACT ON REPRESENTATIVE PRIVATE
PERSON OR BUSINESS**

The CBSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF EFFECT OF REGULATIONS
UPON JOBS AND BUSINESS EXPANSION,
ELIMINATION OR CREATION**

The CBSC has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.**
 - These regulations will not affect the creation of or elimination of jobs within the State of California.
- The creation of new businesses or the elimination of existing businesses within the State of California.**

- These regulations will not affect the creation of or the elimination of existing business within the State of California.

The expansion of businesses currently doing business with the State of California.

- These regulations will not affect the expansion of businesses currently doing business within the State of California.

**INITIAL DETERMINATION OF SIGNIFICANT
EFFECT ON HOUSING COSTS**

The CBSC has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The CBSC must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF
RULEMAKING DOCUMENTS**

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below.

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

**CBSC CONTACT PERSON FOR PROCEDURAL
AND ADMINISTRATIVE QUESTIONS**

General questions regarding procedural and administrative issues should be addressed to:

**Michael Nearman, Deputy Director
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959
Michael.Nearman@dgs.ca.gov**

PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Russ Frank, Associate Architect
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No: (916) 263-5383
Facsimile No: (916) 263-0959
Russell.Frank@dgs.ca.gov

**TITLE 24. BUILDING STANDARDS
COMMISSION**

**NOTICE OF PROPOSED ACTION TO
BUILDING STANDARDS OF THE OFFICE OF
STATEWIDE HEALTH PLANNING AND
DEVELOPMENT**

**REGARDING THE CALIFORNIA BUILDING
CODE
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 1**

**SAFETY STANDARDS FOR HEALTH
FACILITIES**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Office of Statewide Health Planning and Development (OSHPD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 2. The OSHPD is proposing building standards related to the construction of hospitals, skilled nursing facilities and correctional treatment centers.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 24, 2012 until 5:00 p.m. on October 8, 2012. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Jim McGowan, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Sections 1226, 1275, 129790 & 129850. The OSHPD is proposing this regulatory action based on Health and Safety Sections 1226, 1275, 129790 & 129850 and Government Code Section 11152.5.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 1226 authorizes the Office to prescribe, in consultation with the Community Clinics Advisory Committee, minimum building standards for the physical plant of clinics, for adoption in the California Building Standards Code.

Health and Safety Code Section 1275 authorizes the Office to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

Health and Safety Code Section 18949.3 mandates that the responsibilities of the Office to adopt building

standards, including but not limited to, the responsibilities specified under the Alfred E. Alquist Hospital Facilities Seismic Safety Act (commencing with Section 129765) be transferred to the California Building Standards Commission.

Health and Safety Code Section 129790 authorizes the Office to propose building standards for correctional treatment centers in cooperation with the Department of Corrections, Board of Corrections and Department of Youth Authority.

Health and Safety Code Section 129850 authorizes the Office to propose building standards, as necessary, in order to carry out the requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act. The Office is also authorized to submit to the California Building Standards Commission for approval and adoption of building standards related to the seismic safety of hospital buildings.

Government Code Section 11152.5 authorizes a state department to adopt regulations pursuant to the Government Code. Regulations which are building standards, must be adopted pursuant to State Building Standards Law of the Health and Safety Code (commencing with 18901).

Summary of Existing Regulations

Title 24, Part 1, contains regulations pertaining to the administrative procedures necessary to implement building standards for hospitals, skilled nursing facilities, licensed clinics, and correctional treatment centers.

Summary of Effect

The proposed action is to carry forward existing California administrative regulations related to the enforcement of building standards for the safety of hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers.

The proposal makes minor editorial and technical modifications for clarification; provides consistency within Title 24; provides coordination with Title 22, Licensing and Certification requirements; and adopts new "functional program" provisions.

Comparable Federal Statute or Regulations

There is no federal statute or regulation related to this proposed action.

Policy Statement Overview

The intent of this proposal is to adopt the most recent model code requirements for health facility construction, pursuant to Health and Safety Code Section 18928. The OSHPD is responsible for the development of regulations regarding the physical plant for hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers. Additionally, OSHPD is responsible for amending model code requirements for these health facilities, as necessary.

Evaluation of consistency

The proposed action is consistent and compatible with existing state regulations.

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

There are no other matters to identify.

MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS

The OSHPD has determined that the proposed regulatory action would impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Savings to any state agency: **NO.**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO.**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO.**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO.**
- E. Cost or savings in federal funding to the state: **NO.**
Refer to attached Economic and Fiscal Impact Statement, Form 399.

INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES

The OSHPD has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The OSHPD has not relied on any other facts, evidence, documents, testimony or other evidence to make its initial determination of no statewide adverse economic impact. The scope of the proposed action is to carry forward existing California amendments from the 2010 California Building Code and to make necessary minor technical modifications.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

OSHPD has made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(d) is not required.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

OSHPD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

OSHPD has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
 - These regulations will have no effect.
- The creation of new businesses or the elimination of existing businesses within the State of California.
 - These regulations will have no effect.
- The expansion of businesses currently doing business with the State of California.
 - These regulations will have no effect.
- The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.
 - These regulations will have no effect.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

OSHPD has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The OSHPD must determine that no reasonable alternative considered by the state agency or that has other-

wise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

**Russ Frank, Associate Architect
or backup person,
Michael L. Nearman, Deputy Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959**

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Glenn S.A. Gall, Supervisor,
Building Standards Unit
Office of Statewide Health Planning and Development
Facilities Development Division
400 R Street, Suite 200
Sacramento, CA 95811

regsunit@oshpd.ca.gov

(916) 440-8300
FAX (916) 324-9188

TITLE 24. BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

REGARDING THE CALIFORNIA BUILDING CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2

HEALTH FACILITIES CONSTRUCTION

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Office of Statewide Health Planning and Development (OSHPD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 2. The OSHPD is proposing building standards related to the construction of hospitals, skilled nursing facilities and correctional treatment centers.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 24, 2012 until 5:00 p.m. on October 8, 2012. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Jim McGowan, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Sections 1226, 1275, 129790 & 129850. The OSHPD is proposing this regulatory action based on Health and Safety Sections 1226, 1275, 129790 & 129850 and Government Code Section 11152.5.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 1226 authorizes the Office to prescribe, in consultation with the Community Clinics Advisory Committee, minimum building standards for the physical plant of clinics, for adoption in the California Building Standards Code.

Health and Safety Code Section 1275 authorizes the Office to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

Health and Safety Code Section 18949.3 mandates that the responsibilities of the Office to adopt building standards, including but not limited to, the responsibilities specified under the Alfred E. Alquist Hospital Faci-

lities Seismic Safety Act (commencing with Section 129765) be transferred to the California Building Standards Commission.

Health and Safety Code Section 129790 authorizes the Office to propose building standards for correctional treatment centers in cooperation with the Department of Corrections, Board of Corrections and Department of Youth Authority.

Health and Safety Code Section 129850 authorizes the Office to propose building standards, as necessary, in order to carry out the requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act. The Office is also authorized to submit to the California Building Standards Commission for approval and adoption of building standards related to the seismic safety of hospital buildings.

Government Code Section 11152.5 authorizes a state department to adopt regulations pursuant to the Government Code. Regulations which are building standards, must be adopted pursuant to State Building Standards Law of the Health and Safety Code (commencing with 18901).

Summary of Existing Regulations

Title 24, Part 2, contains regulations pertaining to the construction of hospitals, skilled nursing facilities, licensed clinics, and correctional treatment centers. These regulations include service space requirements and administrative requirements.

Summary of Effect

The proposed action is to adopt the 2012 International Building Code for incorporation, by reference, into the 2013 California Building Code and to carry forward existing California amendments related to hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers.

Additionally, the proposal makes minor editorial and technical modifications for clarification; provides consistency within Title 24; provides coordination with Title 22, Licensing and Certification requirements; and provides modified and reorganized clinic regulations that are consistent with the “2010 FGI Guidelines for Design and Construction of Health Care Facilities.”

Comparable Federal Statute or Regulations

There is no federal statute or regulation related to this proposed action.

Policy Statement Overview

The intent of this proposal is to adopt the most recent model code requirements for health facility construction, pursuant to Health and Safety Code Section 18928. The OSHPD is responsible for the development of regulations regarding the physical plant for hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers. Additionally, OSHPD is re-

sponsible for amending model code requirements for these health facilities, as necessary.

Evaluation of consistency

The proposed action is consistent and compatible with existing state regulations.

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

There are no other matters to identify.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The California Building Standards Commission has determined that the proposed regulatory action would impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Savings to any state agency: **YES.**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO.**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO.**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO.**
- E. Cost or savings in federal funding to the state: **NO.**
The cost savings is indeterminable. Refer to attached Economic and Fiscal Impact Statement, Form 399.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The OSHPD has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The OSHPD has not relied on any other facts, evidence, documents, testimony or other evidence to make its initial determination of no statewide adverse economic impact. The scope of the proposed action is to carry forward existing California amendments from the 2010 California Building Code and to make necessary minor technical modifications.

FINDING OF NECESSITY FOR THE PUBLIC'S
HEALTH, SAFETY, OR WELFARE

OSHPD has made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(d) is not required.

COST IMPACT ON REPRESENTATIVE PRIVATE
PERSON OR BUSINESS

OSHPD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS
UPON JOBS AND BUSINESS EXPANSION,
ELIMINATION OR CREATION

OSHPD has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
 - These regulations will have no effect.
- The creation of new businesses or the elimination of existing businesses within the State of California.
 - These regulations will have no effect.
- The expansion of businesses currently doing business with the State of California.
 - These regulations will have no effect.
- The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.
 - These regulations will have no effect.

INITIAL DETERMINATION OF SIGNIFICANT
EFFECT ON HOUSING COSTS

OSHPD has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The OSHPD must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

AVAILABILITY OF RULEMAKING
DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

CBSC CONTACT PERSON FOR PROCEDURAL
AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

**Russ Frank, Associate Architect
or backup person,
Michael L. Nearman, Deputy Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959**

PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Glenn S.A. Gall, Supervisor,
Building Standards Unit
Office of Statewide Health Planning
and Development
Facilities Development Division
400 R Street, Suite 200
Sacramento, CA 95811

regsunit@oshpd.ca.gov

(916) 440-8300
FAX (916) 324-9188

TITLE 24. BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE OFFICE OF STATEWIDE PLANNING AND DEVELOPMENT REGARDING THE CALIFORNIA ELECTRICAL CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 3

2012 Triennial Code Adoption Cycle Adoption of the 2011 National Electrical Code

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Office of Statewide Health Planning and Development (OSHPD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 3. The OSHPD is proposing building standards related to adoption of the 2011 National Electrical Code for incorporation into the 2013 California Electrical Code.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 24, 2012 until 5:00 p.m. on October 8, 2012. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Jim McGowan, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period. (GC 11346.5(a)(18) & 11346.8(c))

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Section 129850. The OSHPD is proposing this regulatory action based on Health and Safety Code Sections 1226, 1275, 18928, 18929, 129790 and 129850 and Government Code Section 11152.5.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 1226 authorizes the Office to prescribe, in consultation with the Community Clinics Advisory Committee, minimum building standards for the physical plant of clinics, for adoption in the California Building Standards Code.

Health and Safety Code Section 1275 authorizes the Office to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

Health and Safety Code Section 18928 authorizes state agencies to adopt the most recent edition of model code, as amended or proposed to be amended by the

agency, within one year of the publication date of that model code.

Health and Safety Code Section 18929 mandates that building standards or administrative regulations that directly apply to the implementation or enforcement of building standards must be submitted by the adopting agency to the California Building Standards Commission for the Commission's approval and must be adopted pursuant to Health and Safety Code Section 18930 and the Government Code (commencing with Section 11346).

Health and Safety Code Section 18949.3 mandates that the responsibilities of the Office to adopt building standards, including but not limited to, the responsibilities specified under the Alfred E. Alquist Hospital Facilities Seismic Safety Act (commencing with Section 129765) be transferred to the California Building Standards Commission.

Health and Safety Code Section 129790 authorizes the Office to propose building standards for correctional treatment centers in cooperation with the Department of Corrections, Board of Corrections and Department of Youth Authority.

Health and Safety Code Section 129850 authorizes the Office to propose building standards, as necessary, in order to carry out the requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act. The Office is also authorized to submit to the California Building Standards Commission for approval and adoption of building standards related to the seismic safety of hospital buildings.

Government Code Section 11152.5 authorizes a state department to adopt regulations pursuant to the Government Code. Regulations which are building standards must be adopted pursuant to State Building Standards Law of the Health and Safety Code (commencing with 18901).

Summary of Existing Regulations

The OSHPD currently enforces the California Code of Regulations, Title 24, Part 3, 2010 California Electrical Code, which is based on the 2008 National Electrical Code with California amendments. OSHPD enforces requirements related to the construction of hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers.

Summary of Effect

The proposed action is to adopt the 2011 National Electrical Code for incorporation, by reference, into the 2013 California Electrical Code and to carry forward existing California amendments related to hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers, to make minor technical modifications and to make the following amendments:

- Article 404.4(C): Clarify requirements for switches in patient toilet room with shower.
- Article 406.9(C): Clarify requirements for receptacles in patient toilet room with open shower.

Comparable Federal Statute or Regulations

There is no federal statute or regulations related to this proposed action.

Policy Statement Overview

The intent of this proposal is to adopt the most recent model code requirements for health facility construction, pursuant to Health and Safety Code Section 18928. The OSHPD is responsible for the development of regulations regarding the physical plant for hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers. Additionally, OSHPD is responsible for amending model code requirements for these health facilities, as necessary.

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

There are no other matters to identify.

MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS

The OSHPD has determined that the proposed regulatory action would impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Savings to any state agency: **NO**.
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**.
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**.
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO**.
- E. Cost or savings in federal funding to the state: **NO**.

INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES

The OSHPD has made an initial determination that the adoption/amendment/repeal of this regulation will

not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The OSHPD has not relied on any other facts, evidence, documents, testimony or other evidence to make its initial determination of no statewide adverse economic impact. The scope of the proposed action is to adopt the most recent model code pursuant to statutory requirements and to carry forward existing California amendments from the 2010 California Electrical Code and to make necessary minor technical modifications.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

(Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.)

OSHPD has made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(c) is not required.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The OSHPD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

OSHPD has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
 - These regulations will have no effect.
- The creation of new businesses or the elimination of existing businesses within the State of California.
 - These regulations will have no effect.
- The expansion of businesses currently doing business with the State of California.
 - These regulations will have no effect.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

OSHPD has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The OSHPD must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

**Russ Frank, Associate Architect
or backup person,
Michael L. Nearman, Deputy Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959**

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Glenn S.A. Gall, Supervisor,
Health Facilities Review
Office of Statewide Health Planning
and Development
Facilities Development Division
400 R Street, Suite 200
Sacramento, CA 95811

regsunit@oshpd.ca.gov

(916) 440-8300
FAX (916) 324-9188

TITLE 24. BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED CHANGES TO BUILDING STANDARDS OF THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT REGARDING THE CALIFORNIA MECHANICAL CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4

2012 Annual Code Adoption Cycle Adoption of the 2012 Uniform Mechanical Code

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Office of Statewide Health Planning and Development (OSHPD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 4. The OSHPD is proposing building standards related to the adoption of the 2012 Uniform Mechanical Code for incorporation into the 2013 California Mechanical Code.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 24, 2012 until 5:00 p.m. on October 8, 2012. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Jim McGowan, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Section 129850. The OSHPD is proposing this regulatory action based on Health and Safety Code Sections 1226, 1275, 18928, 18929, 129790 and 129850 and Government Code Section 11152.5.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 1226 authorizes the Office to prescribe, in consultation with the Community Clinics Advisory Committee, minimum building standards for the physical plant of clinics, for adoption in the California Building Standards Code.

Health and Safety Code Section 1275 authorizes the Office to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

Health and Safety Code Section 18928 authorizes state agencies to adopt the most recent edition of model code, as amended or proposed to be amended by the agency, within one year of the publication date of that model code.

Health and Safety Code Section 18929 mandates that building standards or administrative regulations that directly apply to the implementation or enforcement of building standards must be submitted by the adopting agency to the California Building Standards Commission for the Commission's approval and must be adopted pursuant to Health and Safety Code Section 18930 and the Government Code (commencing with Section 11346).

Health and Safety Code Section 129790 authorizes the Office to propose building standards for correctional treatment centers in cooperation with the Department of Corrections, Board of Corrections and Department of Youth Authority.

Health and Safety Code Section 129850 authorizes the Office to propose building standards, as necessary, in order to carry out the requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act. The Office is also authorized to submit to the California Building Standards Commission for approval and adoption of building standards related to the seismic safety of hospital buildings.

