



# California Regulatory Notice Register

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AUGUST 31, 2012

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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**

**AMENDMENT**

STATE: Office of the State Treasurer  
 MULTI-COUNTY: Southern California Regional Rail Authority  
 California Transit Systems Joint Powers Insurance Authority  
 Hanford Joint Union High School District  
 Napa Vallejo Waste Management Authority

A written comment period has been established commencing on August 31, 2012, and closing on October 15, 2012. Written comments should be directed to the Fair Political Practices Commission, Attention Adrienne Tackley, 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 15, 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 8. OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

**NOTICE OF PUBLIC MEETING/PUBLIC  
HEARING/BUSINESS MEETING OF THE  
OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD**

**AND NOTICE OF PROPOSED CHANGES TO  
TITLE 8 OF THE CALIFORNIA CODE OF  
REGULATIONS**

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

**PUBLIC MEETING:** On **October 18, 2012**,  
at 10:00 a.m.  
in the Council Chambers of  
the Burbank City Hall,  
275 East Olive Avenue,  
Burbank, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

**PUBLIC HEARING:** On **October 18, 2012**,  
following the Public  
Meeting,  
in the Council Chambers of  
the Burbank City Hall,  
275 East Olive Avenue,  
Burbank, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupa-

tional safety and health standards in Title 8 of the California Code of Regulations.

**BUSINESS MEETING:** On **October 18, 2012**,  
following the Public  
Hearing,  
in the Council Chambers of  
the Burbank City Hall,  
275 East Olive Avenue,  
Burbank, California.

At the Business Meeting, the Board will conduct its monthly business.

**DISABILITY ACCOMMODATION NOTICE:**  
Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

**NOTICE OF PROPOSED CHANGES TO TITLE 8  
OF THE CALIFORNIA CODE OF REGULATIONS  
BY THE OCCUPATIONAL SAFETY AND  
HEALTH STANDARDS BOARD**

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **October 18, 2012**.

1. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**  
 Division 1, Chapter 4, Subchapter 7  
 Article 2, Section 3210 and Article 35, Section 3900  
**Elevated Locations — Guardrail Exception for Portable Amusement Rides**

Descriptions of the proposed changes are as follows:

1. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**  
 Division 1, Chapter 4, Subchapter 7  
 Article 2, Section 3210 and Article 35, Section 3900  
**Elevated Locations — Guardrail Exception for Portable Amusement Rides**

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The Occupational Safety and Health Standards Board (Board) initiates this rulemaking to amend Section 3210(b) of the General Industry Safety Orders (GISO) by adding a new exception (No. 10). Section 3210(b) requires the installation of guardrails, some with toeboards, at elevated work locations of specified heights (other than buildings). This rulemaking proposes the use of personal fall protection equipment where design or other work processes make installation of guardrails impracticable on portable amusement rides. The need to amend this section was originally brought to the attention of Board staff by the Division of Occupational Safety and Health (Division). The Division notes that the language of Exception No. 9 to Section 3210(b) is not applicable to portable amusement rides, and in fact, was intended to address vehicles/mobile equipment, which would include motor vehicles, trucks, tankers, rail cars and mobile construction equipment, not amusement rides. The issue of clarity as to the application of Exception No. 9 to portable amusement rides is corroborated by the Division’s field enforcement experience.

Board staff notes that there are no comparable federal OSHA regulations addressing portable amusement rides. This proposal is intended to provide specificity and clarity in Title 8 by requiring that fall protection systems be provided and used by employees where guardrails are impracticable on portable amusement rides for the operations described in the proposal. This regulatory proposal is intended to provide worker safety at places of employment in California.

This proposed rulemaking action:

- Is based on the following authority and reference: Labor Code Section 142.3, which states, at subsection (a)(1) that the Board is “the only agency in the state authorized to adopt occupational safety and health standards.” When read in its entirety, Section 142.3 requires that California have a system of occupational safety and health regulations that at least mirror the equivalent federal regulations and that may be more protective of worker health and safety than are the federal occupational safety and health regulations.
- Differs from existing federal regulations, in that the federal regulations do not have specific provisions dealing with portable amusement rides. This proposal will add a new exception specifically for portable amusement rides to provide personal fall protection equipment where the design or work processes make it impracticable to install railing protection.
- Is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system’s component regulations is provided by such things as the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterparts. In this case, the proposal relies on relevant provisions of the Construction Safety Orders (CSO).
- Is the least burdensome effective alternative. The proposal is consistent with existing alternative methods for personal fall protection to ensure employee safety at unprotected sides of elevated work locations. This proposal requires the availability and employee use of personal fall protection equipment.

Section 3210. Guardrails at Elevated Locations.

Existing Section 3210 states guardrail requirements for buildings and other elevated locations where employees are exposed to falls from unprotected work locations.

Subsection (b).

Existing subsection (b) sets forth fall protection requirements for elevated work locations 4 feet or more in height that are not buildings or building structures. The proposed Exception No. 10 to Section 3210(b), specific to portable amusement rides, provides that, when the use of guardrail systems is rendered impracticable, employees shall be provided and shall use personal fall protection equipment in accordance with Section 1670 of the CSO. Without proposed Exception No. 10, con-

fusion will continue as to whether alternatives to guardrails may or may not be utilized by portable amusement ride employers to protect their workers from falls from elevation. The proposal is necessary to clarify to the employer when personal protection systems may be used as an alternative to guardrails to ensure that the employee is protected from a fall when working at elevation on portable amusement rides.

Section 3900. Purpose.

Existing Section 3900 establishes minimum standards for the design and other work processes regarding portable amusement rides for the protection of persons using such rides. An informative Note referring to Section 3210(b), Exception No. 10, is proposed. This Note guides employers and others to the relevant fall protection provision in Section 3210(d). This proposal is necessary to clarify to employers that where railings are impracticable, employees shall be provided and use personal fall protection equipment.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses/Significant Statewide Adverse Economic Impact Directly Affecting Businesses Including the Ability of California Businesses to Compete

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposal obviates the need to attempt to install expensive and problematic railing systems on equipment not designed for such installation which is more costly than using personal fall protection systems.

Therefore, the adoption of the proposed amendments to these standards will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

Cost Impact on Private Persons or Businesses

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.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because these standards do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

These proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

These proposed regulations do not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES AND RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated. The proposal would pro-

vide businesses, small or large, clear direction to provide personal fall protection where railing protection is impracticable. This proposal will promote worker safety by requiring that employees be provided and wear personal fall protection equipment as specified by existing Title 8 standards.

Therefore, the proposed regulation will not have any effect on the creation or elimination of California jobs or the creation or elimination of California businesses or affect the expansion of existing California businesses.