Government Code Section 11152.5 authorizes a state department to adopt regulations pursuant to the Government Code. Regulations which are building standards must be adopted pursuant to State Building Standards Law of the Health and Safety Code (commencing with 18901).

Summary of Existing Regulations

OSHPD currently enforces the California Code of Regulations, Title 24, Part 4, 2010 California Mechanical Code which is based on the 2009 Uniform Mechanical Code with California amendments. OSHPD enforces requirements related to the construction of hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers.

Summary of Effect

The proposed action is to adopt the 2012 Uniform Mechanical Code for incorporation, by reference, into the 2013 California Mechanical Code and to carry forward existing California amendments related to hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers and to make minor editorial and technical modifications for clarification and consistency within the code. In addition, the proposed regulations create a new classification of OSHPD 3SE to specify OSHPD 3 clinics that may be granted special exemptions from existing code requirements. This brings the requirements for OSHPD 3SE clinics closer to those of less-restrictive model code in order to reduce costs to clinics while ensuring occupant safety.

Comparable Federal Statute or Regulations

There is no federal statute or regulations related to this proposed action.

Policy Statement Overview

The intent of this proposed action is to adopt the most recent model code requirements for health facility construction, pursuant Health and Safety Code Section 18928. OSHPD is responsible for the development of regulations regarding the physical plant for hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers. Additionally, OSHPD is responsible for amending model code requirements for these health facilities, as necessary.

Evaluation of Consistency

The proposed action coordinates and modifies regulation so that it is consistent and compatible with existing state regulations.

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

There are no other matters to identify.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **Yes.**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No.**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No.**
- D. Other nondiscretionary cost or savings imposed on local agencies: **No.**
- E. Cost or savings in federal funding to the state: **No.**

Savings Estimate:

These proposed regulations will result in savings to OSHPD 3SE clinics licensed in California when the facilities are remodeled, renovated or for construction of new facilities. The savings were calculated conservatively using current data from Means reference material and include materials and labor.

These proposed OSHPD regulations will result in savings:

- allow for plenum air returns,
- allow for the use of flex duct per model code, eliminating the OSHPD-specific requirement limiting to a maximum length of 10-feet,

- reduce the air filtration requirement to one (1) MERV 8 filter.

The table below identifies estimated reduced construction costs for each amendment that will result in savings.

CMC 2010 Code Section	Description of Amendment	Estimated Savings
407.4.1.4 & 602.1	Allow for plenum air returns.	\$1.30/sq. ft.
602.3.1	Allow for flex duct permodel code.	\$0.80/sq. ft.
Table 4-B	Reduce filtration required to single MERV 8.	\$200/air handler

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

OSHPD has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

OSHPD has not relied on any other facts, evidence, documents, testimony or other evidence to make its initial determination of no statewide adverse economic impact. The scope of the of the proposed action is to adopt the most recent model code pursuant to statutory requirements and to carry forward existing California amendments from the 2010 California Mechanical Code and to make minor modifications, as necessary.

FINDING OF NECESSITY FOR THE PUBLIC’S HEALTH, SAFETY, OR WELFARE

OSHPD has made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(c) is not required.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

OSHPD is aware of some cost savings that a representative private person or business would incur in reasonable compliance some of the proposed amendments. Reference the applicable STD-399 for details.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

OSHPD has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
 - These regulations will have no effect.
- The creation of new businesses or the elimination of existing businesses within the State of California.
 - These regulations will have no effect.
- The expansion of businesses currently doing business with the State of California.
 - These regulations will have no effect.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

OSHPD has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

OSHPD must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

**CBCS CONTACT PERSON FOR PROCEDURAL
AND ADMINISTRATIVE QUESTIONS**

General questions regarding procedural and administrative issues should be addressed to:

**Russ Frank, Associate Architect
or backup person,
Michael L. Nearman, Deputy Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959**

**PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Glenn S.A. Gall, AIA, Building Standards
Unit Supervisor
Office of Statewide Health Planning
and Development
Facilities Development Division
400 R Street, Suite 200
Sacramento, CA 95811

regsunit@oshpd.ca.gov

(916) 440-8300
FAX (916) 324-9188

**TITLE 24. BUILDING STANDARDS
COMMISSION**

**NOTICE OF PROPOSED CHANGES TO
BUILDING STANDARDS OF THE OFFICE OF
STATEWIDE HEALTH PLANNING AND
DEVELOPMENT REGARDING THE
CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 5**

**2012 Annual Code Adoption Cycle
Adoption of the 2012 Uniform Plumbing Code**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Office of

Statewide Health Planning and Development (OSHPD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. The OSHPD is proposing building standards related to the adoption of the 2012 Uniform Plumbing Code for incorporation into the 2013 California Plumbing Code.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 24, 2012 until 5:00 p.m. on October 8, 2012. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Jim McGowan, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Section 129850. The OSHPD is proposing this regulatory action based on Health and Safety Code Sections 1226, 1275, 18928, 18929, 129790 and 129850 and Government Code Section 11152.5.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 1226 authorizes the Office to prescribe, in consultation with the Community Clinics Advisory Committee, minimum building standards for the physical plant of clinics, for adoption in the California Building Standards Code.

Health and Safety Code Section 1275 authorizes the Office to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

Health and Safety Code Section 18928 authorizes state agencies to adopt the most recent edition of model code, as amended or proposed to be amended by the agency, within one year of the publication date of that model code.

Health and Safety Code Section 18929 mandates that building standards or administrative regulations that directly apply to the implementation or enforcement of building standards must be submitted by the adopting agency to the California Building Standards Commission for the Commission’s approval and must be adopted pursuant to Health and Safety Code Section 18930 and the Government Code (commencing with Section 11346).

Health and Safety Code Section 129790 authorizes the Office to propose building standards for correctional treatment centers in cooperation with the Department of Corrections, Board of Corrections and Department of Youth Authority.

Health and Safety Code Section 129850 authorizes the Office to propose building standards, as necessary, in order to carry out the requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act. The Office is also authorized to submit to the California Building Standards Commission for approval and adoption of building standards related to the seismic safety of hospital buildings.

Government Code Section 11152.5 authorizes a state department to adopt regulations pursuant to the Government Code. Regulations which are building standards must be adopted pursuant to State Building Standards Law of the Health and Safety Code (commencing with 18901).

Summary of Existing Regulations

OSHPD currently enforces the California Code of Regulations, Title 24, Part 5, 2010 California Plumbing Code which is based on the 2009 Uniform Plumbing Code with California amendments. OSHPD enforces requirements related to the construction of hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers.

Summary of Effect

The proposed action is to adopt the 2012 Uniform Plumbing Code for incorporation, by reference, into the 2013 California Plumbing Code and to carry forward existing California amendments related to hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers and to make minor editorial and technical modifications for clarification and consistency within the code. In addition, the proposed regulations create a new classification of OSHPD 3SE to specify OSHPD 3 clinics that can be granted special exemptions from existing code requirements. This brings the requirements for OSHPD 3SE clinics closer to those of less-restrictive model code, and will result in lower construction and maintenance costs.

Comparable Federal Statute or Regulations

There is no federal statute or regulations related to this proposed action.

Policy Statement Overview

The intent of this proposed action is to adopt the most recent model code requirements for health facility construction, pursuant Health and Safety Code Section 18928. OSHPD is responsible for the development of regulations regarding the physical plant for hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers. Additionally, OSHPD is responsible for amending model code requirements for these health facilities, as necessary.

Evaluation of Consistency

The proposed action coordinates and modifies regulation so that it is consistent and compatible with existing state regulations.

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

There are no other matters to identify.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **Yes.**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No.**

- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No.**
- D. Other nondiscretionary cost or savings imposed on local agencies: **No.**
- E. Cost or savings in federal funding to the state: **No.**

Savings Estimate:

These proposed regulations will result in savings to OSHPD 3SE clinics licensed in California when the facilities are remodeled, renovated or for construction of new facilities. The savings were calculated conservatively using current data from Means reference material and include materials and labor.

These proposed OSHPD regulations will result in savings:

- eliminate the requirement for OSHPD–specific domestic water disinfection,
- reduce the number of toilet rooms required for small (three, or fewer, exam rooms) clinics by one,
- eliminate the requirement for redundant domestic hot water systems,
- allow the use of ABS and PVC for sanitary drainage piping.

The table below identifies estimated reduced construction costs for each amendment that will result in savings.

CPC 2010 CodeSection	Description of Amendment	Estimated Savings
412.3.1	Reduction in quantity of required toilet rooms for small clinics	\$40,000/clinic
609.9	Elimination of the requirement for OSHPD–specific domestic water disinfection procedures.	\$1,400/clinic
612.0	Elimination of OSHPD–specific hot water system requirements.	\$9,000/clinic
701.1.2.1	Allow ABS and PVC piping in sanitary sewer.	\$14,000/clinic

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

OSHPD has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact

on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

OSHPD has not relied on any other facts, evidence, documents, testimony or other evidence to make its initial determination of no statewide adverse economic impact. The scope of the of the proposed action is to adopt the most recent model code pursuant to statutory requirements and to carry forward existing California amendments from the 2010 California Mechanical Code and to make minor modifications, as necessary.

FINDING OF NECESSITY FOR THE PUBLIC’S HEALTH, SAFETY, OR WELFARE

A report applicable to businesses is not required by these regulations.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

OSHPD is aware of some cost savings that a representative private person or business would incur in reasonable compliance some of the proposed amendments. Reference the applicable STD–399 for details.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

OSHPD has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
 - These regulations will have no effect.
- The creation of new businesses or the elimination of existing businesses within the State of California.
 - These regulations will have no effect.
- The expansion of businesses currently doing business with the State of California.
 - These regulations will have no effect.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

OSHPD has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

OSHPD must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF
RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

CBSC CONTACT PERSON FOR PROCEDURAL
AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

**Russ Frank, Associate Architect
or backup person,
Michael L. Nearman, Deputy Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959**

PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Glenn S.A. Gall, Building Standards
Unit Supervisor
Office of Statewide Health Planning
and Development
Facilities Development Division
400 R Street, Suite 200
Sacramento, CA 95811

regsunit@oshpd.ca.gov

(916) 440-8300
FAX (916) 324-9188

**TITLE 24. BUILDING STANDARDS
COMMISSION**

**NOTICE OF PROPOSED ACTION TO
BUILDING STANDARDS OF THE
DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT REGARDING
THE 2013 CALIFORNIA ELECTRICAL CODE
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 3 (HCD 01/12)**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Department of Housing and Community Development (HCD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 3. HCD is proposing building standards related to the National Electrical Code (NEC).

PUBLIC COMMENT PERIOD

(Government Code Section 11346.5(a)(17))

A public hearing has not been scheduled; however, written comments will be accepted from **August 24, 2012** until **5:00 p.m. on October 8, 2012**. Please address your comments to:

**California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Jim McGowan, Executive Director**

Written comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS
(Government Code Section 11346.5(a)(18))

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE
(Government Code Section 11346.5(a)(2))

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Sections 18949.5 and 18949.6. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Sections 17000–17062.5, 17910–17995.5, 18200–18700, 18860–18874, and 19960–19997; and Government Code Sections 12955.1 and 12955.1.1. HCD is proposing this regulatory action based on Health and Safety Code Sections 17040, 17050, 17920.9, 17921, 17921.3, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17927, 17928, 17959.6, 18300, 18552, 18554, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1–18873.5, 18938.3, 18944.11 and 19990; and Government Code Section 12955.1.

INFORMATIVE DIGEST
(Government Code Section 11346.5(a)(3))

Summary of Existing Laws

Section 17921 of the Health and Safety Code and Section 12955.1 of the Government Code require HCD to propose the adoption, amendment, or repeal of building standards by the CBSC.

Section 17922 of the Health and Safety Code requires that the building standards be essentially the same as the most recent editions of the uniform industry codes. The CBSC is authorized to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5.

Health and Safety Code Section 17922 states that the most recent editions of the uniform codes referred to in the section shall be considered to be adopted one year after the date of publication of the uniform codes.

Health and Safety Code Section 17040 requires HCD to adopt building standards for employee housing for “. . . the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing.”

Health and Safety Code Sections 18300 and 18865 requires HCD to adopt building standards for mobile-home parks and special occupancy parks.

Health and Safety Code Section 19990 requires HCD to adopt building standards for factory-built housing.

Summary of Existing Regulations

The California Electrical Code, Part 3 of Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, adopted by reference the 2008 National Electrical Code (NEC) with California amendments, effective on January 1, 2011.

Summary of Effect

HCD proposes to adopt by reference the 2011 edition of the NEC, with California amendments, into Part 3, Title 24 of the California Code of Regulations for the following programs:

- (a) State Housing Law: relative to residential occupancies, buildings or structures accessory thereto and as provided for through the Federal Fair Housing Amendment Act’s accessibility requirements, except where the application is for public use only.
- (b) Employee Housing Act: relative to the use of electrical equipment and systems in or on any building or structure or outdoors on premises or property in accordance with Health and Safety Code Section 17040.
- (c) Mobilehome Parks and Special Occupancy Parks: relative to the use of electrical equipment and systems in or on any permanent buildings within the park in accordance with Health and Safety Code Sections 18300 and 18865.
- (d) Factory-built Housing Law: relative to residential buildings, dwellings or portions thereof, or building component, or manufactured assembly in accordance with Health and Safety Code Section 19990.

The amendments provide consistency with model code format, state and federal law and conditions unique to California. In addition, these amendments provide clarity and specificity and give direction for the code user.

Comparable Federal Statute or Regulations

None.

Policy Statement Overview

The proposed regulations will reenact or amend existing electrical standards and establish new electrical standards, which will affect the residential occupancies, buildings or structures accessory thereto; the use of electrical equipment and systems in or on any building or structure or outdoors on premises or property; the use of electrical equipment and systems in or on any park permanent buildings, accessory buildings or structures, residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies.

The benefits anticipated from the proposed regulatory action include updating electrical standards, which will result in the protection of public health and safety, worker safety, the environment and general welfare of California residents. Also, providing the most recent methods and applying those building standards on a statewide basis, as required by statute, results in uniformity and promotes affordable costs.

Evaluation of Consistency

HCD has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations.

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

(Government Code Section 11346.5(a)(4))

None.

**MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

(Government Code Section 11346.5(a)(5))

HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts; and therefore, does not mandate state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

ESTIMATE OF COST OR SAVINGS
(Government Code Section 11346.5(a)(6))

- A. Cost or Savings to any state agency: Health and Safety Code Section 17921 requires HCD to propose the adoption, amendment or repeal of building standards to the Commission pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5 of the Government

Code. Part 2.5 of the Government Code requires state agencies to ensure that regulatory language meets the requirements of clarity and non-duplication. This proposed rulemaking incorporates specific provisions into one location with the California Building Standards Code to meet these requirements. This action will result in a minimal cost to HCD, which will be absorbed in the current budget.

- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.
- D. Other nondiscretionary cost or savings imposed on local agencies: NONE.
- E. Cost or savings in federal funding to the state: NONE.

Estimate: HCD believes that any additional expenditure resulting from this proposed action will be minimal and will be able to be absorbed within existing budgets and resources.

**INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES**
(Government Code Section 11346.5(a)(8))

HCD has made an initial determination that the proposed action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states. (See *Economic Impact of the Proposed California Electrical Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

DECLARATION OF EVIDENCE
(Government Code Section 11346.5(a)(2))

HCD has determined that there are minimal facts, evidence, documents, testimony, or other evidence upon which the agency relied to support its initial determination of no effect pursuant to Government Code Section 11346.5(a)(8). The public is welcome to submit any information, facts or documents either supporting HCD's initial determination or finding to the contrary.

**FINDING OF NECESSITY FOR THE PUBLIC'S
HEALTH, SAFETY, OR WELFARE**
(Government Code Section 11346.3(d))

HCD has made an assessment of the proposal regarding the economic impact of recordkeeping and report-

ing requirements and has determined that a report pursuant to Government Code Section 11346.3(c) is not required.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

(Government Code Section 11346.5(a)(9))

HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS EFFECT

HCD has initially determined that a small business may be affected by these proposed regulations. (See *Economic Impact of the Proposed California Electrical Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

(Government Code Section 11346.5(a)(10))

HCD has initially assessed whether or not, and to what extent, this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.
- The creation of new businesses or the elimination of existing businesses within the State of California.
These regulations will not affect the creation or the elimination of existing business within the State of California.
- The expansion of businesses currently doing business within the State of California.
These regulations will not affect the expansion of businesses currently doing business within the State of California.
- The benefits of the regulations to the health and welfare of California residents, worker safety and the State's environment.
These regulations will update and improve minimum electrical standards, which will provide increased protection of public health and safety, worker safety and the environment.

(See *Economic Impact of the Proposed California Electrical Code Regulations on Private Persons and*

Businesses in the State of California in the rulemaking file.)

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

(Government Code Section 11346.5(a)(12))

HCD has made an initial determination that this proposal would not have a significant effect on housing costs. The CBSC contact person designated below will make HCD's initial evaluation of the effect of the proposed regulatory action on housing costs available upon request. (See *Economic Impact of the Proposed California Electrical Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

CONSIDERATION OF ALTERNATIVES

(Government Code Section 11346.5(a)(13))

HCD must determine that no reasonable alternative considered by HCD, or that has otherwise been identified and brought to the attention of HCD, 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, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

AVAILABILITY OF RULEMAKING DOCUMENTS

(Government Code Section 11346.5(a)(20))

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review by contacting the person named below. This Notice, the Express Terms and Initial Statement of Reasons can be accessed from the California Building Standards Commission website at <http://www.bsc.ca.gov>; in addition, the rulemaking documents will be posted on HCD's website at http://www.hcd.ca.gov/codes/shl/2013codeadoptproj_part3.html.

Interested parties may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to the contact person named below, at the California Building Standards Commission website or HCD's website.

DISABILITY ACCESS

(Government Code Section 11346.6)

HCD shall provide, upon request from a person with a visual disability or other disability for which effective

communication is required under state or federal law, a narrative description of the additions to, and deletions from, the California Code of Regulations or other publication in a manner that allows for accurate translation by reading software used by the visually impaired.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS
(Government Code Section 11346.5(a)(14))

General questions regarding procedural and administrative issues should be addressed to:

CBSC Contact: Russ Frank, Associate Architect

CBSC Back-up: If the contact person is unavailable, please contact Michael L. Nearman at the phone number or fax number provided below.

CBSC Address: California Building Standards Commission
2525 Natomas Park Drive,
Suite 130
Sacramento, CA 95833

CBSC Telephone: (916) 263-0916

CBSC Fax: (916) 263-0959

CBSC E-mail: CBSC@dgs.ca.gov

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Kyle Krause, District Representative II
HCD, Division of Codes and Standards
Telephone: (916) 445-9471; Fax: (916) 327-4712
E-mail: kkrause@hcd.ca.gov

Back-up:

Shawn Huff, State Housing Law Programs Manager
HCD, Division of Codes and Standards
Telephone: (916) 445-9471; Fax: (916) 327-4712
E-mail: shuff@hcd.ca.gov

TITLE 24. BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT REGARDING THE 2013 CALIFORNIA MECHANICAL CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4 (HCD 02/12)

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Department of Housing and Community Development (HCD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 4. HCD is proposing building standards related to the Uniform Mechanical Code (UMC).

PUBLIC COMMENT PERIOD
(Government Code Section 11346.5(a)(17))

A public hearing has not been scheduled; however, written comments will be accepted from **August 24, 2012 until 5:00 p.m. on October 8, 2012**. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Jim McGowan, Executive Director

Written comments may also be faxed to (916) 263-0959 or e-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS
(Government Code Section 11346.5(a)(18))

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts,

amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15–day period.

NOTE: To be notified of any modifications, you must submit written and/or oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE
(Government Code Section 11346.5(a)(2))

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Sections 18949.5 and 18949.6. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Sections 17000–17062.5, 17910–17995.5, 18200–18700, 18860–18874, and 19960–19997; and Government Code Sections 12955.1 and 12955.1.1. HCD is proposing this regulatory action based on Health and Safety Code Sections 17040, 17921, 17922, 18300, 18690, 18865, 18873.4 and 19990; and Government Code Section 12955.1.

INFORMATIVE DIGEST
(Government Code Section 11346.5(a)(3))

Summary of Existing Laws

Section 17921 of the Health and Safety Code and Section 12955.1 of the Government Code require HCD to propose the adoption, amendment, or repeal of building standards by the CBSC.

Section 17922 of the Health and Safety Code requires that the building standards be essentially the same as the most recent editions of the uniform industry codes. The CBSC is authorized to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5.

Health and Safety Code Section 17922 states that the most recent editions of the uniform codes referred to in the section shall be considered to be adopted one year after the date of publication of the uniform codes.

Health and Safety Code Section 17040 requires HCD to adopt building standards for employee housing for “. . . the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing.”

Health and Safety Code Sections 18300 and 18865 require HCD to adopt building standards for mobile-home parks and special occupancy parks.

Health and Safety Code Section 19990 requires HCD to adopt building standards for factory–built housing.

Summary of Existing Regulations

The California Mechanical Code, Part 4 of Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, adopted by reference the 2009 Uniform Mechanical Code (UMC) with California amendments, effective on January 1, 2011.

Summary of Effect

HCD proposes to adopt by reference the 2012 edition of the UMC, with California amendments, into Part 4, Title 24 of the California Code of Regulations for the following programs:

- (a) State Housing Law: relative to residential occupancies, buildings or structures accessory thereto and as provided for through the Federal Fair Housing Amendment Act’s accessibility requirements, except where the application is for public use only.
- (b) Employee Housing Act: relative to the use of mechanical equipment and systems in or on any building or structure or outdoors on premises or property in accordance with Health and Safety Code Section 17040.
- (c) Mobilehome Parks and Special Occupancy Parks: relative to the use of mechanical equipment and systems in or on any permanent buildings within the park in accordance with Health and Safety Code Sections 18300, 18690, 18865 and 18873.4.
- (d) Factory–built Housing Law: relative to residential buildings, dwellings or portions thereof, or building component, or manufactured assembly in accordance with Health and Safety Code Section 19990.

The amendments provide consistency with model code format, state and federal law and conditions unique to California. In addition, these amendments provide clarity and specificity and give direction for the code user.

Comparable Federal Statute or Regulations

None.

Policy Statement Overview

The proposed regulations will adopt, amend or repeal existing mechanical standards and establish new mechanical standards, which will affect the residential occupancies, buildings or structures accessory thereto; the use of mechanical equipment and systems in or on any building or structure or outdoors on premises or property; the use of mechanical equipment and systems in or on any park permanent buildings, accessory buildings or structures relative to residential buildings, dwellings or portions thereof, building components, or manufactured assemblies.

The benefits anticipated from this proposed regulatory action include updating mechanical standards,

which will result in the protection of public health and safety, worker safety, the environment and general welfare of California residents. Also, providing the most recent methods and applying those building standards on a statewide basis, as required by statute, results in uniformity and promotes affordable costs.

Evaluation of Consistency

HCD has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations.

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

(Government Code Section 11346.5(a)(4))

None.

**MANDATE ON LOCAL AGENCIES
OR SCHOOL DISTRICTS**

(Government Code Section 11346.5(a)(5))

HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts; and therefore, does not mandate state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

ESTIMATE OF COST OR SAVINGS

(Government Code Section 11346.5(a)(6))

- A. Cost or Savings to any state agency: Health and Safety Code Section 17921 requires HCD to propose the adoption, amendment or repeal of building standards to the Commission pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5 of the Government Code. Part 2.5 of the Government Code requires state agencies to ensure that regulatory language meets the requirements of clarity and non-duplication. This proposed rulemaking incorporates specific provisions into one location with the California Building Standards Code to meet these requirements. This action will result in a minimal cost to HCD, which will be absorbed in the current budget.
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.

C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.

D. Other nondiscretionary cost or savings imposed on local agencies: NONE.

E. Cost or savings in federal funding to the state: NONE.

Estimate: HCD believes that any additional expenditure resulting from this proposed action will be minimal and will be able to be absorbed within existing budgets and resources.

**INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES
(Government Code Section 11346.5(a)(8))**

HCD has made an initial determination that the proposed action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states. (See *Economic Impact of the Proposed California Mechanical Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

**DECLARATION OF EVIDENCE
(Government Code Section 11346.5(a)(2))**

HCD has determined that there are minimal facts, evidence, documents, testimony, or other evidence upon which the agency relied to support its initial determination of no effect pursuant to Government Code Section 11346.5(a)(8). The public is welcome to submit any information, facts or documents either supporting HCD's initial determination or finding to the contrary.

**FINDING OF NECESSITY FOR THE PUBLIC'S
HEALTH, SAFETY, OR WELFARE
(Government Code Section 11346.3(d))**

HCD has made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(c) is not required.

**COST IMPACT ON REPRESENTATIVE PRIVATE
PERSON OR BUSINESS
(Government Code Section 11346.5(a)(9))**

HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS EFFECT

HCD has initially determined that a small business may be affected by these proposed regulations. (See *Economic Impact of the Proposed California Mechanical Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION
(Government Code Sections 11346.3(b)(1) and 11346.5(a)(10))

HCD has initially assessed whether or not, and to what extent, this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.
- The creation of new businesses or the elimination of existing businesses within the State of California.
These regulations will not affect the creation or the elimination of existing business within the State of California.
- The expansion of businesses currently doing business within the State of California.
These regulations will not affect the expansion of businesses currently doing business within the State of California.
- The benefits of the regulations to the health and welfare of California residents, worker safety and the State's environment.
These regulations will update and improve minimum mechanical standards, which will provide increased protection of public health and safety, worker safety and the environment.

(See *Economic Impact of the Proposed California Mechanical Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS
(Government Code Section 11346.5(a)(12))

HCD has made an initial determination that this proposal would not have a significant effect on housing costs. The CBSC contact person designated below will make HCD's initial evaluation of the effect of the proposed regulatory action on housing costs available upon request. (See *Economic Impact of the Proposed*

California Mechanical Code Regulations on Private Persons and Businesses in the State of California in the rulemaking file.)

CONSIDERATION OF ALTERNATIVES
(Government Code Section 11346.5(a)(13))

HCD must determine that no reasonable alternative considered by HCD, or that has otherwise been identified and brought to the attention of HCD, 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, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

AVAILABILITY OF RULEMAKING DOCUMENTS
(Government Code Sections 11346.5(a)(19) and 11346.5(a)(20))

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review by contacting the person named below. This Notice, the Express Terms and Initial Statement of Reasons can also be accessed from the California Building Standards Commission website at <http://www.bsc.ca.gov>; in addition, the rulemaking documents will be posted on HCD's website at http://www.hcd.ca.gov/codes/shl/2013codeadoptproj_part4.html.

Interested parties may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website or HCD's website.

DISABILITY ACCESS
(Government Code Section 11346.6)

HCD shall provide, upon request from a person with a visual disability or other disability for which effective communication is required under state or federal law, a narrative description of the additions to, and deletions from, the California Code of Regulations or other publication in a manner that allows for accurate translation by reading software used by the visually impaired.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS
(Government Code Section 11346.5(a)(14))

General questions regarding procedural and administrative issues should be addressed to:

CBSC Contact: Russ Frank, Associate Architect

CBSC Back-up: If the contact person is unavailable, please contact Michael L. Nearman at the phone number or fax number provided below.

CBSC Address: California Building Standards Commission
2525 Natomas Park Drive,
Suite 130
Sacramento, CA 95833

CBSC Telephone: (916) 263-0916

CBSC Fax: (916) 263-0959

CBSC E-mail: CBSC@dgs.ca.gov

**PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Kyle Krause, District Representative II
HCD, Division of Codes and Standards
Telephone: (916) 445-9471; Fax: (916) 327-4712
E-mail: kkrause@hcd.ca.gov

Back-up:

Shawn Huff, State Housing Law Programs Manager
HCD, Division of Codes and Standards
Telephone: (916) 445-9471; Fax: (916) 327-4712
E-mail: shuff@hcd.ca.gov

**TITLE 24. BUILDING STANDARDS
COMMISSION**

**NOTICE OF PROPOSED ACTION TO
BUILDING STANDARDS OF THE
DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT REGARDING
THE 2013 CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 5
(HCD 05/12)**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the De-

partment of Housing and Community Development (HCD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. HCD is proposing building standards related to the Uniform Plumbing Code (UPC).

**PUBLIC COMMENT PERIOD
(Government Code Section 11346.5(a)(17))**

A public hearing has not been scheduled; however, written comments will be accepted from **August 24, 2012 until 5:00 p.m. on October 8, 2012**. Please address your comments to:

**California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Jim McGowan, Executive Director**

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS
(Government Code Section 11346.5(a)(18))**

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written and/or oral comments or request that you be notified of any modifications.

**AUTHORITY AND REFERENCE
(Government Code Section 11346.5(a)(2))**

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Sections 18949.5 and 18949.6. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code

Sections 17000–17062.5, 17910–17995.5, 18200–18700, 18860–18874, and 19960–19997; and Government Code Sections 12955.1 and 12955.1.1. HCD is proposing this regulatory action based on Health and Safety Code Sections 17040, 17921, 17922, 18300, 18690, 18865, 18873.4 and 19990; and Government Code Section 12955.1.

INFORMATIVE DIGEST
(Government Code Section 11346.5(a)(3))

Summary of Existing Laws

Section 17921 of the Health and Safety Code and Section 12955.1 of the Government Code require HCD to propose the adoption, amendment, or repeal of building standards by the CBSC.

Section 17922 of the Health and Safety Code requires that the building standards be essentially the same as the most recent editions of the uniform industry codes. The CBSC is authorized to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5.

Health and Safety Code Section 17922 states that the most recent editions of the uniform codes referred to in the section shall be considered to be adopted one year after the date of publication of the uniform codes.

Health and Safety Code Section 17040 requires HCD to adopt building standards for employee housing for “. . . the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing.”

Health and Safety Code Sections 18300 and 18865 require HCD to adopt building standards for mobile-home parks and special occupancy parks.

Health and Safety Code Section 19990 requires HCD to adopt building standards for factory–built housing.

Summary of Existing Regulations

The California Plumbing Code, Part 4 of Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, adopted by reference the 2009 Uniform Plumbing Code (UMC) with California amendments, effective on January 1, 2011.

Summary of Effect

HCD proposes to adopt by reference the 2012 edition of the UMC, with California amendments, into Part 4, Title 24 of the California Code of Regulations for the following programs:

- (a) State Housing Law: relative to residential occupancies, buildings or structures accessory thereto and as provided for through the Federal Fair Housing Amendment Act’s accessibility requirements, except where the application is for public use only.
- (b) Employee Housing Act: relative to the use of plumbing equipment and systems in or on any building or structure or outdoors on premises or property in accordance with Health and Safety Code Section 17040.
- (c) Mobilehome Parks and Special Occupancy Parks: relative to the use of plumbing equipment and systems in or on any permanent buildings within the park in accordance with Health and Safety Code Sections 18300, 18690, 18865 and 18873.4.
- (d) Factory–built Housing Law: relative to residential buildings, dwellings or portions thereof, or building component, or manufactured assembly in accordance with Health and Safety Code Section 19990.

The amendments provide consistency with model code format, state and federal law and conditions unique to California. In addition, these amendments provide clarity and specificity and give direction for the code user.

Comparable Federal Statute or Regulations

None.

Policy Statement Overview

The proposed regulations will adopt, amend or repeal existing plumbing standards and establish new plumbing standards, which will affect the residential occupancies, buildings or structures accessory thereto; the use of plumbing equipment and systems in or on any building or structure or outdoors on premises or property; the use of plumbing equipment and systems in or on any park permanent buildings, accessory buildings or structures relative to residential buildings, dwellings or portions thereof, building components, or manufactured assemblies.

The benefits anticipated from this proposed regulatory action include updating plumbing standards, which will result in the protection of public health and safety, worker safety, the environment and general welfare of California residents. Also, providing the most recent methods and applying those building standards on a statewide basis, as required by statute, results in uniformity and promotes affordable costs.

Evaluation of Consistency

HCD has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations.

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

(Government Code Section 11346.5(a)(4))

None.

MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS

(Government Code Section 11346.5(a)(5))

HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts; and therefore, does not mandate state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

ESTIMATE OF COST OR SAVINGS
(Government Code Section 11346.5(a)(6))

- A. Cost or Savings to any state agency: Health and Safety Code Section 17921 requires HCD to propose the adoption, amendment or repeal of building standards to the Commission pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5 of the Government Code. Part 2.5 of the Government Code requires state agencies to ensure that regulatory language meets the requirements of clarity and non-duplication. This proposed rulemaking incorporates specific provisions into one location with the California Building Standards Code to meet these requirements. This action will result in a minimal cost to HCD, which will be absorbed in the current budget.
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.
- D. Other nondiscretionary cost or savings imposed on local agencies: NONE.
- E. Cost or savings in federal funding to the state: NONE.

Estimate: HCD believes that any additional expenditure resulting from this proposed action will be minimal and will be able to be absorbed within existing budgets and resources.

INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES
(Government Code Section 11346.5(a)(8))

HCD has made an initial determination that the proposed action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states. (See *Economic Impact of the Proposed California Plumbing Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

DECLARATION OF EVIDENCE
(Government Code Section 11346.5(a)(2))

HCD has determined that there are minimal facts, evidence, documents, testimony, or other evidence upon which the agency relied to support its initial determination of no effect pursuant to Government Code Section 11346.5(a)(8). The public is welcome to submit any information, facts or documents either supporting HCD's initial determination or finding to the contrary.