#### ALTERNATIVES STATEMENT

The Board must determine that no reasonable alternative 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 and less burdensome to affected private persons or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

A copy of the proposed changes in STRIKEOUT/ UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than **October 12, 2012**. The official record of the rule-making proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on **October 18, 2012**, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov). The Occupational Safety and Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based is open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Marley Hart, Executive Officer, or Mike Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

#### TITLE 13. DEPARTMENT OF MOTOR VEHICLES

##### NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to amend Section 423.00, in Chapter 1, Division 1, Article 6, of Title 13 in the California Code of Regulations to identify the annual adjustment of specified fees for 2013.

##### PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

##### DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., Octo-

ber 29, 2012, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

**AUTHORITY AND REFERENCE**

The department proposes to adopt the proposed action under the authority granted by Vehicle Code Sections 1651, 1678 and 1685, in order to implement, interpret or make specific Vehicle Code Sections 1678, 1685, 4604, 5014, 5036, 6700.25, 9102.5, 9250.8, 9250.13, 9252, 9254, 9258, 9261, 9265, 9702, 11515, 11515.2, 14900, 14900.1, 14901, 14902, 38121, 38225.4, 38225.5, 38232, 38255, 38260 and 38265; Code of Civil Procedure Section 488.385; and Revenue and Taxation Code Section 10902.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Vehicle Code Sections 1678 and 1685 have required the department to annually review and adjust a variety of department fees since January 1, 2005. The fees are to be adjusted in an amount equal to the increase in the California Consumer Price Index for the prior year as calculated by the Department of Finance. A fee would only be increased when the calculated amount equals or is greater than \$0.50, rounded to the next highest whole dollar.

The department proposes to amend Section 423.00 to identify the Vehicle Code sections that authorize each fee identified in Vehicle Code Section 1678 that is proposed to be increased, the dates the fee increases are effective and the amount of each adjusted fee.

These fees would become effective January 1, 2013. This proposed amendment is consistent and compatible with existing law.

The following charts list all fee changes effective January 1, 2013.

Vehicle Code Section	Fee	Current Fee	New Fee (1/1/13)
4604(b)	Planned Non-Operation filing fee	\$18	\$19
5014(f)	Permanent Trailer Identification Plates and Identification Certificate	\$18	\$19
5036	Moped Original or Transfer	\$18	\$19

Vehicle Code Section	Fee	Current Fee	New Fee (1/1/13)
6700.25(e)	Nonresident Daily Commuter Permit — service fee	\$18	\$19
9102.5(a)	Privately Owned School Bus —Registration and Licensing	\$18	\$19
9102.5(c)	Privately Owned Schoolbus	\$18	\$19
9252(a)	Nonresident Registration — service fee	\$18	\$19
9254	Title Only or Apportion title only (Q-series fictitious plates) service fee	\$18	\$19
9258	One-Trip Permit	\$18	\$19
9261(a),(b),(c),(d)	Fee for Identification Plates	\$18	\$19
9265(a)	Duplicate certificate of ownership/reg card/ equipment ID card	\$18	\$19
9265(b)	Duplicate license plates (except ELP)/ substitute plates/ equipment ID plate for same vehicle	\$18	\$19
9702	Partial Year Registration (PYR) or renewal pursuant to VC 9700	\$18	\$19
11515	Salvage Certificate — Regular	\$18	\$19
11515.2	Nonrepairable Vehicle Certificate	\$18	\$19
38121(b)	OHV Planned Non-Operation	\$18	\$19
38232	Special Transportation ID device for a motorcycle	\$18	\$19
38255(a)	OHV Transfers — by the owner	\$18	\$19
38255(b)	OHV Transfers — by the legal owner	\$18	\$19
38255(c)	OHV Transfers — by both owner and legal owner	\$18	\$19
38260	OHV Duplicates (ownership or ID certificates, plates, tabs, stickers)	\$18	\$19
38265(a)	OHV Transfer of Ownership Penalty Fee	\$18	\$19

Revenue and Taxation Code Section	Fee	Current Fee	New Fee (1/1/13)
10902(c)	Partial Vehicle License Fee (VLF) Refunds — service fee	\$18	\$19

Code of Civil Procedure Section	Fee	Current Fee	New Fee (1/1/13)
488.385(b) and (c)	Notice of Attachment	\$18	\$19

There are no specific benefits as this proposed regulation only implements statute-required fee changes from the annual review and adjustment of departmental fees under Vehicle Code sections 1678 and 1685.

There are no effects on existing law as this regulation implements the fee changes from the annual review and adjustment of departmental fees under Vehicle Code sections 1678 and 1685.

**DOCUMENTS INCORPORATED BY REFERENCE**

There are no documents to be incorporated by reference.

**ECONOMIC AND FISCAL IMPACT DETERMINATIONS**

The department has made the following initial determinations concerning the proposed regulatory action:

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The department is required by statute to adjust specific fees based on the California Consumer Price Index for the prior year, as calculated by the Department of Finance. 24 fees are proposed to be increased by one dollar (\$1).
- Effects on Housing Costs: None.

- Local Agency/School District Mandates: The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Small Business Impact: The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting small businesses, including the ability of California small businesses to compete with small businesses in other states.

**RESULTS OF THE ECONOMIC IMPACT ASSESSMENT**

The department states the following results of its Economic Impact Assessment per Gov. Code sec. 11346.3(b):

- Creation or Elimination of Jobs Within the State of California  
This proposed regulation will neither create nor eliminate jobs within the State of California.
- Creation or Elimination of Existing Business Within the State of California  
The proposed regulation will neither create new business nor eliminate existing business within the State of California.
- Expansion of Business Currently Doing Business Within the State of California  
This regulation will not expand business currently doing business within the State of California.
- Benefits of Regulation to the Health and Welfare of California Residents, Worker Safety and the State’s Environment  
The proposed regulatory action has no impact on health and welfare of workers, worker safety, nor the state’s environment.
- Potential Significant Statewide Adverse Economic Impact  
The proposed regulatory action 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.

**PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS**

A pre-notice workshop, pursuant to Government Code section 11346.45 is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be 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.

CONTACT PERSON

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

Erik Meyer, Regulations Analyst  
Department of Motor Vehicles  
Legal Affairs Division  
P.O. Box 932382, MS C-244  
Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 657-6469  
Facsimile: (916) 657-8619  
E-Mail: LRregulations@dmv.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Randi Calkins, Regulations Coordinator  
Telephone: (916) 657-6469

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed regulatory action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikeout to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regula-

tory Action, the Initial Statement of Reasons, the revised handbook and Express Terms) may be accessed at [www.dmv.ca.gov/about/lad/regactions.htm](http://www.dmv.ca.gov/about/lad/regactions.htm).

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

**TITLE 16. BOARD OF BEHAVIORAL SCIENCES**

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

**Board of Behavioral Sciences  
1625 N. Market Blvd.  
El Dorado Room, Suite 220  
Sacramento, CA 95834  
October 16, 2012  
10:00 a.m.–11:00 a.m.**

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 no later than 5:00 p.m. on **October 15, 2012** or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal 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 4980.60, and 4990.20 of the Busi-

ness and Professions Code, and Section 11400.20 of the Government Code, and to implement, interpret, or make specific Sections 4982, 4989.54, 4992.3, and 4999.90 of the Business and Professions Code, and Section 11425.50(e) of the Government Code, the Board is considering changes to Division 18 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST / POLICY STATEMENT  
OVERVIEW

**Amend Section 1888 — Disciplinary Guidelines**

Section 1888 states that when making a decision on disciplinary actions, the Board shall consider the disciplinary guidelines titled “Board of Behavioral Sciences Disciplinary Guidelines.” This section incorporates these disciplinary guidelines into regulations by reference.

The Board is proposing to amend the “*Board of Behavioral Sciences Disciplinary Guidelines*” (Rev. August 2012) incorporated by reference by this section.

**Policy Statement Overview:** Adoption of these proposed amendments will protect the public by further making clarifying changes to the Board’s disciplinary guidelines as well as making other changes needed to streamline and strengthen the disciplinary guidelines.

**Proposed Changes to Disciplinary Guidelines**

**1. Update of Penalty Guideline References:** The Disciplinary Guidelines contain penalty guidelines which have several references that are incorrect due to legislative changes. The Board is proposing amendments to correct these errant references.

**Policy Statement Overview:** Adoption of these proposed amendments will increase openness and transparency in business and government by ensuring the Disciplinary Guidelines contain correct references to statute, therefore ensuring clarity.

**2. Reimbursement of Probation Program:** The Disciplinary Guidelines contain several optional terms and conditions of probation that may be appropriate in certain disciplinary cases. A respondent’s reimbursement to the Board of his or her probation program costs is currently listed in the Disciplinary Guidelines as an optional term and condition of probation. However, it is standard that the Board require a probationer to reimburse the Board for probation costs. Therefore, the Board is proposing an amendment to move this condition to the list of standard terms and conditions of probation, which must appear in all disciplinary decisions.

**Policy Statement Overview:** Adoption of these proposed amendments will increase openness and transparency in business and government by ensuring the Disciplinary Guidelines clearly classify reimbursement of a probation program as a standard term and condition of probation.

**3. Optional Terms and Conditions of Probation: Psychotherapy:** If a respondent is required to participate in psychotherapy as one of the optional terms and conditions of his or her probation, the disciplinary guidelines currently require that within 60 days of the effective date of the Board’s decision, the respondent must submit to the Board the name and qualifications of the therapist he or she would like to choose. However, once a respondent is notified of an adopted decision, he or she has 30 days before the decision becomes effective. From this time, under current regulations, the respondent then has another 60 days to choose a therapist. As a result, respondents are not starting their required psychotherapy for approximately 3 to 4 months.

The Board is proposing an amendment to change the 60–day period to submit a therapist for approval to 15 days. If this change is implemented, a respondent would know 45 days in advance that he or she must choose a therapist and submit the pertinent information about his or her chosen therapist to the Board.

**Policy Statement Overview:** Adoption of this proposed amendment will protect the public by ensuring that licensees and registrants whom the Board deems in need of psychotherapy as a condition to remain practicing receive that psychotherapy in a timely manner.

**4. Optional Term and Condition of Probation: Rehabilitation Program:** The Board may require a respondent to participate in a rehabilitation program as one of the optional terms and conditions of his or her probation. The Board is recommending an amendment requiring a respondent to ensure that the rehabilitation program submits to the Board quarterly written reports addressing the respondent’s progress in the program.

Although this requirement is currently written in the instructions and the approval letter of the rehabilitation program, the Board is requesting its addition to the Disciplinary Guidelines for further clarity.

**Policy Statement Overview:** Adoption of these proposed amendments will increase public protection by ensuring that it is clear to all parties that a probationer who is required to enter a

rehabilitation program must ensure that that program provides quarterly written progress reports to the Board.

5. **Optional Terms and Conditions of Probation: Submit to Biological Fluid Testing and Samples:** The Board may require a respondent to abstain from use of alcohol and/or controlled substances and submit to biological fluid testing and samples as one of the optional terms and conditions of probation. The Disciplinary Guidelines currently state if such testing is ordered, it is the respondent’s responsibility to ensure the testing agency submits the results to the Board.

Test results are now automatically submitted to the Board by the testing agency. Therefore, the Board is proposing an amendment to delete this requirement.

**Policy Statement Overview:** Adoption of this proposed amendment will increase openness and transparency in business and government by removing a specified requirement that is no longer necessary.

6. **Optional Terms and Conditions of Probation: Monitoring of Billing System:** Under current law, if a respondent is required to obtain a billing system monitor as an optional term and condition of probation, he or she is notified of the decision and has 30 days before it becomes effective. Once effective, he or she must obtain a billing system monitor within 30 days.

The Board is proposing an amendment that is more consistent with the Board’s requirements for other terms and conditions of probation. A respondent would still be notified of the Board’s decision and have 30 days before it becomes effective. Once effective, the respondent would need to submit the name of the billing monitor he or she would like to use for Board approval within 15 days. Once the Board approves a billing monitor, the respondent must obtain the services of the billing monitor within 15 days of the Board’s approval.

**Policy Statement Overview:** Adoption of these proposed amendments will increase openness and transparency in business and government by making the procedural requirements for obtaining a billing monitor more consistent with the procedural requirements for other similar optional terms and conditions of probation.

7. **Tolling of Probation:** The Disciplinary Guidelines contain specific language for standard terms and conditions of probation, which are included in all disciplinary decisions.

Two of the current standard terms and conditions, “Residing or Practicing Out of State” and “Failure to Practice — California Resident,” allow a registrant or licensee to “toll” his or her probation if he or she is not practicing. Tolling probation stops the clock on a practitioner’s probation term until he or she resumes practice. The tolled period is then added to the end of the probation and extends the expiration date.

The “Residing or Practicing Out of State” condition includes language which allows the Board to cancel a license or registration after two years if the respondent does not return to California and resume practice.

The “Failure to Practice — California Resident” condition does not delineate a time limit on non-practice, as long as the licensee or registrant is residing in California. Therefore, probationers can continue in their “toll” status indefinitely or until their registration or license expires by operation of law.