FINDING OF NECESSITY FOR THE PUBLIC'S
HEALTH, SAFETY, OR WELFARE
(Government Code Section 11346.3(d))

HCD has made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(c) is not required.

COST IMPACT ON REPRESENTATIVE PRIVATE
PERSON OR BUSINESS
(Government Code Section 11346.5(a)(9))

HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS EFFECT

HCD has initially determined that a small business may be affected by these proposed regulations. (See *Economic Impact of the Proposed California Plumbing Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

ASSESSMENT OF EFFECT OF REGULATIONS
UPON JOBS AND BUSINESS EXPANSION,
ELIMINATION OR CREATION

(Government Code Sections 11346.3(b)(1)
and 11346.5(a)(10))

HCD has initially assessed whether or not, and to what extent, this proposal will affect the following:

- The creation or elimination of jobs within the State of California.

These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.

- The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not affect the creation or the elimination of existing business within the State of California.

- The expansion of businesses currently doing business within the State of California.

These regulations will not affect the expansion of businesses currently doing business within the State of California.

- The benefits of the regulations to the health and welfare of California residents, worker safety and the State's environment.

These regulations will update and improve minimum plumbing standards, which will provide increased protection of public health and safety, worker safety and the environment.

(See *Economic Impact of the Proposed California Plumbing Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

INITIAL DETERMINATION OF SIGNIFICANT
EFFECT ON HOUSING COSTS

(Government Code Section 11346.5(a)(12))

HCD has made an initial determination that this proposal would not have a significant effect on housing costs. The CBSC contact person designated below will make HCD's initial evaluation of the effect of the proposed regulatory action on housing costs available upon request. (See *Economic Impact of the Proposed California Plumbing Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

CONSIDERATION OF ALTERNATIVES
(Government Code Section 11346.5(a)(13))

HCD must determine that no reasonable alternative considered by HCD, or that has otherwise been identified and brought to the attention of HCD, 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, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

AVAILABILITY OF
RULEMAKING DOCUMENTS
(Government Code Sections 11346.5(a)(19)
and 11346.5(a)(20))

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review by contacting the person named below. This Notice, the Express Terms and Initial Statement of Reasons can also be accessed from the California Building Standards Commission website at <http://www.bsc.ca.gov>; in addition, the rulemaking documents will be posted on HCD's website at http://www.hcd.ca.gov/codes/shl/2013codeadoptproj_part4.html.

Interested parties may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website or HCD's website.

DISABILITY ACCESS
(Government Code Section 11346.6)

HCD shall provide, upon request from a person with a visual disability or other disability for which effective communication is required under state or federal law, a narrative description of the additions to, and deletions from, the California Code of Regulations or other publication in a manner that allows for accurate translation by reading software used by the visually impaired.

CBSC CONTACT PERSON FOR PROCEDURAL
AND ADMINISTRATIVE QUESTIONS
(Government Code Section 11346.5(a)(14))

General questions regarding procedural and administrative issues should be addressed to:

CBSC Contact: Russ Frank, Associate Architect

CBSC Back-up: If the contact person is unavailable, please contact Michael L. Nearman at the phone number or fax number provided below.

CBSC Address: California Building Standards Commission
2525 Natomas Park Drive,
Suite 130
Sacramento, CA 95833

CBSC Telephone: (916) 263-0916

CBSC Fax: (916) 263-0959

CBSC E-mail: CBSC@dgs.ca.gov

**PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Kyle Krause, District Representative II
HCD, Division of Codes and Standards
Telephone: (916) 445-9471; Fax: (916) 327-4712
E-mail: kkrause@hcd.ca.gov

Back-up:

Shawn Huff, State Housing Law Programs Manager
HCD, Division of Codes and Standards
Telephone: (916) 445-9471; Fax: (916) 327-4712
E-mail: shuff@hcd.ca.gov

**TITLE 24. BUILDING STANDARDS
COMMISSION**

**NOTICE OF PROPOSED ACTION FOR
PROPOSED BUILDING STANDARDS OF THE
OFFICE OF THE STATE FIRE MARSHAL
REGARDING THE ADOPTION BY
REFERENCE OF THE 2011 EDITION OF THE
NATIONAL ELECTRICAL CODE WITH
AMENDMENTS INTO THE 2013 CALIFORNIA
ELECTRICAL CODE CALIFORNIA
CODE OF REGULATIONS TITLE 24, PART 3**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Office

of the State Fire Marshal (SFM) proposes to adopt, approve, codify, and publish building standards contained in the California Code of Regulations (CCR), Title 24, Part 3. The SFM is proposing building standards related to the 2011 National Electrical Code.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 24, 2012 until 5:00 p.m. on October 8, 2012. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Jim McGowan, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code section 18949.2. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code section 18928.

The SFM is proposing this regulatory action pursuant to Health and Safety Code Sections 13108, 13113, 13113.5, 13114, 13132.7, 13133, 13135, 13143,

13143.1, 13143.6, 13143.9, 13146, 13211, 17921 and 18897.3.

Government Code Section 11152.5.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 13108(a) The State Fire Marshal shall prepare and adopt building standards related to the means of egress, the installation of fire alarms and fire extinguishing systems in any state-owned building or in any state-occupied building.

Health and Safety Code Section 13113 An automatic sprinkler system shall be installed in all 24-hour institutional type occupancies, and homes for the care of aged or senile persons.

Health and Safety Code Section 13113.5 The State Fire Marshal shall adopt regulations requiring the installation of automatic smoke detectors in all facilities which provide 24-hour per day care, which house six or fewer persons, and which do not have automatic sprinkler systems.

Health and Safety Code Section 13114(a) The State Fire Marshal shall adopt regulations and standards to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and that 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.

Health and Safety Code Section 13132 Every person, firm, or corporation maintaining or operating any facility for the care of the mentally handicapped shall file a statement with the fire authority having jurisdiction within five days of the admission or readmission of a patient stating that such patient is an ambulatory or a nonambulatory person and enumerating the reasons for such classification. Such a statement shall also be filed for each existing patient within 30 days of the effective date of this section.

Any statement required to be filed pursuant to this section shall be certified as to its correctness by the person attending such patient.

It shall be unlawful for any person, firm, or corporation required to file a statement pursuant to this section to include false statements therein. Any such act shall be in violation of this section and subject to the provisions of Section 13112.

Health and Safety Code Section 13132.7 Mandates fire retardant roof coverings in fire hazard severity zones.

Health and Safety Code Section 13133(a) The State Fire Marshal shall develop and adopt regulations estab-

lishing new occupancy classifications and specific fire safety standards appropriate for residential facilities, and residential care facilities for the elderly. These fire safety standards shall apply uniformly throughout the state.

Health and Safety Code Section 13135 The State Fire Marshal shall adopt regulations for alcoholism or drug abuse recovery or treatment facilities based on whether the residents or patients of the facilities are nonambulatory.

Health and Safety Code Section 13143 grants the State Fire Marshal authority to prepare and adopt regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution not otherwise excluded from the coverage of this subdivision, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather together in a building, room, or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education.

Health and Safety Code Section 13143.1(a) The State Fire Marshal shall prepare, adopt, and submit building standards for establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any motion picture or television production facility.

Health and Safety Code Section 13143.6(a) The State Fire Marshal shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire in any building or structure used or intended for use as a home or institution for the housing of any person of any age for protective social care and supervision services by any governmental agency, certified family care homes, out-of-home placement facilities, and halfway houses.

Health and Safety Code Section 13143.9(a) The State Fire Marshal shall prepare, adopt, and submit building standards and other fire and life safety regulations establishing minimum requirements for the storage, handling, and use of hazardous materials.

Health and Safety Code Section 13211 The State Fire Marshal shall prepare and adopt building standards relating to fire and panic safety in high-rise structures.

Health and Safety Code Section 17921(b) The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic

safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.

Health and Safety Code Section 18928(a) requires each state agency adopting or proposing adoption of a model code, national standards, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

Health and Safety Code Section 18897.3 Except as provided in Section 18930, the State Fire Marshal shall adopt minimum fire safety regulations for organized camps 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. The State Fire Marshal shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of this division for the purposes described in this section.

Health and Safety Code Section 18949.2(b) The State Fire Marshal shall remain the state agency responsible for developing building standards to implement the state's fire and life safety policy. In its role as the fire and life safety standard developing agency, the State Fire Marshal shall continue its existing activities and forums designed to facilitate compromise and consensus among the various individuals and groups involved in development of the state's codes related to fire and life safety.

(c) The state's fire and life safety building standards, as developed by the State Fire Marshal and as adopted by the commission, shall continue to be based on the state's fire and life safety policy goals and mandates as they existed prior to the enactment of this chapter and as they are amended.

Summary of Existing Regulations

The SFM currently adopts by reference the California Code of Regulations, Title 24, Part 3, 2010 California Electrical Code with SFM amendments relating to regulations that establish minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above.

Summary of Effect

The general purpose of this proposed action is principally intended to update and codify a new edition of the California Electrical Code (California Code of Regulations, Title 24, Part 3) based upon a more current edition

of a model code. The current California Electrical Code in effect is the 2010 California Electrical Code which is based upon the 2008 National Electrical Code of the National Fire Protection Association. This proposed action:

- Repeal the adoption by reference of the 2008 National Electrical Code and incorporate and adopt by reference in its place the 2011 National Electrical Code for application and effectiveness in the 2013 California Electrical Code.
- Repeal certain amendments to the 2008 National Electrical Code and/or California Building Standards not addressed by the model code that are no longer necessary.
- Adopt new building standards or necessary amendments to the 2011 National Electrical Code that address inadequacies of the 2011 National Electrical Code as they pertain to California laws.
- Bring forward previously existing California building standards or amendments, which represent no change in their effect from the 2010 California Building Standards Code.
- Codify non-substantive editorial and formatting amendments from the format based upon the 2008 National Electrical Code to the format of the 2011 National Electrical Code.

Comparable Federal Statute or Regulations

The SFM has determined that there are no comparable federal regulations or statutes addressing the fire and life safety requirements as presented in this notice.

Policy Statement Overview

The broad objectives of these proposed regulations is to specifically comply with Health and Safety Code Section 18928 that requires each proposing state agency to take action on the model code within one year after its publication.

The intent of this proposed action is to adopt by reference the 2011 National Electrical Code and amend said document with new and existing 2010 SFM amendments. The SFM further proposes to offer new amendments where necessary to ensure that the regulations of the California Electrical Code, establish and/or maintain minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above in the summary of existing laws.

Evaluation of consistency

The SFM has determined that that the proposed regulations are not inconsistent or incompatible with existing state regulations addressing the fire and life safety requirements as presented in this notice.

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

The SFM has determined that there are no other prescribed statutes or to any specific regulation or class of regulation applicable to the adoption by reference and the amendments relating to the 2012 National Electrical Code.

**MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

The SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts; and therefore, does not mandate state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **NO.**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO.**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO.**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO.**
- E. Cost or savings in federal funding to the state: **NO.**

**INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES**

The SFM has made an initial determination that this proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The SFM affirms that this rulemaking action complies specifically with the mandates of Health and Safety Code Sections 13143, 18928, 18949.2(b), 18949(c) and the mandates of the statutory authority of the SFM as shown in the Informative Digest.

Therefore, the SFM's initial determination of no significant, statewide adverse economic impact directly

affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action.

**FINDING OF NECESSITY FOR THE PUBLIC'S
HEALTH, SAFETY, OR WELFARE**

The SFM has made an assessment of the proposed code changes and has determined that these changes would not require a report; therefore, a finding is not necessary for the health, safety, or welfare of the people of the state that the regulation is applicable to businesses.

**COST IMPACT ON REPRESENTATIVE PRIVATE
PERSON OR BUSINESS**

The SFM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF EFFECT OF REGULATIONS
UPON JOBS AND BUSINESS EXPANSION,
ELIMINATION OR CREATION**

The SFM has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.
- The creation of new businesses or the elimination of existing businesses within the State of California.
These regulations will not affect the creation or the elimination of existing business within the State of California.
- The expansion of businesses currently doing business within the State of California.
These regulations will not affect the expansion of businesses currently doing business within the State of California.
- The benefits of the regulations to the health and welfare of California residents, worker safety and the State's environment.
These regulations will update and improve minimum building standards, which will provide increased protection of public health and safety, worker safety and the environment.

(See *Economic Impact of the Proposed Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The SFM has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code §11346.5 subdivision (a)(13), the SFM has determined that no reasonable alternative considered by it or that has been otherwise identified and brought to the attention of the SFM would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Russ Frank, Associate Architect
or backup person,
Michael Nearman, Deputy Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Kevin Reinertson, Acting Division Chief
Office of the State Fire Marshal
Code Development and Analysis Division
kevin.reinertson@fire.ca.gov
(916) 327-4998
(916) 445-8459 FAX

TITLE 24. BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED ACTION FOR PROPOSED BUILDING STANDARDS OF THE OFFICE OF THE STATE FIRE MARSHAL REGARDING THE ADOPTION BY REFERENCE OF THE 2012 EDITION OF THE UNIFORM MECHANICAL CODE WITH AMENDMENTS INTO THE 2013 CALIFORNIA MECHANICAL CODE CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 4

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Office of the State Fire Marshal (SFM) proposes to adopt, approve, codify, and publish building standards contained in the California Code of Regulations (CCR), Title 24, Part 4. The SFM is proposing building standards related to the 2012 Uniform Mechanical Code.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 24, 2012 until 5:00 p.m. on October 8, 2012. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Jim McGowan, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov. Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly

authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code section 18949.2. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code section 18928.

The SFM is proposing this regulatory action pursuant to Health and Safety Code Sections 13108, 13113, 13113.5, 13114, 13132.7, 13133, 13135, 13143, 13143.1, 13143.6, 13143.9, 13146, 13211, 17921 and 18897.3

Government Code Section 11152.5.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 13108(a) The State Fire Marshal shall prepare and adopt building standards related to the means of egress, the installation of fire alarms and fire extinguishing systems in any state-owned building or in any state-occupied building.

Health and Safety Code Section 13113 An automatic sprinkler system shall be installed in all 24-hour institutional type occupancies, and homes for the care of aged or senile persons.

Health and Safety Code Section 13113.5 The State Fire Marshal shall adopt regulations requiring the installation of automatic smoke detectors in all facilities which provide 24-hour per day care, which house six or

fewer persons, and which do not have automatic sprinkler systems.

Health and Safety Code Section 13114(a) The State Fire Marshal shall adopt regulations and standards to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and that 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.

Health and Safety Code Section 13132 Every person, firm, or corporation maintaining or operating any facility for the care of the mentally handicapped shall file a statement with the fire authority having jurisdiction within five days of the admission or readmission of a patient stating that such patient is an ambulatory or a nonambulatory person and enumerating the reasons for such classification. Such a statement shall also be filed for each existing patient within 30 days of the effective date of this section.

Any statement required to be filed pursuant to this section shall be certified as to its correctness by the person attending such patient.

It shall be unlawful for any person, firm, or corporation required to file a statement pursuant to this section to include false statements therein. Any such act shall be in violation of this section and subject to the provisions of Section 13112.

Health and Safety Code Section 13132.7 Mandates fire retardant roof coverings in fire hazard severity zones.

Health and Safety Code Section 13133(a) The State Fire Marshal shall develop and adopt regulations establishing new occupancy classifications and specific fire safety standards appropriate for residential facilities, and residential care facilities for the elderly. These fire safety standards shall apply uniformly throughout the state.

Health and Safety Code Section 13135 The State Fire Marshal shall adopt regulations for alcoholism or drug abuse recovery or treatment facilities based on whether the residents or patients of the facilities are nonambulatory.

Health and Safety Code Section 13143 grants the State Fire Marshal authority to prepare and adopt regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution not otherwise excluded from the coverage of this subdivision, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather to-

gether in a building, room, or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education.

Health and Safety Code Section 13143.1(a) The State Fire Marshal shall prepare, adopt, and submit building standards for establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any motion picture or television production facility.

Health and Safety Code Section 13143.6(a) The State Fire Marshal shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire in any building or structure used or intended for use as a home or institution for the housing of any person of any age for protective social care and supervision services by any governmental agency, certified family care homes, out-of-home placement facilities, and halfway houses.

Health and Safety Code Section 13143.9(a) The State Fire Marshal shall prepare, adopt, and submit building standards and other fire and life safety regulations establishing minimum requirements for the storage, handling, and use of hazardous materials.

Health and Safety Code Section 13211 The State Fire Marshal shall prepare and adopt building standards relating to fire and panic safety in high-rise structures.

Health and Safety Code Section 17921(b) The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.