Although the current disciplinary guidelines specify that time spent outside the state in an intensive training program is not to be considered non-practice, staff has never encountered a probationer who was in an intensive training program outside California. The current guidelines also state a respondent’s license must not be cancelled if he or she is residing and practicing in another state and is on active probation with the licensing authority of that state. Staff has also never encountered a probationer who was practicing in another state and on active probation with licensing authority in that state.

Board staff is experiencing an increased number of probationers who toll their probation as of the effective date of probation. Currently, there is no safeguard in place to ensure that these probationers are not practicing, other than their notification to the Board. Therefore, the Board is proposing amendments to combine the “Residing or Practicing Out of State” and “Failure to Practice — California Resident,” standard conditions, deleting unnecessary language, and specifying the cancellation of a registration or license which has been tolled for a total of two years regardless of their in-state or out-of-state residency.

**Policy Statement Overview:** Adoption of this proposed amendment will increase public protection by cancelling a respondent’s license if he or she does not practice for a total of two years, regardless of whether he or she is in state or out of state. This will help the Board ensure that probationers who are tolling for a long period of

time are not practicing without the Board's knowledge.

8. **License Surrender:** The Board proposes an amendment to the license surrender language in the Disciplinary Guidelines. The language contains requirements a respondent must meet to reinstate a surrendered license, including meeting current educational requirements and passing required examinations.

The Board proposes an amendment that would add gaining experience to the list of requirements that an applicant would need to meet if he or she decided to reapply for licensure in the future.

**Policy Statement Overview:** Adoption of this proposed amendment would enhance public protection by clarifying that applicants for re-licensure must meet all experience requirements that are in law at the time they apply for their new license.

9. **Recommended Language for Disciplinary Orders:** The "Board Policies and Guidelines" section of the Disciplinary Guidelines contains recommended language for applicants and registrants to be used in the first paragraph of disciplinary orders.

The Board is proposing amendments to the "Recommended Language for Registration Applicants" and "Recommended Language for Registrants" to address the granting of other registrations or licenses by the Board, and the applicability of the probation to those other registrations or licenses. The Board also proposes adding "Recommended Language for Licensees" which addresses this same issue.

**Policy Statement Overview:** Adoption of these proposed amendments will increase public protection by clarifying that if an applicant, registrant, or licensee is granted another license or registration by the Board during probation, the probation also applies to that license or registration.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

This proposal is 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.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination:

- The proposed regulatory amendments to Section 1888 and the Disciplinary Guidelines would not result in an economic or fiscal impact. The proposal would only make technical and procedural changes to the process used to handle disciplinary cases.

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impacts on Representative Private Persons or Businesses: 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.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the following:

- The proposal only makes technical and procedural changes to the process used to handle disciplinary cases.

As part of its Economic Impact Analysis, the Board has determined that its proposal will not affect the ability of California businesses to compete with other states by making it more costly to produce goods or services, and that it will not create or eliminate jobs or occupations. This proposal does not impact multiple industries.

Effect on Small Businesses: The Board has determined that the proposed regulations will not affect small businesses for the reasons specified above.

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs, businesses, or the expansion of businesses in the State of California.

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment: The Board has determined that this regulatory proposal will benefit the health and welfare of California residents who seek the services of the Board's licensees. Health and welfare is increased by clarifying the disciplinary process and increasing the efficiency of some disciplinary procedures.

The proposal will have no effect on worker safety or the State's environment.

Occupations/Businesses Impacted: The Board has determined that there will be no economic impact of this proposed regulation.

Reporting Requirements: None.

Comparable Federal Regulations: None.

Benefits: Business and Professions Code Section 4990.16 states the following: "Protection of the public shall be the highest priority for the board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount." The public will benefit from the increased clarity and protections this proposal provides, as described above.

#### CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative 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 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.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in this Notice under Contact Person listed below, or by accessing the Board's website, [www.bbs.ca.gov](http://www.bbs.ca.gov).

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

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the Contact 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 website listed below).

#### CONTACT PERSON

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

Name: Rosanne Helms  
Address: Board of Behavioral Sciences  
625 North Market Blvd, Suite S200  
Sacramento CA 95834  
Telephone: 916-574-7897  
Fax: 916-574-8626  
Email: Rosanne.Helms@dca.ca.gov

The backup contact person is:

Name: Marc Mason  
Address: Board of Behavioral Sciences  
625 North Market Blvd, Suite S200  
Sacramento CA 95834  
Telephone: 916-574-7828  
Fax: 916-574-8626  
Email: Marc.Mason@dca.ca.gov

#### WEBSITE ACCESS

Materials regarding this proposal can be found at [www.bbs.ca.gov](http://www.bbs.ca.gov).

#### TITLE 16. MEDICAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Medical Board of California (hereinafter referred to as the

“Board”) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Sheraton Gateway Hotel and Marina, 1380 Harbor Island Drive, San Diego, CA 92101 at 9:05 a.m., on October 26, 2012. 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 15, 2012, or must be received at the hearing. 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: The Medical Board of California is authorized to adopt these regulations pursuant to Sections 2018 and 2023.5 (c), Business and Professions Code and to implement, interpret, and make specific Section 2023.5, Business and Professions Code. The Medical Board of California is considering adding a new Article to Division 13 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

A. Informative Digest

Adopt Section 1364.50 in Article 10, of Chapter 2, of Division 13, of Title 16 of the California Code of Regulations.

Physician availability is not addressed in current regulation.

SB 100 (Price, Chapter 645, Statutes of 2011) amended Section 2023.5 of the Business and Professions Code to add subdivision (c), which requires the Medical Board of California (Board) to adopt regulations on or before January 1, 2013 on the “appropriate level of physician availability needed within clinics or other settings using laser or intense pulse light devices for elective cosmetic procedures. However, these regulations shall not apply to laser or intense pulse light devices approved by federal Food and Drug Administration for over-the-counter use by a health care practitioner or by an unlicensed person on himself or herself.”

B. Policy Statement Overview/Anticipated Benefits of Proposal

This regulation will clarify for physicians and mid-level practitioners how available the physician must be when the mid-level practitioner is performing elective cosmetic procedures using a laser or intense pulse light device.

This regulatory proposal benefits the health and welfare of California residents because it will set forth in regulations the current standard of care being used in clinics or other settings performing elective cosmetic procedures using lasers or intense pulse light devices, which will help to ensure that physicians meet these standards and are appropriately available to decrease the likelihood of patient harm.

C. Consistency and Compatibility with Existing State Regulations

X The Medical Board of California has evaluated this regulatory proposal and it is not inconsistent nor incompatible 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.

Nondiscretionary 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:

X The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

**AND**

\_\_\_\_ The following studies/relevant data were relied upon in making the above determination: None.

Cost Impact on Representative Private Person or Business:

The Medical Board of California is not aware of any cost impacts that 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 the proposed regulations would not affect small businesses. This proposed regulation is reflective of the current standard of care being used in clinics or other settings performing elective cosmetic procedures using lasers or intense pulse light devices. As such, it should not affect small businesses within California.

#### RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

##### Impact on Jobs/Businesses:

The Medical Board of California has determined that this regulatory proposal will not have

\_\_\_ a significant

X 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.

##### Benefits of Regulation:

The Medical Board of California has determined that this regulatory proposal will have the following benefits to health and welfare of California residents, worker safety, and state's environment:

This regulation will clarify for physicians and mid-level practitioners how available the physician must be when the mid-level practitioner is performing elective cosmetic procedures using a laser or intense pulse light device. According to stakeholders, this regulation is reflective of the current standard of care and will help to ensure that physicians meet these standards and are appropriately available to decrease the likelihood of patient harm.

#### CONSIDERATION OF ALTERNATIVES

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

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The Medical Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in the Notice under Contact Person or by accessing the Board's web site:

[http://www.mbc.ca.gov/laws/regulations\\_proposed.html](http://www.mbc.ca.gov/laws/regulations_proposed.html).

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

All the information upon which the proposed regulations are 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 Web site:

[http://www.mbc.ca.gov/laws/regulations\\_proposed.html](http://www.mbc.ca.gov/laws/regulations_proposed.html)

#### CONTACT PERSON

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

Name: Jennifer Simoes,  
Chief of Legislation  
Address: Medical Board of California  
2005 Evergreen Street,  
Suite 1200  
Sacramento, CA 95815  
Telephone No.: (916) 263-2389  
Fax No.: (916) 263-2387  
E-mail Address: [regulations@mbc.ca.gov](mailto:regulations@mbc.ca.gov)

The backup contact person is:

Name: Christine Valine  
 Address: Medical Board of California  
 2005 Evergreen Street,  
 Suite 1200  
 Sacramento, CA 95815  
 Telephone No.: (916) 263-2466  
 Fax No.: (916) 263-2387  
 E-mail Address: [chris.valine@mbc.ca.gov](mailto:chris.valine@mbc.ca.gov)

Web site Access: Materials regarding this proposal can be found at [http://www.mbc.ca.gov/laws/regulations\\_proposed.html](http://www.mbc.ca.gov/laws/regulations_proposed.html).

## TITLE 16. MEDICAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Medical Board of California (hereinafter referred to as the "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Sheraton Gateway Hotel and Marina, 1380 Harbor Island Drive, San Diego, CA 92101 at 9:00 a.m., on October 26, 2012. 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 15, 2012, or must be received at the hearing. 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 2018 and 3575 of the Business and Professions Code, and to implement, interpret or make specific Sections 3575 and 3577 of said Code, the Medical Board of California is considering changes to Division 13 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

#### A. Informative Digest

Existing law allows the Medical Board of California (Board) to register polysomnographic technicians in

California. One of the requirements is for the applicant to be certified in Basic Life Support by the American Heart Association. The effect of this proposed action will be to add another authorized vendor, the American Health and Safety Institute, as an additional vendor to satisfy this requirement.

A petition to amend the current regulation was filed with the Board on May 4, 2012 and was heard on July 20, 2012, at the Board's quarterly meeting held in Sacramento, CA. The Board granted the petition to amend section 1379.50 in Article 3 of Chapter 4.3 of Division 13, Title 16, relating to Polysomnography Qualifications for Registration.

#### B. Policy Statement Overview/Anticipated Benefits of Proposal

Applicants for a Polysomnography Registration will have more options to choose from when obtaining the required Basic Life Support Certification.

#### C. Consistency and Compatibility with Existing State Regulations

This Board has evaluated this regulatory proposal and it is not inconsistent nor incompatible 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.

Nondiscretionary 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 made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Representative Private Person or Business: 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 the proposed regulations would not affect small businesses. The Board does not license businesses, the Board licenses individuals; therefore, there is no impact on small businesses or any business.

**RESULTS OF ECONOMIC IMPACT  
ASSESSMENT/ANALYSIS:**

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have a significant adverse economic 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 regulation impacts those persons applying to the Board for a Polysomnography Technologist, Technician or Trainee Registration.

The proposed regulation may create or save jobs in California as it allows for an additional approved Basic Life Support training organization to provide training to applicants who are applying for one of three Polysomnography Registrations that are issued by the Board.

**CONSIDERATION OF ALTERNATIVES**

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

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF REASONS  
AND INFORMATION**

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

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in this Notice under Contact Person or by accessing the Board's website: [http://www.medbd.ca.gov/laws/regulations\\_proposed.html](http://www.medbd.ca.gov/laws/regulations_proposed.html).

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

All the information upon which the proposed regulations are 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 Web site listed below**].

**CONTACT PERSON**

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

Name: Curt Worden, Chief of Licensing  
Medical Board of California  
Address: 2005 Evergreen Street,  
Suite 1200  
Sacramento, CA 95815  
Telephone No.: (916) 263-2389  
Fax No.: (916) 263-2387  
E-Mail Address: [regulations@mbc.ca.gov](mailto:regulations@mbc.ca.gov)

The backup contact person is:

Name: Christine Valine  
Medical Board of California  
Address: 2005 Evergreen Street,  
Suite 1200  
Sacramento, CA 95815  
Telephone No.: (916) 263-2466  
Fax No.: (916) 263-2387  
E-Mail Address: [chris.valine@mbc.ca.gov](mailto:chris.valine@mbc.ca.gov)

Web site Access: Materials regarding this proposal can be found at [http://www.mbc.ca.gov/laws/regulations\\_proposed.html](http://www.mbc.ca.gov/laws/regulations_proposed.html).

**TITLE 17. AIR RESOURCES BOARD**

**NOTICE OF PUBLIC HEARING TO  
CONSIDER AMENDMENTS TO THE  
CALIFORNIA CONSUMER PRODUCTS  
REGULATION PERTAINING TO  
AUTOMOTIVE WINDSHIELD WASHER  
FLUID PRODUCTS**

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider adoption of amendments to the Regulation for Reducing Emissions from Consumer Products pertaining to Automotive Windshield Washer Fluid.