Health and Safety Code Section 18928(a) requires each state agency adopting or proposing adoption of a model code, national standards, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

Health and Safety Code Section 18897.3 Except as provided in Section 18930, the State Fire Marshal shall adopt minimum fire safety regulations for organized camps 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. The State Fire Marshal shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Sec-

tion 18935) of Part 2.5 of this division for the purposes described in this section.

Health and Safety Code Section 18949.2(b) The State Fire Marshal shall remain the state agency responsible for developing building standards to implement the state's fire and life safety policy. In its role as the fire and life safety standard developing agency, the State Fire Marshal shall continue its existing activities and forums designed to facilitate compromise and consensus among the various individuals and groups involved in development of the state's codes related to fire and life safety.

(c) The state's fire and life safety building standards, as developed by the State Fire Marshal and as adopted by the commission, shall continue to be based on the state's fire and life safety policy goals and mandates as they existed prior to the enactment of this chapter and as they are amended.

Summary of Existing Regulations

The SFM currently adopts by reference the California Code of Regulations, Title 24, Part 4, 2010 California Mechanical Code with SFM amendments relating to regulations that establish minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above.

Summary of Effect

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 2010 California Mechanical Code which is based upon the 2009 Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials. This proposed action:

- Repeal the adoption by reference of the 2009 Uniform Mechanical Code and incorporate and adopt by reference in its place the 2012 Uniform Mechanical Code for application and effectiveness in the 2013 California Mechanical Code.
- Repeal certain amendments to the 2009 Uniform Mechanical Code and/or California Building Standards not addressed by the model code that are no longer necessary.
- Adopt new building standards or necessary amendments to the 2012 Uniform Mechanical Code that address inadequacies of the 2012 Uniform Mechanical Code as they pertain to California laws.

- Bring forward previously existing California building standards or amendments, which represent no change in their effect from the 2010 California Building Standards Code.
- Codify non-substantive editorial and formatting amendments from the format based upon the 2009 Uniform Mechanical Code to the format of the 2012 Uniform Mechanical Code.

Comparable Federal Statute or Regulations

The SFM has determined that there are no comparable federal regulations or statutes addressing the fire and life safety requirements as presented in this notice.

Policy Statement Overview

The broad objectives of these proposed regulations is to specifically comply with Health and Safety Code Section 18928 that requires each proposing state agency to take action on the model code within one year after its publication.

The intent of this proposed action is to adopt by reference the 2012 Uniform Mechanical Code and amend said document with new and existing 2010 SFM amendments. The SFM further proposes to offer new amendments where necessary to ensure that the regulations of the California Mechanical Code, establish and/or maintain minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above in the summary of existing laws.

Evaluation of consistency

The SFM has determined that that the proposed regulations are not inconsistent or incompatible with existing state regulations addressing the fire and life safety requirements as presented in this notice.

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

The SFM has determined that there are no other prescribed statutes or to any specific regulation or class of regulation applicable to the adoption by reference and the amendments relating to the 2012 Uniform Mechanical Code.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts; and therefore, does not mandate state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **NO.**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO.**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO.**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO.**
- E. Cost or savings in federal funding to the state: **NO.**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The SFM has made an initial determination that this proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The SFM affirms that this rulemaking action complies specifically with the mandates of Health and Safety Code Sections 13143, 18928, 18949.2(b), 18949(c) and the mandates of the statutory authority of the SFM as shown in the Informative Digest.

Therefore, the SFM’s initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action.

FINDING OF NECESSITY FOR THE PUBLIC’S HEALTH, SAFETY, OR WELFARE

The SFM has made an assessment of the proposed code changes and has determined that these changes would not require a report; therefore, a finding is not necessary for the health, safety, or welfare of the people of the state that the regulation is applicable to businesses.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The SFM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF EFFECT OF REGULATIONS
UPON JOBS AND BUSINESS EXPANSION,
ELIMINATION OR CREATION**

The SFM has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.
- The creation of new businesses or the elimination of existing businesses within the State of California.
These regulations will not affect the creation or the elimination of existing business within the State of California.
- The expansion of businesses currently doing business within the State of California.
These regulations will not affect the expansion of businesses currently doing business within the State of California.
- The benefits of the regulations to the health and welfare of California residents, worker safety and the State's environment.
These regulations will update and improve minimum building standards, which will provide increased protection of public health and safety, worker safety and the environment.

(See *Economic Impact of the Proposed Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

**INITIAL DETERMINATION OF SIGNIFICANT
EFFECT ON HOUSING COSTS**

The SFM has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code §11346.5 subdivision (a)(13), the SFM has determined that no reasonable alternative considered by it or that has been otherwise identified and brought to the attention of the SFM would be more effective in carrying out the purpose for which the action is proposed or would be as ef-

fective and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF
RULEMAKING DOCUMENTS**

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

**CBCS CONTACT PERSON FOR PROCEDURAL
AND ADMINISTRATIVE QUESTIONS**

General questions regarding procedural and administrative issues should be addressed to:

Russ Frank, Associate Architect
or backup person,
Michael Nearman, Deputy Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959

**PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

**Kevin Reinertson, Acting Division Chief
Office of the State Fire Marshal
Code Development and Analysis Division
kevin.reinertson@fire.ca.gov
(916) 327-4998
(916) 445-8459 FAX**

TITLE 24. BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED ACTION FOR PROPOSED BUILDING STANDARDS OF THE OFFICE OF THE STATE FIRE MARSHAL REGARDING THE ADOPTION BY REFERENCE OF THE 2012 EDITION OF THE UNIFORM PLUMBING CODE WITH AMENDMENTS INTO THE 2013 CALIFORNIA PLUMBING CODE CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 5

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Office of the State Fire Marshal (SFM) proposes to adopt, approve, codify, and publish building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. The SFM is proposing building standards related to the 2012 Uniform Plumbing Code.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 24, 2012 until 5:00 p.m. on October 8, 2012. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Jim McGowan, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept

written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code section 18949.2. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code section 18928.

The SFM is proposing this regulatory action pursuant to Health and Safety Code Sections 13108, 13113, 13113.5, 13114, 13132.7, 13133, 13135, 13143, 13143.1, 13143.6, 13143.9, 13146, 13211, 17921 and 18897.3.

Government Code Section 11152.5.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 13108(a) The State Fire Marshal shall prepare and adopt building standards related to the means of egress, the installation of fire alarms and fire extinguishing systems in any state-owned building or in any state-occupied building.

Health and Safety Code Section 13113 An automatic sprinkler system shall be installed in all 24-hour institutional type occupancies, and homes for the care of aged or senile persons.

Health and Safety Code Section 13113.5 The State Fire Marshal shall adopt regulations requiring the installation of automatic smoke detectors in all facilities which provide 24-hour per day care, which house six or fewer persons, and which do not have automatic sprinkler systems.

Health and Safety Code Section 13114(a) The State Fire Marshal shall adopt regulations and standards to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and that 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.

Health and Safety Code Section 13132 Every person, firm, or corporation maintaining or operating any facility for the care of the mentally handicapped shall file a statement with the fire authority having jurisdiction within five days of the admission or readmission of a patient stating that such patient is an ambulatory or a

nonambulatory person and enumerating the reasons for such classification. Such a statement shall also be filed for each existing patient within 30 days of the effective date of this section.

Any statement required to be filed pursuant to this section shall be certified as to its correctness by the person attending such patient.

It shall be unlawful for any person, firm, or corporation required to file a statement pursuant to this section to include false statements therein. Any such act shall be in violation of this section and subject to the provisions of Section 13112.

Health and Safety Code Section 13132.7 Mandates fire retardant roof coverings in fire hazard severity zones.

Health and Safety Code Section 13133(a) The State Fire Marshal shall develop and adopt regulations establishing new occupancy classifications and specific fire safety standards appropriate for residential facilities, and residential care facilities for the elderly. These fire safety standards shall apply uniformly throughout the state.

Health and Safety Code Section 13135 The State Fire Marshal shall adopt regulations for alcoholism or drug abuse recovery or treatment facilities based on whether the residents or patients of the facilities are nonambulatory.

Health and Safety Code Section 13143 grants the State Fire Marshal authority to prepare and adopt regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution not otherwise excluded from the coverage of this subdivision, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather together in a building, room, or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education.

Health and Safety Code Section 13143.1(a) The State Fire Marshal shall prepare, adopt, and submit building standards for establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any motion picture or television production facility.

Health and Safety Code Section 13143.6(a) The State Fire Marshal shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire in any building or structure used or intended for use as a home or institution for the housing of any person of any age for protective social care and supervision ser-

vices by any governmental agency, certified family care homes, out-of-home placement facilities, and halfway houses.

Health and Safety Code Section 13143.9(a) The State Fire Marshal shall prepare, adopt, and submit building standards and other fire and life safety regulations establishing minimum requirements for the storage, handling, and use of hazardous materials.

Health and Safety Code Section 13211 The State Fire Marshal shall prepare and adopt building standards relating to fire and panic safety in high-rise structures.

Health and Safety Code Section 17921(b) The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.

Health and Safety Code Section 18928(a) requires each state agency adopting or proposing adoption of a model code, national standards, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

Health and Safety Code Section 18897.3 Except as provided in Section 18930, the State Fire Marshal shall adopt minimum fire safety regulations for organized camps 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. The State Fire Marshal shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of this division for the purposes described in this section.

Health and Safety Code Section 18949.2(b) The State Fire Marshal shall remain the state agency responsible for developing building standards to implement the state's fire and life safety policy. In its role as the fire and life safety standard developing agency, the State Fire Marshal shall continue its existing activities and forums designed to facilitate compromise and consensus among the various individuals and groups involved in development of the state's codes related to fire and life safety.

(c) The state's fire and life safety building standards, as developed by the State Fire Marshal and as adopted by the commission, shall continue to be based on the state's fire and life safety policy goals and mandates as they existed prior to the enactment of this chapter and as they are amended.

Summary of Existing Regulations

The SFM currently adopts by reference the California Code of Regulations, Title 24, Part 5, 2010 California Plumbing Code with SFM amendments relating to regulations that establish minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above.

Summary of Effect

The general purpose of this proposed action is principally intended to update and codify a new edition of the California Plumbing Code (California Code of Regulations, Title 24, Part 5) based upon a more current edition of a model code. The current California Plumbing Code in effect is the 2010 California Plumbing Code which is based upon the 2009 Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials. This proposed action:

- Repeal the adoption by reference of the 2009 Uniform Plumbing Code and incorporate and adopt by reference in its place the 2012 Uniform Plumbing Code for application and effectiveness in the 2013 California Plumbing Code.
- Repeal certain amendments to the 2009 Uniform Plumbing Code and/or California Building Standards not addressed by the model code that are no longer necessary.
- Adopt new building standards or necessary amendments to the 2012 Uniform Plumbing Code that address inadequacies of the 2012 Uniform Plumbing Code as they pertain to California laws.
- Bring forward previously existing California building standards or amendments, which represent no change in their effect from the 2010 California Building Standards Code.
- Codify non-substantive editorial and formatting amendments from the format based upon the 2009 Uniform Plumbing Code to the format of the 2012 Uniform Plumbing Code.

Comparable Federal Statute or Regulations

The SFM has determined that there are no comparable federal regulations or statutes addressing the fire and life safety requirements as presented in this notice.

Policy Statement Overview

The broad objectives of these proposed regulations is to specifically comply with Health and Safety Code Section 18928 that requires each proposing state agency to take action on the model code within one year after its publication.

The intent of this proposed action is to adopt by reference the 2012 Uniform Plumbing Code and amend said document with new and existing 2010 SFM amend-

ments. The SFM further proposes to offer new amendments where necessary to ensure that the regulations of the California Plumbing Code, establish and/or maintain minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above in the summary of existing laws.

Evaluation of consistency

The SFM has determined that that the proposed regulations are not inconsistent or incompatible with existing state regulations addressing the fire and life safety requirements as presented in this notice.

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

The SFM has determined that there are no other prescribed statutes or to any specific regulation or class of regulation applicable to the adoption by reference and the amendments relating to the 2012 Uniform Plumbing Code.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts; and therefore, does not mandate state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **NO.**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO.**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO.**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO.**
- E. Cost or savings in federal funding to the state: **NO.**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The SFM has made an initial determination that this proposed regulatory action would not have a significant

statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The SFM affirms that this rulemaking action complies specifically with the mandates of Health and Safety Code Sections 13143, 18928, 18949.2(b), 18949(c) and the mandates of the statutory authority of the SFM as shown in the Informative Digest.

Therefore, the SFM's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The SFM has made an assessment of the proposed code changes and has determined that these changes would not require a report; therefore, a finding is not necessary for the health, safety, or welfare of the people of the state that the regulation is applicable to businesses.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The SFM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The SFM has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.
- The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not affect the creation or the elimination of existing business within the State of California.

- The expansion of businesses currently doing business within the State of California.
These regulations will not affect the expansion of businesses currently doing business within the State of California.
- The benefits of the regulations to the health and welfare of California residents, worker safety and the State's environment.
These regulations will update and improve minimum building standards, which will provide increased protection of public health and safety, worker safety and the environment.

(See *Economic Impact of the Proposed Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The SFM has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code §11346.5 subdivision (a)(13), the SFM has determined that no reasonable alternative considered by it or that has been otherwise identified and brought to the attention of the SFM would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

**CBSC CONTACT PERSON FOR PROCEDURAL
AND ADMINISTRATIVE QUESTIONS**

General questions regarding procedural and administrative issues should be addressed to:

Russ Frank, Associate Architect
or backup person,
Michael Nearman, Deputy Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959

**PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

**Kevin Reinertson, Acting Division Chief
Office of the State Fire Marshal
Code Development and Analysis Division
kevin.reinertson@fire.ca.gov
(916) 327-4998
(916) 445-8459 FAX**

**TITLE 24. BUILDING STANDARDS
COMMISSION**

**NOTICE OF PROPOSED ACTIONS TO
BUILDING STANDARDS OF THE DIVISION
OF THE STATE ARCHITECT (DSA-SS AND
DSA-SS/CC) REGARDING THE CALIFORNIA
ELECTRICAL CODE
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 3 2013
CALIFORNIA ELECTRICAL CODE**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Division of the State Architect proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 3. The DSA-SS and DSA-SS/CC is proposing building standards related to the 2013 California Electrical Code.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 24,

2012 until 5:00 p.m. on October 8, 2012. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Jim McGowan, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modification.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18928.

For DSA-SS the purpose of these building standards is to implement, interpret, and make specific the provisions of Education Code Sections 17280 through 17317, and 81130 through 81147 and Health and Safety Code Sections 16000-16023. DSA-SS is proposing this regulatory action based on Education Code Sections 17310 and 81142, and Health and Safety Code Section 16022.

For DSA-SS/CC the purpose of these building standards is to implement, interpret, and make specific the provisions of Education Code Sections 81052, 81053 and 81130 through 81147. DSA-SS/CC is proposing this regulatory action based on Education Code Section 81053.

INFORMATIVE DIGEST

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Summary of Existing Laws

Section 16023 of the Health and Safety Code authorizes the State Architect to establish building standards for the design, construction and inspection of electrical systems for state-owned or state-leased essential services buildings. Sections 17310, 81142 and 81053 of the Education Code authorize the State Architect to establish building standards for the design, construction and inspection of electrical systems for public elementary and secondary schools, and community colleges.

Summary of Existing Regulations

Existing building standards which prescribe requirements for the design, construction and inspection of electrical systems for state-owned or state-leased essential services buildings, and public elementary schools, secondary schools and community colleges are promulgated by the Division of the State Architect. These regulations are contained in the California Electrical Code (Part 3, Title 24).

Summary of Effect

The proposed action would update Part 3 of Title 24 by repealing the adoption of the 2009 edition National Electrical Code, and adopting the 2011 edition National Electrical Code (published by the National Fire Protection Association) for effectiveness as the 2013 California Electrical Code.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain building regulations in conformance with current state law, by adopting the most current edition of the model electrical code.

Evaluation of consistency

There are no inconsistent or incompatible regulations proposed.

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

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

The Division of the State Architect has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **NO.**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO.**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO.**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO.**
- E. Cost or savings in federal funding to the state: **NO.**

INITIAL DETERMINATION OF SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The DSA has made an initial determination that the adoption/amendment/repeal of these regulations will not have a significant, statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

No facts, evidence, documents, testimony or other evidence has been relied upon to support the initial determination of no effect.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The proposed action does not require a report by any business or agency, so the Division of the State Architect has not made a finding of necessity for the public's health, safety or welfare.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The DSA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS
UPON JOBS AND BUSINESS EXPANSION,
ELIMINATION OR CREATION

The Division of the State Architect has assessed whether or not and to what extent this proposal will affect the following:

- @ The creation or elimination of jobs within the State of California.
The DSA has determined that the proposed action has no effect.
- @ The creation of new businesses or the elimination of existing businesses within the State of California.
The DSA has determined that this proposal has no effect.
- @ The expansion of businesses currently doing business with the State of California.
The DSA has determined that the proposed action has no effect.
- @ The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.
The DSA has determined that the proposal establishes minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, access to persons with disabilities, sanitation, adequate lighting and ventilation, and energy conservation; safety to life and property from fire and other hazards attributed to the built environment; and to provide safety to fire fighters and emergency responders during emergency operations.