DATE: October 18, 2012  
 TIME: 9:00 a.m.  
 PLACE: California Environmental Protection Agency  
 Air Resources Board  
 Byron Sher Auditorium  
 1001 I Street  
 Sacramento, California 95814

This item will be considered at a one-day meeting of the Board, which will commence at 9:00 a.m., October 18, 2012. Please consult the agenda for the hearing, which will be available at least 10 days before October 18, 2012, to determine the order in which this item will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

**Sections Affected:** Proposed amendments to California Code of Regulations, title 17, sections 94508 and 94509.

**Background:**

Section 41712 of the California Health and Safety Code requires ARB to adopt regulations to achieve the maximum feasible reduction in volatile organic compound (VOC) emissions from consumer products. As part of the regulatory process, ARB must determine that adequate data exist for it to adopt the regulations. ARB must also determine that the regulations are technologically and commercially feasible, and necessary to carry out the Board's responsibilities under Division 26 of the Health and Safety Code. In addition, Health and Safety Code section 41712(c) provides that no regulation shall be adopted which requires the elimination of a product form. The Health and Safety Code further stipulates in section 41712(e) that public health agencies be consulted, and their recommendations be considered, prior to adopting regulations for health benefit products. Section 41712 is primarily directed at attaining the State and federal ambient air quality standards for ozone.

Pursuant to Health and Safety Code section 41712, ARB has adopted the Regulation for Reducing Emissions from Consumer Products (the "Consumer Products Regulation;" title 17, CCR, sections 94507-94517). The regulation has been amended numerous times to adopt VOC limits for over 100 different categories. These limits have reduced VOC emissions from consumer products by about 50 percent. Most recently, in November 2010, the Board approved and subsequently adopted new or lower VOC limits for 11 product categories. When fully effective, these amendments will result in VOC emissions reductions of about 7 tons per day. Most of these reductions will be realized

at the end of 2012, with the remaining reductions occurring at the end of 2013.

Automotive Windshield Washer Fluid products were first regulated under "Phase I" of the consumer products regulation adopted in October of 1990. The regulation set VOC limits for Automotive Windshield Washer Fluid products based on areas where they are sold. At that time it was acknowledged that areas that experience freezing temperatures (termed Type "A" areas) during the winter months require products with higher VOC content to prevent the fluid from freezing. To address this need, the Board adopted a VOC limit of 35 percent by weight for Type "A" areas and a 10 percent by weight VOC limit for all other areas of the State. The limits became effective in 1993. Subsequent amendments lowered the VOC limit from 10 to 1 percent by weight for areas outside of Type "A," effective December 2002. In 2008, a 25 percent by weight VOC limit became effective that replaced the 35 percent by weight VOC limit for Type "A" areas. Overall, VOC emissions from Automotive Windshield Washer Fluid products have been reduced by over 25 tons per day.

Automotive Windshield Washer Fluid products are sold as both ready-to-use (premixed) products and dilutable concentrated products. Premixed products make up the majority of the market. In Type "A" areas premixed products can be sold with a VOC content of up to 25 percent by weight, while in all other areas of the State premixed products must contain no more than 1 percent by weight VOC. Dilutable products may be sold in all areas of the State as long as the product labels include clear dilution instructions for Type "A" and all other areas.

**Objectives and Benefits:**

In this rulemaking, ARB staff is proposing amendments to the provisions for Automotive Windshield Washer Fluid products. The amendments are designed to redefine Type "A" areas because the current description does not include some areas that routinely experience freezing temperatures in the winter. The areas proposed for addition are mountainous areas of the following counties: Butte, Fresno, Glenn, Humboldt, Kern, Madera, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Tehama, Tulare, and Ventura. The proposed amendments would also include additional areas of Placer County in Type "A."

The effect of including these new areas in Type "A" would be to allow, but not require, the sale of premixed Automotive Windshield Washer Fluid with a VOC content of up to 25 percent by weight, rather than the current 1 percent by weight product. The higher VOC content is necessary to prevent the Automotive Windshield Washer Fluid from freezing in the vehicle reservoir or when the product is sprayed onto the windshield.

As proposed, the new areas would be described by ZIP codes within a county. Using ZIP codes is proposed because we believe they are easily understood and succinctly identify the areas proposed for addition to Type “A,” while minimizing the emissions impacts. The amendments would also clarify the existing Type “A” areas by listing these areas by air basin and county.

In addition the proposed amendments would allow additional instructions for the consumer to be included on products that are diluted prior to use. As proposed, Responsible Parties may include, along with the currently required dilution instructions, language advising consumers to dilute the product for Type “A” areas if traveling to areas where freezing temperatures are expected.

Consumers should benefit from the proposed amendments by having access to Automotive Windshield Washer Fluid products that provide antifreeze protection, and by having clear language indicating that concentrated products can be diluted for Type “A” areas, regardless of their location, when freezing temperatures are expected.

Because premixed Automotive Windshield Washer Fluid with a 25 percent by weight VOC content could be sold in the areas proposed for addition to Type “A” areas, rather than 1 percent by weight VOC product, the proposed amendments would result in a small increase in VOC emissions. Staff estimates the statewide VOC emission increase to be about 0.12 tons per day. However, VOC limits adopted as part of the 2010 rulemaking for consumer products are scheduled to become effective at the end of 2012. The estimated statewide VOC reduction of 6.7 tons per day from these limits more than offsets the small increase in VOC emissions from this proposal. Thus, overall VOC emissions from consumer products will continue to decline.

#### CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

Staff does not believe the proposed amendments are inconsistent or incompatible with existing state regulations.

#### MANDATED BY FEDERAL LAW OR REGULATIONS

The proposed amendments are not mandated by federal law or regulations.

#### COMPARABLE FEDERAL REGULATIONS

The United States Environmental Protection Agency (U.S. EPA) has promulgated a national consumer products rule under section 183(e) of the federal Clean Air Act (40 CFR Part 59, subpart C, sections 59.201 *et seq.*). The rule specifies VOC limits for a number of consumer product categories and is similar in format to ARB’s Consumer Products Regulation.

Although the national regulation is similar in many aspects to the California regulation, it does not include a number of product categories that are currently regulated under the ARB regulation. For the categories that are regulated under both rules, many of ARB’s limits are more stringent than the U.S. EPA’s limits. Such is the case for the Automotive Windshield Washer Fluid category. The national VOC limit is 35 percent by weight for all areas whether freezing temperatures exist or not. Because California has unique air quality problems, reducing VOC emissions from all categories, including consumer products, to the maximum extent feasible is necessary to attain the federal and State ambient air quality standards for ozone.

The U.S. EPA’s rule also differs in that it applies nationwide to consumer product manufacturers, importers and distributors (but not retailers), while the ARB regulation applies to any person (including retailers) who “sells, supplies, offers for sale, or manufactures consumer products for use in the State of California.” Finally, the U.S. EPA’s rule has an unlimited “sell-through” period for noncomplying products manufactured before the effective date of the limits, whereas California law limits the sell-through period to three years.

#### STATE IMPLEMENTATION PLAN REVISION

If adopted by ARB, ARB plans to submit the proposed regulatory action to the U.S. EPA for approval as a revision to the California State Implementation Plan (SIP) required by the federal Clean Air Act (CAA). The adopted regulatory action would be submitted as a SIP revision because it amends regulations intended to reduce emissions of air pollutants in order to attain and maintain the National Ambient Air Quality Standards promulgated by U.S. EPA pursuant to the CAA.

#### AVAILABILITY OF DOCUMENTS

ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: “Proposed Amendments to the California Regulation for Reducing Emissions from Consumer Prod-

ucts Pertaining to Automotive Windshield Washer Fluid.”

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on ARB’s website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322–2990, on August 29, 2012.

FINAL STATEMENT OF REASONS AVAILABILITY

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on ARB’s website listed below.

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulation may be directed to Mr. Jose Gomez, Manager, Technical Development Section, at (916) 324–8033, or Mr. Olufemi (Femi) Olaluwoye, Technical Development Section, at (916) 327–1503.

Further, the agency representative and designated back-up contact persons, to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Ms. Lori Andreoni, Manager, Board Administration and Regulatory Coordination Unit, at (916) 322–4011, or Ms. Trini Balcazar, Regulations Coordinator, at (916) 445–9564. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

INTERNET ACCESS

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB’s website for this rulemaking at <http://www.arb.ca.gov/regact/2012/cp2012/cp2012.htm>.

FISCAL IMPACT

The determinations of the Board’s Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Summary of Proposed Amendments

The amendments proposed in this rulemaking would modify and clarify provisions related to Automotive Windshield Washer Fluid products. The proposed amendments would add additional areas to Type “A,” i.e., those areas of the State that experience freezing temperatures where higher VOC ready-to-use (pre-mixed) formulations of Automotive Windshield Washer Fluid could be sold. Clarifying language for dilutable products that Responsible Parties may include on product labels is also proposed. Because these proposed amendments allow, but do not require, businesses to sell higher VOC product into the newly identified Type “A” areas, or to include additional language on the product label, businesses do not need to incur additional compliance costs. Therefore, there is no additional economic impact.

DISCLOSURES REGARDING THE PROPOSED REGULATION

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would not create costs or savings to any State agency or in federal funding to the State, costs or mandate to any local agency or school district, whether or not reimbursable by the State pursuant to Government Code, title 2, division 4, part 7 (commencing with section 17500), or other nondiscretionary cost or savings to State or local agencies.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESS

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses. The amendments would allow, but not require, the sale of higher VOC content Automotive Windshield Washer Fluid in additional areas of the State. Automotive Windshield Washer Fluid products are already sold in existing Type “A” areas that would be suitable for sale in the areas proposed for addition to Type “A.” Therefore, no reformulation costs would be incurred to manufacture products for the newly identified areas. Businesses are also not required to modify their product labels. However, if businesses choose to modify product labels, we estimate a one-time cost of about \$165 per manufacturer, or a total one-time cost of about \$4,000. This estimated total cost includes those that would be incurred by small businesses for labeling modifications.

We also believe the cost to the consumer to be negligible because the higher VOC products appear to be comparably priced to the lower VOC-content products

currently sold. The proposed amendments are not expected to change the prices of Automotive Windshield Washer Fluid products.

SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT DIRECTLY AFFECTING  
BUSINESS, INCLUDING ABILITY TO COMPETE

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

STATEMENT OF THE RESULTS OF THE  
ECONOMIC IMPACT ASSESSMENT PREPARED  
PURSUANT TO GOVERNMENT CODE  
SEC. 11346.3(b)

The Executive Officer has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California.

**Benefits of the Proposed Regulation**

Consumers should benefit from the proposed amendments by having access to Automotive Windshield Washer Fluid products that provide antifreeze protection, and by having clear language indicating that concentrated products can be diluted for Type "A" areas, regardless of their location, when freezing temperatures are expected.

EFFECT ON SMALL BUSINESS

The Executive Officer has also determined, pursuant to California Code of Regulations, title 1, section 4, that the proposed regulatory action would affect small businesses. However, the amendments allow, but do not require, small businesses to offer for sale higher VOC Automotive Windshield Washer Fluid in the areas proposed for addition to Type "A," or require labels on their dilutable products to be modified. For this reason, we expect all businesses, small or otherwise, to make a business decision as to whether to sell in the additional Type "A" areas or modify dilutable product labels. If manufacturers choose to modify dilutable product labels, the cost is estimated to be about \$165 per manufacturer.

ALTERNATIVES

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, 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.

ENVIRONMENTAL ANALYSIS

In accordance with ARB's certified regulatory program, California Code of Regulations, title 17, sections 60006 through 60007, and the California Environmental Quality Act, Public Resources Code section 21080.5, ARB has conducted an analysis of the potential for significant adverse and beneficial environmental impacts associated with the proposed regulatory action. The environmental analysis of the proposed regulatory action can be found in Chapter IV of the ISOR.

SUBMITTAL OF COMMENTS AND WRITTEN  
COMMENT PERIOD

Interested members of the public may also present comments verbally or in writing at the meeting, and comments may be submitted by postal mail or by electronic submittal before the meeting. The public comment period for this regulatory action will begin on September 1, 2012. To be considered by the Board, written comments, not physically submitted at the meeting, must be submitted on or after September 1, 2012, and received **no later than 12:00 noon** on October 17, 2012, and must be addressed to the following:

Postal mail: Clerk of the Board,  
Air Resources Board  
1001 I Street, Sacramento,  
California 95814

Electronic submittal:  
<http://www.arb.ca.gov/lispub/comm/bclist.php>

**You can sign up online in advance to speak at the Board meeting** when you submit an electronic board item comment. For more information go to: <http://www.arb.ca.gov/board/online-signup.htm>.

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and verbal comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) be-

come part of the public record and can be released to the public upon request.

ARB requests that written and email statements on this item be filed at least 10 days prior to the hearing so that ARB staff and Board members have additional time to consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

#### STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under the authority granted in Health and Safety Code, sections 38501, 38510, 38560, 38562, 38580, 39600, 39601, 41511, and 41712. This action is proposed to implement, interpret, and make specific sections 38501, 38510, 38560, 38562, 38580, 39600, 39601, 41511, and 41712 of the Health and Safety Code.

#### HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action; in such event, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990.