INITIAL DETERMINATION OF SIGNIFICANT
EFFECT ON HOUSING COSTS

The DSA has made an initial determination that this proposal would not have a significant effect on housing costs.

(The CBSC contact designated below will make the DSA-SS and DSA-SS/CC evaluation of the effect of the proposed regulatory action on housing costs available upon request.)

CONSIDERATION OF ALTERNATIVES

The DSA has determined that no reasonable alternative considered by DSA or that has otherwise been identified and brought to the attention of DSA would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less

burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

AVAILABILITY OF
RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

[\(http://www.bsc.ca.gov/\)](http://www.bsc.ca.gov/)

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

CBSC CONTACT PERSON FOR PROCEDURAL
AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Russ Frank, Associate Architect
or backup person,
Michael L. Nearman, Deputy Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959

PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Richard Conrad, Principal Architect
Ph. (916) 324-7180
richard.conrad@dgs.ca.gov

Howard "Chip" Smith, Jr., Supervisor
Ph. (916) 322-4699
howard.smith@dgs.ca.gov

Division of the State Architect — Headquarters
1102 Q Street, Suite 5100
Sacramento, CA 95811
DSA Facsimile No: (916) 324-0207

**TITLE 24. BUILDING STANDARDS
COMMISSION**

**NOTICE OF PROPOSED ACTION TO
BUILDING STANDARDS OF THE DIVISION
OF THE STATE ARCHITECT (DSA-SS AND
DSA-SS/CC) REGARDING THE
CALIFORNIA MECHANICAL CODE
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 4
2013 CALIFORNIA MECHANICAL CODE**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Division of the State Architect proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 4. The DSA-SS and DSA-SS/CC is proposing building standards related to the 2013 California Mechanical Code.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 24, 2012 until 5:00 p.m. on October 8, 2012. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Jim McGowan, Executive Director

Written comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept

written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modification.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18928.

For DSA-SS the purpose of these building standards is to implement, interpret, and make specific the provisions of Education Code Sections 17280 through 17317, and 81130 through 81147 and Health and Safety Code Sections 16000-16023. DSA-SS is proposing this regulatory action based on Education Code Sections 17310 and 81142, and Health and Safety Code Section 16022.

For DSA-SS/CC the purpose of these building standards is to implement, interpret, and make specific the provisions of Education Code Sections 81052, 81053 and 81130 through 81147. DSA-SS/CC is proposing this regulatory action based on Education Code Section 81053.

INFORMATIVE DIGEST

Summary of Existing Laws

Section 16023 of the Health and Safety Code authorizes the State Architect to establish building standards for the design, construction and inspection of mechanical systems for state-owned or state-leased essential services buildings. Sections 17310, 81142 and 81053 of the Education Code authorize the State Architect to establish building standards for the design, construction and inspection of mechanical systems of public elementary and secondary schools, and community colleges.

Summary of Existing Regulations

Existing building standards which prescribe requirements for the design, construction and inspection of mechanical systems for state-owned or state-leased essential services buildings, and public elementary schools, secondary schools and community colleges are promulgated by the Division of the State Architect. These regulations are contained in the California Mechanical Code (Part 4, Title 24).

Summary of Effect

The proposed action would update Part 4 of Title 24 by repealing the 2009 edition Uniform Mechanical Code, and adopting the 2012 edition Uniform Mechanical Code (published by the International Association of Plumbing and Mechanical Officials), for effectiveness as the 2013 California Mechanical Code.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain building regulations in conformance with state law, by adopting the most recent edition model mechanical code.

Evaluation of consistency

There are no inconsistent or incompatible regulations proposed.

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

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

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Division of the State Architect has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **NO.**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO.**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO.**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO.**
- E. Cost or savings in federal funding to the state: **NO.**

INITIAL DETERMINATION OF SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The DSA has made an initial determination that the adoption/amendment/repeal of these regulations will not have a significant, statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

No facts, evidence, documents, testimony or other evidence has been relied upon to support the initial determination of no effect.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The proposed action does not require a report by any business or agency, so the Division of the State Architect has not made a finding of necessity for the public's health, safety or welfare.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The DSA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The DSA has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
The DSA has determined that the proposed action has no effect.
- The creation of new businesses or the elimination of existing businesses within the State of California.
The DSA has determined that this proposal has no effect.
- The expansion of businesses currently doing business with the State of California.
The DSA has determined that the proposed action has no effect.
- The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

The DSA has determined that the proposal establishes minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, access to persons with disabilities, sanitation, adequate lighting and ventilation, and energy conservation; safety to life and property from fire and other hazards attributed to the built environment; and to provide safety to fire fighters and emergency responders during emergency operations.

**INITIAL DETERMINATION OF SIGNIFICANT
EFFECT ON HOUSING COSTS**

The DSA has made an initial determination that this proposal would not have a significant effect on housing costs.

(The CBSC contact designated below will make the DSA-SS and DSA-SS/CC evaluation of the effect of the proposed regulatory action on housing costs available upon request.)

CONSIDERATION OF ALTERNATIVES

The DSA has determined that no reasonable alternative considered by DSA or that has otherwise been identified and brought to the attention of DSA would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

**AVAILABILITY OF
RULEMAKING DOCUMENTS**

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review by contacting the person named below. This notice, the express terms, and initial statement of reasons can be accessed from the California Building Standards Commission website:

(<http://www.bsc.ca.gov>).

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

**CBSC CONTACT PERSON FOR PROCEDURAL
AND ADMINISTRATIVE QUESTIONS**

General questions regarding procedural and administrative issues should be addressed to:

Russ Frank, Associate Architect
or backup person,
Michael L. Nearman, Deputy Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959

**PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Richard Conrad, Principal Architect
Ph. (916) 324-7180
richard.conrad@dgs.ca.gov

Howard "Chip" Smith, Jr., Supervisor
Ph. (916) 322-4699
howard.smith@dgs.ca.gov

Division of the State Architect — Headquarters
1102 Q Street, Suite 5100
Sacramento, CA 95811
DSA Facsimile No: (916) 324-0207

**TITLE 24. BUILDING STANDARDS
COMMISSION**

**NOTICE OF PROPOSED ACTION TO
BUILDING STANDARDS OF THE DIVISION
OF THE STATE ARCHITECT (DSA-SS AND
DSA-SS/CC) REGARDING THE
CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 5
2013 CALIFORNIA PLUMBING CODE**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Division of the State Architect proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. The DSA-SS and DSA-SS/CC is proposing building standards related to the 2013 California Plumbing Code.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 24, 2012 until 5:00 p.m. on October 8, 2012. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Jim McGowan, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modification.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18928.

For DSA-SS the purpose of these building standards is to implement, interpret, and make specific the provisions of Education Code Sections 17280 through 17317, and 81130 through 81147 and Health and Safety Code Sections 16000-16023. DSA-SS is proposing this regulatory action based on Education Code Sections 17310 and 81142, and Health and Safety Code Section 16022.

For DSA-SS/CC the purpose of these building standards is to implement, interpret, and make specific the provisions of Education Code Sections 81052, 81053 and 81130 through 81147. DSA-SS/CC is proposing this regulatory action based on Education Code Section 81053.

INFORMATIVE DIGEST

Summary of Existing Laws

Section 16023 of the Health and Safety Code authorizes the State Architect to establish building standards

for the design, construction and inspection of plumbing systems for state-owned or state-leased essential services buildings. Sections 17310, 81142 and 81053 of the Education Code authorize the State Architect to establish building standards for the design, construction and inspection of plumbing systems for public elementary and secondary schools, and community colleges.

Summary of Existing Regulations

Existing building standards which prescribe requirements for the design, construction and inspection of plumbing systems for state-owned or state-leased essential services buildings, and public elementary schools, secondary schools and community colleges are promulgated by the Division of the State Architect. These regulations are contained in the California Plumbing Code (Part 5, Title 24).

Summary of Effect

The proposed action would update Part 5 of Title 24 by repealing the adoption of the 2009 edition Uniform Plumbing Code, and adopting the 2012 edition Uniform Plumbing Code (published by the International Association of Plumbing and Mechanical Officials) for effectiveness as the 2013 California Plumbing Code.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain building regulations in conformance with current state law, by adopting the most current edition of the model plumbing code.

Evaluation of consistency

There are no inconsistent or incompatible regulations proposed.

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

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

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Division of the State Architect has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **NO.**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO.**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO.**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO.**
- E. Cost or savings in federal funding to the state: **NO.**

INITIAL DETERMINATION OF SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The DSA has made an initial determination that the adoption/amendment/repeal of these regulations will not have a significant, statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

No facts, evidence, documents, testimony or other evidence has been relied upon to support the initial determination of no effect.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The proposed action does not require a report by any business or agency, so the Division of the State Architect has not made a finding of necessity for the public's health, safety or welfare.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The DSA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The DSA has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.

The DSA has determined that the proposed action has no effect.

- The creation of new businesses or the elimination of existing businesses within the State of California.

The DSA has determined that this proposal has no effect.

- The expansion of businesses currently doing business with the State of California.

The DSA has determined that the proposed action has no effect.

- The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

The DSA has determined that the proposal establishes minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, access to persons with disabilities, sanitation, adequate lighting and ventilation, and energy conservation; safety to life and property from fire and other hazards attributed to the built environment; and to provide safety to fire fighters and emergency responders during emergency operations.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The DSA has made an initial determination that this proposal would not have a significant effect on housing costs.

(The CBSC contact designated below will make the DSA-SS and DSA-SS/CC evaluation of the effect of the proposed regulatory action on housing costs available upon request.)

CONSIDERATION OF ALTERNATIVES

The DSA has determined that no reasonable alternative considered by DSA or that has otherwise been identified and brought to the attention of DSA would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file,

which is available for public review by contacting the person named below. This notice, the express terms, and initial statement of reasons can be accessed from the California Building Standards Commission website:

(<http://www.bsc.ca.gov>).

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

CBCS CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Russ Frank, Associate Architect
or backup person,
Michael L. Nearman, Deputy Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Richard Conrad, Principal Architect
Ph. (916) 324-7180
richard.conrad@dgs.ca.gov

Howard "Chip" Smith, Jr., Supervisor
Ph. (916) 322-4699
howard.smith@dgs.ca.gov

Division of the State Architect — Headquarters
1102 Q Street, Suite 5100
Sacramento, CA 95811
DSA Facsimile No: (916) 324-0207

GENERAL PUBLIC INTEREST

CALIFORNIA DEPARTMENT OF FISH AND GAME

**CALIFORNIA ENDANGERED SPECIES ACT
CONSISTENCY DETERMINATION NO.
2089-2012-001-01**

Project: Kerns Pond
Location: Shasta County
Applicant: Michael, Melanie, and Paul Kerns

Background

Michael, Melanie, and Paul Kerns (Applicant) propose to allow the California Department of Fish and Game, (DFG), the United States Fish and Wildlife Service, (Service) and qualified consultants to enhance habitat within a pond (Kerns Pond) on their property to provide a net conservation benefit for Shasta crayfish (*Pacifastacus fortis*). Kerns Pond is a 0.25 acre isolated pond with lava cobble substrate fed by an isolated spring, located in Cassel, Shasta County, California. Habitat enhancements will include placing boulders on clean substrate within the pond to serve as refuge for crayfish. Additionally, removal of some silt and decaying vegetation from the pond bottom may occur if additional Shasta crayfish habitat can be exposed or created. The aforementioned habitat improvements with the goal of creating permanent, year-round habitat for Shasta crayfish are hereafter referred to as the Project.

The current water use and management practices by the Applicant include: (1) maintenance or replacement of a water intake structure and associated pipeline, (2) maintenance work on a boat dock, (3) pond levee maintenance, (4) the drawing of a small amount of domestic water for a family residence, (5) occasional recreation such as row boating, and (6) entertaining friends and family on the adjacent deck. Because Shasta crayfish are currently absent from the Project area, these activities do not affect Shasta crayfish. However, once DFG or the Service translocates Shasta crayfish to Kerns Pond, these activities may affect the species.

The Project activities described above are expected to incidentally take¹ Shasta crayfish (where those activities take place within Kerns Pond). In particular, Shasta crayfish could be incidentally taken in the form of

¹ Pursuant to Fish and Game Code section 86, "'Take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." See also Environmental Protection Information Center v. California Department of Forestry and Fire Protection (2008) 44 Cal.4th 459, 507 (for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), "'take' . . . means to catch, capture or kill").

“catch” or “capture” as a result of handling Shasta crayfish while conducting maintenance activities associated with the water intake pipeline. Shasta crayfish is designated as an endangered species pursuant to both the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) (see Cal. Code Regs., tit. 14, § 670.5, subd. (a)(1)(B)).

The Project is expected to result in a net conservation benefit to the Shasta crayfish over the 30-year duration of the SHA by promoting Kerns Pond to serve as a refuge while giving assurances to the Applicant that no additional future regulatory restrictions will be imposed as a result of their conservation actions. Since this refuge will be free of non-native crayfish and fishes, DFG and the Service expect the population of Shasta crayfish to increase rapidly. Implementation of the Project will also result in an expected net conservation benefit of 0.25 acres of aquatic Shasta crayfish habitat over the 30-year duration of the SHA.

Because the Project, future land and water use, and management practices are expected to result in take of a species designated as endangered under the federal ESA, the Service issued a safe harbor agreement (SHA) (2089-2012-001-01) and a federal 10(a)(1)(A) enhancement of survival permit (Service file No. TE61021A-0) for the Project. The federal SHA describes the Project and requires the Applicant to comply with terms of the SHA and the federal 10(a)(1)(A) enhancement of survival permit, and sets forth measures to avoid and minimize impacts to Shasta crayfish.

On July 10, 2012, the Director of DFG received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 2089.22 that the federal SHA and its related federal 10(a)(1)(A) enhancement of survival permit are consistent with CESA with respect to the Project (Cal. Reg. Notice Register 2012, No. 29-Z, p. 968).

Determination

DFG has determined that the SHA, including the federal 10(a)(1)(A) enhancement of survival permit, is consistent with CESA as to the Project and the anticipated incidental take of Shasta crayfish because the conservation, avoidance and minimization measures contained in the SHA and its related federal 10(a)(1)(A) enhancement of survival permit meet the conditions set forth in Fish and Game Code section 2089.6 for authorizing incidental take of CESA-listed species. Specifically, DFG finds that: (1) take of Shasta crayfish will be incidental to an otherwise lawful activity; (2) implementation of the SHA is reasonably expected to provide a net conservation benefit to Shasta crayfish; (3) the

Project will not jeopardize the continued existence of Shasta crayfish; (4) the Applicant has agreed, to the maximum extent practicable, to avoid or minimize any incidental take authorized by the SHA, including returning to baseline conditions; (5) DFG has established or approved a monitoring program; (6) DFG has determined that sufficient funding is ensured to complete baseline surveys on the property and that there is sufficient funding to carry out management actions and for monitoring for the duration of the SHA; and (7) implementation of the SHA is not in conflict with a DFG-approved conservation or recovery program for Shasta crayfish.

Avoidance and Minimization Measures

The avoidance and minimization measures in the SHA include, but are not limited to, the following:

- Applicant shall notify the Service and DFG of necessary maintenance work in or near the Shasta crayfish habitat near the spring-inflow on the south side of the pond.
- Applicant shall minimize in-water work in or near the Shasta crayfish habitat (i.e., unsilted lava substrate) near the spring-inflow on the south side of the pond.
- Applicant will utilize Shasta crayfish experts, such as Spring Rivers Ecological Sciences LLC (Spring Rivers) or another qualified entity approved by the Service and DFG, to avoid impacts to Shasta crayfish habitat by having divers conduct the necessary in-water maintenance work on the domestic water intake structure and associated pipeline.
- Applicant shall consult with the Service, DFG, and Spring Rivers to determine if additional avoidance measures are necessary for routine levee maintenance and boat dock and deck maintenance.

Monitoring and Reporting Measures

The Applicant and Spring Rivers have entered into an agreement, by memorandum of understanding, in which Spring Rivers will assume the responsibilities of base-line data collection, annual monitoring, and reporting.

- Spring Rivers possesses a federal recovery permit and state scientific collecting permit to work with Shasta crayfish and is currently responsible for monitoring all extant populations of Shasta crayfish.
- Spring Rivers conducted baseline habitat surveys at Kerns Pond in February 2011.
- Spring Rivers will conduct annual surveys to monitor the Shasta crayfish population.

- Pacific Gas and Electric will fund annual monitoring as part of the Shasta crayfish monitoring plans developed for two Federal Energy Regulatory Commission licenses: Pit 1 Hydroelectric Project and Hat Creek Hydroelectric Project.
- The SHA requires Spring Rivers to provide annual reports to the Service by May 31st of each year that the federal 10(a)(1)(A) enhancement of survival permit and SHA area in effect. Although not a condition of the federal SHA, DFG requests a copy of the annual monitoring reports.

Funding Assurances

As documented in the federal SHA, the Service, DFG, and Spring Rivers will bear the expense of habitat enhancement and translocations; therefore, the Applicant is not required to provide funding.

Incidental Take Authorization

Pursuant to Fish and Game Code section 2089.22, if a federal SHA is approved pursuant to applicable provisions of federal law and that SHA includes species that are both federal and state listed, no further approval under the state SHA Program (Fish & G. Code, § 2089.2 et seq.) is required for incidental take of those species, provided the Applicant implements the Project and future land and water use and management practices as described in the approved federal SHA. Additionally, Applicant must adhere to all measures contained in the approved federal SHA, and comply with other conditions described in the federal 10(a)(1)(A) enhancement of survival permit.

If there are any substantive changes to the federal SHA or if the Service amends or replaces the federal 10(a)(1)(A) enhancement of survival permit, the Applicant shall be required to obtain a new consistency determination from DFG (see generally Fish & G. Code, §§ 2081.1, 2081, subs. (b) and (c)).

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

SAFER CONSUMER PRODUCTS
Department Reference Number: R-2011-02
Office of Administrative Law
Notice File Number: Z-2012-0717-04

NOTICE IS HEREBY GIVEN that the Department of Toxic Substances Control (DTSC) is extending the 45-day public comment period for the above-referenced rulemaking, which was published in the California Regulatory Notice Register (Z-2012-0717-04) on July 27, 2012.

In response to numerous requests to extend the comment period due to the length and complexity of this rulemaking, the public comment period will now close at 5 p.m. on **October 11, 2012**.

The public hearing will proceed as initially scheduled on **September 10, 2012**. Please direct any inquiries concerning this notice to:

Krysia Von Burg
 Regulations Coordinator
 Department of Toxic Substances Control
 P.O. Box 806
 Sacramento, CA 95812-0806
 Tel: (916) 324-2810
 Fax: (916) 324-1808
 Email: gcregs@dtsc.ca.gov

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

NOTICE OF AUGMENTATION AND CLARIFICATION OF RECORD FOR PROPOSED REGULATION

TITLE 27. CALIFORNIA CODE OF REGULATIONS, SECTION 25805

SPECIFIC REGULATORY LEVELS: CHEMICALS CAUSING REPRODUCTIVE TOXICITY CHLOROFORM

AUGUST 24, 2012

The Office of Environmental Health Hazard Assessment (OEHHA) is augmenting the administrative record for the proposed regulation to establish a Maximum Allowable Dose Level (MADL) for chloroform (Title 27, California Code of Regulations, section 25805). The augmentation consists of scientific papers and their references. As required by Government Code section 11346.8(c), and Title 1, Section 44 of the California Code of Regulations, OEHHA is giving notice of this augmentation. The proposed regulatory action is being taken pursuant to OEHHA's authority under Proposition 65.¹

The Notice of Proposed Rulemaking for the proposed chloroform MADL was published on May 18, 2012, in the California Regulatory Notice Register (Register 2012, No. 20-Z), which initiated a public comment period. Written comments from the public were received

¹The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.5 *et seq.*

during the comment period, which ended July 2, 2012. The comments note that the Initial Statement of Reasons for the proposed regulation stated OEHHA had identified six animal studies of exposure to chloroform in animals, but provided a reference for only the study that formed the basis for the MADL. Accordingly, OEHHA is augmenting the record to include the references for and copies of the following five studies:

- Baeder C, Hoffman T (1988). Initial submission: inhalation embryotoxicity study of chloroform in Wistar rats (final report) with attachment and cover letter dated 2/21/92. Pharma Res Toxicol Pathol Conducted for Occidental Chem Corp. U.S. EPA/OTS Public Files, Document Number: 88-920001208.
- Dilley JV, Chernoff N, Kay D, Winslow N, Newell GW (1977). Inhalation teratology studies of five chemicals in rats. Toxicol Appl Pharmacol 41:196.
- Ruddick JA, Villeneuve DC, Chu I, Valli VE (1983). A teratological assessment of four trihalomethanes in the rat. J Environ Sci Health B 18(3):333-49.
- Schwetz BA, Leong BK, Gehring PJ (1974). Embryo- and fetotoxicity of inhaled chloroform in rats. Toxicol Appl Pharmacol 28(3):442-51.
- Thompson DJ, Warner SD, Robinson VB (1974). Teratology studies on orally administered chloroform in the rat and rabbit. Toxicol Appl Pharmacol 29(3):348-357.

To clarify the record, the Initial Statement of Reasons for the proposed chloroform MADL incorrectly stated that there were six animal studies by the inhalation route of exposure. The study by Thompson et al. (1974) identified above was by the oral route of exposure.

OEHHA will accept written comments on these amendments to the proposed regulation between August 24, and September 10, 2012. All written comments must be submitted to OEHHA no later than 5:00 p.m. on **September 10, 2012**.

The public is encouraged to submit written information via e-mail, rather than in paper form. Send e-mail comments to P65Public.Comments@oehha.ca.gov. Please include "CHLOROFORM MADL" in the subject line. Hard-copy comments may be mailed, faxed, or delivered to:

Mailing Address: Ms. Monet Vela
Office of Environmental Health Hazard Assessment
P.O. Box 4010, MS-23B
Sacramento, California 95812-4010
Fax: (916) 323-2610
Street Address: 1001 I Street
Sacramento, California 95814

Please direct inquiries concerning the proposed regulatory action described in this notice to Monet Vela, monet.vela@oehha.ca.gov or by calling (916) 323-2517. Susan Luong is a back-up contact person for inquiries concerning processing of this action and is available at: susan.luong@oehha.ca.gov or by telephone at (916) 327-3015.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2012-0808-01
BOARD OF GOVERNORS, CALIFORNIA
COMMUNITY COLLEGES
Instructional Materials

These regulations concern Title 5 Instructional Materials. The regulations are exempt from the Administrative Procedure Act pursuant to Education Code section 70901.5(b). The regulations were filed with the Secretary of State on August 8, 2012 and are being submitted to OAL for printing in the California Code of Regulations only.

Title 5
California Code of Regulations
AMEND: 59400, 59402, 59404, 59406, 59408
Filed 08/08/2012
Effective 09/07/2012
Agency Contact: Steven Bruckman (916) 445-9328

File# 2012-0702-01
CALIFORNIA COASTAL COMMISSION
Filing Fees for Processing Permit Applications and Other Filings

The California Coastal Commission submitted this action as one without regulatory effect pursuant to title 1, California Code of Regulations, section 100. The action amends the fees for permit applications and other filings set forth in title 14, California Code of Regulations, section 13055 pursuant to subdivision (c) of that section. Section 13055(c) allows the Commission to annually adjust the section 13055 fees based on in-

creases in the California Consumer Price Index for Urban Consumers, as determined by the Department of Industrial Relations pursuant to Revenue and Taxation Code Section 2212. The Commission has not amended the section 13055 fees since March, 2008. The increase in the California Consumer Price Index since that time is 6.1%. This action applies the 6.1% increase to the all fees set forth in section 13055.

Title 14
California Code of Regulations
AMEND: 13055
Filed 08/14/2012
Agency Contact: Susan Hansch (415) 904-5202

File# 2012-0801-02
CALIFORNIA STATE UNIVERSITY
Baccalaureate Nursing Degree Programs Articulation and Transfer

The Board of Trustees of the California State Universities is adopting a regulation to require articulation agreements with community college districts from which a significant number of nursing students transfer to the CSU. This matter is exempt from OAL review pursuant to Education Code section 89030.1.

Title 5
California Code of Regulations
ADOPT: 40541
Filed 08/09/2012
Effective 08/09/2012
Agency Contact: Jason T. Taylor (562) 951-4500

File# 2012-0801-04
CALIFORNIA STATE UNIVERSITY
Required Residence

The Board of Trustees of the California State Universities is amending a regulation concerning the number of units required to be earned in residence. This matter is exempt from OAL review pursuant to Education Code section 89030.1.

Title 5
California Code of Regulations
AMEND: 40403
Filed 08/09/2012
Effective 08/09/2012
Agency Contact: Jason T. Taylor (562) 951-4500

File# 2012-0801-01
CALIFORNIA STATE UNIVERSITY
Systemwide Prerequisites for Nursing Degree Program

The Board of Trustees of the California State Universities is adopting a regulation to require a standardized list of nursing program prerequisites for the campuses of the California State University. This matter is exempt

from OAL review pursuant to Education Code section 89030.1.

Title 5
California Code of Regulations
ADOPT: 40540
Filed 08/09/2012
Effective 08/09/2012
Agency Contact: Jason T. Taylor (562) 951-4500

File# 2012-0801-03
CALIFORNIA STATE UNIVERSITY
Bachelor of Arts Degree Requirements

The Board of Trustees of the California State Universities is amending a regulation concerning the number of units required for a Bachelor of Arts Degree and repealing a provision concerning the number of units for a Minor. This matter is exempt from OAL review pursuant to Education Code section 89030.1.

Title 5
California Code of Regulations
AMEND: 40500
Filed 08/09/2012
Effective 08/09/2012
Agency Contact: Jason T. Taylor (562) 951-4500

File# 2012-0801-05
CALIFORNIA STATE UNIVERSITY
Special Session Credit

The Board of Trustees of the California State Universities is amending a regulation concerning special session course units and how many may be earned and applied toward a degree. This matter is exempt from OAL review pursuant to Education Code section 89030.1.

Title 5
California Code of Regulations
AMEND: 40407.1
Filed 08/09/2012
Effective 08/09/2012
Agency Contact: Jason T. Taylor (562) 951-4500

File# 2012-0806-01
DEPARTMENT OF DEVELOPMENTAL SERVICES
Regional Center Conflict of Interest Standards and Procedures

The Department of Developmental Services filed emergency rulemaking action to make substantial amendments to title 17 conflict-of-interest regulations applicable to regional centers that provide services to the public under the Lanterman Developmental Disabilities Services Act. The regulations establish criteria that constitute conflicts of interest and standard reporting and monitoring requirements that pertain to regional center board members, employees, and others acting on behalf of a regional center, as specified, that have de-

cisionmaking or policymaking authority or authority to obligate a regional center’s resources. The action implements recent changes in the Welfare and Institutions Code made in S.B. 74 (Stats. 2011, ch. 9).

Title 17
 California Code of Regulations
 ADOPT: 54521, 54522, 54523, 54524, 54525, 54526, 54527, 54528, 54529, 54530, 54531, 54532, 54533, 54534, 54535 AMEND: 54500, 54505, 54520 REPEAL: 54521, 54522, 54523, 54524, 54525
 Filed 08/15/2012
 Effective 08/15/2012
 Agency Contact: Brian Winfield (916) 654-1569

File# 2012-0711-05
 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
 State Community Development Block Grant Program

The Department of Housing and Community Development (DHCD) adopted, amended, and repealed regulations in title 25 of the California Code of Regulations to simplify the operation of the State Community Development Grant Program.

Title 25
 California Code of Regulations
 ADOPT: 7097 AMEND: 7054, 7056, 7058, 7060, 7062, 7062.1, 7072, 7076, 7078, 7104 REPEAL: 7064, 7066, 7074, 7078.1, 7078.2, 7078.3, 7078.4, 7078.5, 7078.6, 7078.7
 Filed 08/13/2012
 Effective 08/13/2012
 Agency Contact: Lenora Frazier (916) 323-4475

File# 2012-0716-02
 EDUCATION AUDIT APPEALS PANEL
 Supplement to Audits of K-12 LEAs — FY 2011-12

This is a certificate of compliance for emergency action 2012-0130-01E which made the annual revisions to the audit guide pursuant to Education Code section 14502.1. Section 14502.1(b) authorizes the use of the emergency process to adopt the guide before March 1 of each year. This enables accounting firms to prepare training materials and provide training to their field auditors prior to the commencement of auditing. The revisions include authorized reductions in the required number of instructional days and expanded pertussis immunization requirements.

The State Controller in consultation with Department of Finance makes an annual proposal of the auditing guide for the annual financial and compliance audits of school districts, county office of education and other local educational agencies serving K-12. The Controller

submits the guide to EAAP for review and potential amendment. The EAAP must then adopt the guide pursuant to the APA.

Title 5
 California Code of Regulations
 ADOPT: 19824.1, 19841, 19851.1, 19854.1
 AMEND: 19816, 19816.1, 19824, 19850, 19851, 19854
 Filed 08/08/2012
 Agency Contact: Carolyn Pirillo (916) 445-7745

File# 2012-0711-03
 EMERGENCY MEDICAL SERVICES AUTHORITY
 Advanced Emergency Medical Technician

The Emergency Medical Services Authority amended ten title 22 regulations pertaining to advanced emergency medical technicians (AEMTs). The amendments change the certifying examination for AEMTs to the National Registry of Emergency Medical Technicians Advanced EMT written and skills examination, and change the scope of practice, training requirements, and training standards for AEMTs to bring them into conformance with national standards.

Title 22
 California Code of Regulations
 AMEND: 100104, 100106, 100106.1, 100113, 100115, 100119, 100120, 100121, 100123, 100127
 Filed 08/13/2012
 Effective 09/12/2012
 Agency Contact: Adam Morrill (916) 322-4336

File# 2012-0720-04
 STATE FAIR LEASING AUTHORITY
 Conflict-of-Interest Code

This is a Conflict of Interest Code filing that has been approved by FPPC and is being submitted for filing with the Secretary of State and printing only.

Title 2
 California Code of Regulations
 ADOPT: 59720
 Filed 08/13/2012
 Effective 09/12/2012
 Agency Contact:
 Norbert J. Bartosik (916) 263-3061

File# 2012-0626-01
 STATE WATER RESOURCES CONTROL BOARD
 Colorado River Basin Revision Bacterial Indicator — Coachella Valley Storm Water Channel BPA

The Colorado River Basin Regional Water Quality Control Board adopted Resolution R7-2010-0027 and Appendix I on May 20, 2010, amending the Water Quality Control Plan (Basin Plan) for Colorado River

Basin Region to revise indicator bacteria for a 17-mile reach of the Coachella Valley Storm Water Channel. The Basin Plan Amendment adopted by the Colorado River Basin Water Board removes two of the three bacterial indicators for pathogens for the subject reach of the Coachella Valley Storm Water Channel in accordance with 1986 U.S. Environmental Protection Agency water quality criteria guidelines and recommendations, leaving E. coli as the sole indicator. The State Water Resources Control Board approved the adoption of the amendments on December 6, 2011 (Resolution No. 2011-0060).

This rulemaking is a water quality plan amendment subject to the special and limited APA provisions of Government Code section 11353.

Title 23

California Code of Regulations

ADOPT: 3969.2

Filed 08/08/2012

Agency Contact:

Thomas Vandenberg (916) 341-5195

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN March 21, 2012 TO
August 15, 2012**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

- 08/13/12 ADOPT: 59720
- 08/07/12 AMEND: 18640
- 07/16/12 AMEND: 18215.3
- 07/09/12 ADOPT: 22620.1, 22620.2, 22620.3, 22620.4, 22620.5, 22620.6, 22620.7, 22620.8
- 06/28/12 AMEND: 649.32
- 06/19/12 AMEND: 56800
- 06/04/12 ADOPT: 18313.6
- 05/29/12 AMEND: 20811(c)
- 05/15/12 AMEND: 1859.2
- 05/10/12 AMEND: 1859.2, 1859.82
- 05/08/12 ADOPT: 559.1
- 04/30/12 ADOPT: 565.5 AMEND: 565.1, 565.2, 565.3
- 04/26/12 AMEND: 554.4

- 04/23/12 AMEND: 18705.5
- 04/23/12 AMEND: 554.3
- 04/19/12 ADOPT: 18412 AMEND: 18215, 18413
- 04/10/12 ADOPT: 18215.3
- 04/09/12 ADOPT: 59710
- 03/26/12 AMEND: 1859.2, 1859.71.4, 1859.78.1, 1859.79.2, 1859.82, 1859.83, 1859.106, 1859.125, 1859.125.1, 1859.145, 1859.163.1, 1859.163.5, 1859.193

Title 3

- 08/06/12 AMEND: 3435(b)
- 06/19/12 ADOPT: 6970, 6972 AMEND: 6000
- 05/17/12 AMEND: 4603(i)
- 05/01/12 AMEND: 3423(b)
- 04/16/12 AMEND: 3591.19
- 04/16/12 AMEND: 3439
- 04/12/12 AMEND: 3591.21(b)
- 04/12/12 ADOPT: 3435(c)
- 04/12/12 AMEND: 3434(b)&(c)
- 04/03/12 ADOPT: 3639
- 04/03/12 ADOPT: 3439
- 04/02/12 AMEND: 480.9, 498, 499, 499.5, 500, 501, 576.1, 623, 755.2, 756.2, 760.2, 790, 790.2, 791, 791.1, 796.2, 797, 799, 820.1, 821.2, 900, 900.1, 900.2, 901.3, 901.8, 901.9, 901.11, 902, 902.15, 907.3, 909.3, 910.4, 910.7, 913, 913.1, 1180, 1180.11, 1200, 1204, 1205, 1210, 1235, 1242, 1246, 1246.14, 1247, 1256, 1266, 1268, 1269, 1271, 1300.1, 1310.1

Title 4

- 08/01/12 ADOPT: 5255, 5256 AMEND: 5170, 5230, 5250, 5560, 5580
- 08/01/12 AMEND: 5000, 5052
- 07/26/12 AMEND: 8070
- 07/26/12 AMEND: 12101, 12202, 12205.1, 12218, 12218.7, 12218.8, 12222, 12225.1, 12233, 12235, 12238, 12309, 12335, 12342, 12350, 12352, 12354
- 07/23/12 AMEND: 8035
- 07/16/12 AMEND: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057
- 06/25/12 AMEND: 8070, 8071, 8072, 8078, 8078.2
- 06/25/12 AMEND: 1663
- 06/06/12 AMEND: 1843.3
- 06/01/12 ADOPT: 5205 AMEND: 5000, 5054, 5144, 5170, 5190, 5200, 5230, 5350, 5370 REPEAL: 5133
- 05/15/12 REPEAL: 61.3
- 05/04/12 ADOPT: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060
- 04/30/12 ADOPT: 511 AMEND: 399

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04/26/12 AMEND: 2066
04/19/12 ADOPT: 10192, 10193, 10194, 10195,
10196, 10197, 10198, 10199
04/17/12 AMEND: 53
04/12/12 AMEND: 10317, 10325
04/11/12 AMEND: 10302, 10310, 10315, 10317,
10322, 10325, 10327, 10328
04/04/12 AMEND: 5000, 5170, 5200, 5230, 5370,
5500, 5540
03/29/12 AMEND: 12008, 12335, 12342, 12345,
12357, 12359
03/21/12 AMEND: 12200, 12200.9, 12200.10A,
12200.11, 12200.13, 12220, 12220.13,
12342, 12464

Title 5

08/09/12 AMEND: 40403
08/09/12 AMEND: 59400, 59402, 59404, 59406,
59408
08/09/12 AMEND: 40500
08/09/12 ADOPT: 40541
08/09/12 AMEND: 40407.1
08/08/12 ADOPT: 40540
08/08/12 ADOPT: 19824.1, 19841, 19851.1,
19854.1 AMEND: 19816, 19816.1,
19824, 19850, 19851, 19854
07/31/12 AMEND: 19816, 19816.1, 19845.2
06/12/12 ADOPT: 18004 AMEND: 18000, 18001,
18002, 18003
05/29/12 AMEND: 42600
04/25/12 AMEND: 80028, 80301, 80442
04/20/12 AMEND: 18013, 18054, 18111
REPEAL: 18006, 18200, 18201, 18202,
18203, 18205, 18206, 18207
04/11/12 AMEND: 19816, 19816.1, 19845.2
04/02/12 ADOPT: 27000, 27001, 27002, 27003,
27004, 27005, 27006, 27007, 27008,
27009
04/02/12 ADOPT: 1039.2, 1039.3
03/26/12 AMEND: 1216.1
03/26/12 ADOPT: 620, 621, 622, 623, 624, 625,
626, 627

Title 7

07/03/12 AMEND: 219

Title 8

08/07/12 ADOPT: 3558 AMEND: 3207, 4184
07/30/12 ADOPT: 32802, 32804 AMEND: 32380,
32603, 32604
05/21/12 ADOPT: 10582.5, 10770.1 AMEND:
10770
05/07/12 AMEND: 477
05/07/12 AMEND: 2340.22
05/02/12 AMEND: 20363, 20365, 20393, 20400,
20402
05/01/12 AMEND: 1533, 1541, 8403

Title 9

07/27/12 AMEND: 7141.5, 7143, 7227, 7350,
7351, 7353.6, 7354, 7355, 7356, 7357,
7358, 7400
03/22/12 AMEND: 9795, 9800, 9801.5, 9801.6,
9804, 9812, 9816, 9820, 9822, 9829,
9836, 9838, 9846, 9848, 9849, 9851,
9852, 9854, 9858, 9862, 9866, 9867,
9868, 9874, 9876, 9876.5, 9878, 9879,
9884, 9886

Title 10

08/03/12 ADOPT: 2561.1, 2561.2
07/19/12 AMEND: 2698.302
07/19/12 AMEND: 2699.301
07/19/12 AMEND: 5501, 5506
05/31/12 AMEND: 2318.6, 2353.1, 2354
05/09/12 AMEND: 2698.208
04/23/12 AMEND: 2355.1, 2355.2
04/10/12 AMEND: 260.204.9
04/09/12 ADOPT: 6400

Title 11

07/31/12 AMEND: 999.16, 999.17, 999.19,
999.22
06/26/12 AMEND: 1005, 1007, 1008
06/21/12 AMEND: 1005, 1007
05/09/12 ADOPT: 1019 REPEAL: 9020
05/07/12 ADOPT: 999.24, 999.25, 999.26, 999.27,
999.28, 999.29 AMEND: 999.10,
999.11, 999.14, 999.16, 999.17, 999.19,
999.20, 999.21, 999.22
04/03/12 AMEND: 1001, 1005, 1007, 1008, 1052,
1055

Title 12

06/04/12 AMEND: 506

Title 13

08/07/12 ADOPT: 1962.2 AMEND: 1962.1,
1962.2 (renumbered to 1962.3)
08/07/12 ADOPT: 1961.2, 1961.3 AMEND: 1900,
1956.8, 1960.1, 1961, 1961.1, 1965,
1968.2, 1968.5, 1976, 1978, 2037, 2038,
2062, 2112, 2139, 2140, 2145, 2147,
2235, 2317
08/02/12 ADOPT: 426.00
07/30/12 AMEND: 1268, 1270.3
07/12/12 ADOPT: 345.58, 345.73 AMEND:
345.50, 345.52, 345.56, 345.74, 345.78,
345.86, 345.88, 345.90 REPEAL:
345.54, 345.58, 345.60
06/29/12 AMEND: 225.00, 225.03, 225.09,
225.12, 225.15, 225.18, 225.21, 225.24,
225.35, 225.36, 225.38, 225.42, 225.45,
225.54, 225.60, 225.63, 225.66, 225.69,
225.72 REPEAL: 225.06

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04/19/12	ADOPT: 345.31, 345.32, 345.42 AMEND: 345.02, 345.04, 345.05, 345.06, 345.07, 345.11, 345.13, 345.15, 345.16, 345.18, 345.20, 345.22, 345.23, 345.24, 345.27, 345.28, 345.29, 345.30, 345.34, 345.36(renumbered to 345.33), 345.38 (renumbered to 345.35), 345.39 (renumbered to 345.36), 345.40, 345.41 REPEAL: 345.17, 345.21, 345.25, 345.26	04/03/12	ADOPT: 791.6 AMEND: 791.7, 795, 796
04/10/12	ADOPT: 553.30 AMEND: 553, 553.10, 553.20, 553.50, 553.70, 553.72	03/28/12	AMEND: 11900, 11945
Title 14		03/26/12	AMEND: 11960
08/14/12	AMEND: 13055	03/22/12	AMEND: 27.80
08/02/12	ADOPT: 2231, 2301 AMEND: 2000, 2200, 2230, 2235, 2240, 2245, 2300, 2305, 2310, 2320	Title 15	
07/26/12	AMEND: 18836	07/02/12	ADOPT: 3999.12
07/12/12	AMEND: 790, 851.20, 851.21, 851.22, 851.25, 851.26, 851.27, 851.27.1, 851.28, 851.29, 851.30, 851.31, 851.32	06/26/12	ADOPT: 1712.1, 1714.1, 1730.1, 1740.1, 1748.5 AMEND: 1700, 1706, 1712, 1714, 1730, 1731, 1740, 1747, 1747.1, 1747.5, 1748, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788 REPEAL: 1757
07/09/12	ADOPT: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5, 1665.6, 1665.7, 1665.8	06/26/12	ADOPT: 3079, 3079.1 AMEND: 3000, 3075.2, 3075.3
07/02/12	ADOPT: 602	06/26/12	AMEND: 3000, 3076.1, 3076.3, 3375, 3375.1, 3375.2, 3375.3, 3375.4, 3375.5, 3377.2, 3521.2
06/28/12	ADOPT: 17944.1, 17945.1, 17945.4, 17946, 17946.5, 17948.1, 17948.2 AMEND: 17943, 17944, 17946(a)-(h) renumber as 17945.2, 17946(i) renumber as 17945.3, 17946.5 renumber as 17945.5, 17947, 17948, 17948.5, 17949 REPEAL: 17942, 17944.2, 17944.5, 17945	06/06/12	AMEND: 3000, 3006, 3170.1, 3172.1, 3173.2, 3315, 3323
06/25/12	AMEND: 791.7	05/10/12	ADOPT: 3375.6 AMEND: 3000, 3375
06/06/12	ADOPT: 18950, 18951, 18952, 18953, 18954, 18955, 18955.1, 18955.2, 18955.3, 18956, 18957, 18958	04/11/12	AMEND: 3187, 3188
06/01/12	REPEAL: 660	04/09/12	AMEND: 3172.2
05/30/12	AMEND: 11960	04/05/12	AMEND: 3341.5, 3375.2, 3377.1
05/29/12	AMEND: 360, 361, 362, 363, 364, 365, 708.12	04/02/12	ADOPT: 3571, 3582, 3590, 3590.1, 3590.2, 3590.3 AMEND: 3000
05/21/12	AMEND: 703	03/28/12	ADOPT: 3352.3 AMEND: 3350.1, 3352, 3352.1, 3352.2, 3354, 3354.2, 3355.1, 3358
05/21/12	AMEND: 7.50	Title 16	
05/21/12	AMEND: 705	07/23/12	ADOPT: 1397.2 AMEND: 1380.4
05/17/12	AMEND: 7.50	07/17/12	ADOPT: 1399.23, 1399.24 AMEND: 1398.4
05/07/12	ADOPT: 18835, 18836, 18837, 18838, 18839	07/10/12	ADOPT: 3394.25, 3394.26, 3394.27
05/01/12	AMEND: 27.80	06/18/12	ADOPT: 1727.2 AMEND: 1728
05/01/12	ADOPT: 4870, 4871, 4872, 4873, 4874, 4875, 4876, 4877	06/18/12	AMEND: 443
05/01/12	AMEND: 791.7, 870.17	06/14/12	ADOPT: 302.5
04/30/12	AMEND: 632	05/25/12	ADOPT: 1399.364, 1399.375, 1399.377, 1399.381, 1399.384 AMEND: 1399.301, 1399.302, 1399.303, 1399.320, 1399.330, 1399.352.7, 1399.353, 1399.360, 1399.370, 1399.374, 1399.376 (renumbered to 1399.382), 1399.380, 1399.382 (renumbered to 1399.383), 1399.383 (renumbered to 1399.385), 1399.384 (renumbered to 1399.378), 1399.385 (renumbered to 1399.379), 1399.395 REPEAL: 1399.340, 1399.381, 1399.387, 1399.388, 1399.389, 1399.390, 1399.391
04/27/12	AMEND: 228, 228.5	05/17/12	ADOPT: 4544, 4600, 4602, 4604, 4606, 4608, 4610, 4620, 4622 AMEND: 4422, 4440, 4446, 4470
04/05/12	AMEND: 28.29, 52.10, 150.16	05/14/12	AMEND: 932

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05/04/12 ADOPT: 2509, 2518.8, 2524.1, 2568, 2576.8, 2579.11 AMEND: 2503, 2524.1 (renumber to 2524.5), 2563, 2579.11 (renumber to 2579.20)

04/27/12 AMEND: 407, 428

04/26/12 AMEND: 3605

04/23/12 AMEND: 3005

04/16/12 ADOPT: 2295, 2295.1, 2295.2, 2295.3 AMEND: 2252, 2275, 2284

03/30/12 AMEND: 3340.43, 3394.3, 3394.4, 3394.5, 3394.6, 3394.7

03/29/12 AMEND: 109, 116, 117, 121

Title 17

08/15/12 ADOPT: 54521, 54522, 54523, 54524, 54525, 54526, 54527, 54528, 54529, 54530, 54531, 54532, 54533, 54534, 54535 AMEND: 54500, 54505, 54520 REPEAL: 54521, 54522, 54523, 54524, 54525

07/26/12 AMEND: 94006

06/15/12 AMEND: 6508

04/18/12 AMEND: 100607, 100608

03/28/12 AMEND: 100080

Title 18

08/07/12 AMEND: 1618

07/27/12 AMEND: 1684

07/10/12 AMEND: 1205, 1212, 1271

07/10/12 AMEND: 1105, 1120, 1132, 1161

07/10/12 AMEND: 1435, 1436

07/10/12 AMEND: 25128.5

07/03/12 AMEND: 3301

07/03/12 AMEND: 263

05/01/12 AMEND: 1685.5

03/26/12 ADOPT: 25137-8.2 AMEND: 25137-8 (re-numbered to 25137-8.1)

Title 22

08/13/12 AMEND: 100104, 100106, 100106.1, 100113, 100115, 100119, 100120, 100121, 100123, 100127

07/12/12 AMEND: 66263.18, 66263.41, 66263.43, 66263.44, 66263.45, 66263.46

07/12/12 AMEND: 66268.40, 66268.48

07/09/12 AMEND: 4416

07/03/12 AMEND: 51516.1

06/28/12 AMEND: 91477

06/21/12 AMEND: 50195, 50197, 50256, 50258, 50258.1, 50262, 50268, 50815, 51000.53

06/12/12 AMEND: 66261.32

05/24/12 AMEND: 90417

05/22/12 ADOPT: 60098, 64400.05, 64400.29, 64400.36, 64400.41, 64400.66,

64400.90, 64402.30, 64400.46 AMEND: 60001, 60003, 63790, 63835, 64001, 64211, 64212, 64213, 64252, 64254, 64256, 64257, 64258, 64259, 64400.45, 64415, 64463.1, 64463.4, 64470, 64481, 64530, 64531, 64533, 64534, 64534.2, 64534.4, 64534.6, 64534.8, 64535, 64535.2, 64535.4, 64536.6, 64537, 64537.2 REPEAL: 60430, 64002, 64439, 64468.5

05/17/12 AMEND: 51240, 51305, 51476

05/04/12 AMEND: 123000

04/11/12 AMEND: 97174

Title 23

08/08/12 ADOPT: 3969.2

07/30/12 ADOPT: 2923

07/11/12 ADOPT: 597, 597.1, 597.2, 597.3, 597.4

07/05/12 AMEND: 570, 571, 572, 573, 574, 575, 576

04/23/12 ADOPT: 3979.4

04/10/12 AMEND: 2631

04/09/12 ADOPT: 3969.1

04/05/12 AMEND: 645

03/21/12 ADOPT: 3969

03/21/12 ADOPT: 3939.41

03/21/12 ADOPT: 3939.44

Title 25

08/13/12 ADOPT: 7097 AMEND: 7054, 7056, 7058, 7060, 7062, 7062.1, 7072, 7076, 7078, 7104 REPEAL: 7064, 7066, 7074, 7078.1, 7078.2, 7078.3, 7078.4, 7078.5, 7078.6, 7078.7

06/07/12 ADOPT: 4326, 4328 AMEND: 4004, 4200, 4204, 4208

Title 27

07/12/12 AMEND: 25305, 25701, 25705, 25801

06/18/12 AMEND: 25705

03/26/12 AMEND: 25705

Title MPP

06/25/12 AMEND: 40-105.4(g)(1), 44-111.23, 44-113.2, 44-133.54(QR), 44-315.39(QR), 89-201.513

06/25/12 AMEND: 41-440, 42-716, 42-717, 44-207

06/25/12 AMEND: 40-107, 42-301, 42-302, 42-431, 42-712, 42-713, 42-716, 42-717, 42-721, 44-133, 44-307, 44-316, 82-833

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