#### SPECIAL ACCOMMODATION REQUEST

Special accommodation or language needs can be provided for any of the following:

- An interpreter to be available at the hearing;

- Documents made available in an alternate format or another language, or
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Comodidad especial o necesidad de otro idioma puede ser proveído para alguna de las siguientes:

- Un intérprete que esté disponible en la audiencia.
- Documentos disponibles en un formato alternativo u otro idioma.
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Re-transmisión de Mensajes de California.

### TITLE 21. DEPARTMENT OF GENERAL SERVICES

#### CHAPTER 1. OFFICE OF THE STATE ARCHITECT SUBCHAPTER 4. SELECTION PROCESS FOR PRIVATE ARCHITECTURAL AND ENGINEERING FIRMS

The Department of General Services (Department) proposes to adopt the proposed amended regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

#### PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the

proposed regulatory action to the Department. The written comment period closes at **5:00 p.m. on October 15, 2012**. The Department will consider only comments received at the Department office by that time. Submit comments to:

Pamela Mendoza, Associate Construction Analyst  
Department of General Services  
Real Estate Service Division,  
Project Management Branch  
707 Third Street, MS 502,  
West Sacramento, CA 95605

Comments that are not more than ten (10) pages will be accepted by facsimile at (916) 376-1741. A fax transmission must be completed and received by the Department by the deadline given above. Comments may also be submitted by email to Pamela Mendoza at [pamela.mendoza@dgs.ca.gov](mailto:pamela.mendoza@dgs.ca.gov) and must be received by the Department by the deadline given above.

#### AUTHORITY AND REFERENCE

Authority Citation: The proposed amended regulations are authorized by Government Code sections 4526 and 4529.10, and California Constitution, Article XXII, sections 1 and 2.

Reference Citation: The code sections implemented, interpreted, or made specific by these proposed amended regulations are Government Code sections 4525, 4526, 4527, 4529.10, and 4529.12, and California Constitution, Article XXII, sections 1 and 2.

#### INFORMATIVE DIGEST

##### *Summary of Existing Laws and Effects of Proposed Rulemaking*

##### Background and History: Before November 8, 2000

Under California constitutional law, State civil service employees must perform services provided by State agencies generally. These services cover a broad range of activities, such as clerical support, building maintenance, and security. In some cases, however, the State may contract with private firms to obtain services. Such contracting is allowed, for example, if services needed by the State are (1) of a temporary nature, (2) not available within the civil service, or (3) of a highly specialized or technical nature. Unlike the State, local governments are not subject to constitutional restrictions on contracting for services.

The State and local governments frequently contract with private firms for construction-related services, which include architectural, engineering, and environmental impact studies. State and local governments enter into these contracts through a competitive process of

advertising for the service, selecting the firm determined to be best qualified, and negotiating a contract with that firm. However, neither the State nor most local government entities use a bidding process for these services. By comparison, bidding generally is used to acquire goods and for construction of projects.

##### Existing Law: Effective November 8, 2000

On November 7, 2000, California voters approved an initiative measure (Proposition 35) that resulted in a constitutional amendment (see Article XXII, sections 1 and 2) and the enactment of certain statutory laws (see Government Code sections 4529.10 through 4529.20). The amended State Constitution allows the State and local governments to contract with qualified private entities for architectural and engineering services for all phases of a public works project. Thus, government agencies could decide to contract out for these specific services in any case, rather than just in limited circumstances.

The statutory laws:

- Define the term “architectural and engineering services” to include all architectural, landscape architectural, environmental, engineering, land surveying, and construction project management services; and
- Require architectural and engineering services to be obtained through a fair and competitive selection process.

##### Effect of Proposed Rulemaking

The proposed amended regulations reflect the constitutional amendments and statute enactments and amendments, which presently are not represented in the Department’s existing regulations that have not been updated since they were first adopted in 1985.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The objective of the proposed amended regulations is to improve the Department’s internal procedures to contract for architectural and engineering services. The current Department regulations have not been updated since they were first adopted in 1985, and do not reflect the passage of Proposition 35 (an initiative measure effective since November 8, 2000). Proposition 35 eliminated certain restrictions on the State to allow contracting with private qualified entities for engineering and architectural services in all phases of public works projects. The scope of definitions in the proposed regulations has been broadened, made specific, and also clarified. Government Code section 4526 authorizes the Department to adopt regulations for the aforementioned purposes.

The specific benefits anticipated by the proposed amended regulations are:

1. The Department’s regulations for advertising, selection and contracting for architectural and engineering services will align with other State entities such as Department of Transportation.
2. The Department will be able to make annual announcements, without the existing \$25,000 limit, based on the general need for architectural and engineering services to assist in its overall mission and may enter into requirements contracts, also commonly known as “retainer” contracts.
3. Utilization of Retainer Agreements allows for expeditious and cost-effective contracting for professional architectural and engineering services for emergency types of projects, certain aspects of Major Capital Outlay Projects and smaller minor capital outlay or special repair types of projects.
4. Utilization of Retainer Agreements provides the ability to contract for one or more architectural and engineering disciplines to enhance or supplement an existing team of State civil service Architect(s) and Engineer(s) when these certain services are not available within State civil service staff and the services are of such an urgent, temporary, or occasional nature that the delay incumbent in their implementation under civil service would frustrate their very purpose.
5. Landscape architecture, environmental services, and construction project management will be added to the professional services available for procurement consistent with Government Code 4525–4529.5.

The proposed regulation amendments are consistent and/or compatible with other existing State regulations. The proposed regulation amendments will be consistent with approved regulations currently being used by the Department of Transportation in their selection process for private architectural and engineering firms. (Title 21, California Code of Regulations, Section 1520).

DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following determinations:*

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: Unknown fiscal impact on State spending for architectural and engineering services and construction project delivery. Actual impact will depend on how the State uses the contracting flexibility granted by these regulations.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: The Department has made an initial determination that the proposed 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. (These regulations increase the business opportunities since they are designed to select private firms that offer services to the Department.)

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

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Adoption of these amended regulations will:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.
- (4) not provide a benefit or cause damage to the health and welfare of California residents, worker safety, and the state’s environment.

Significant effect on housing costs: None.

*Small Business Determination:*

The Department has made an initial determination and is not aware of any adverse effect on small business. Small businesses with access to electronic publication tools will have more of an opportunity to compete for services under these regulations.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative which is considered or which has otherwise been identified and brought to the attention of the Department 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.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Pamela Mendoza, Associate Construction Analyst  
Department of General Services  
Real Estate Services Division,  
Project Management Branch  
707 Third Street, MS 502,  
West Sacramento, CA 95605  
Phone: (916) 376-1731  
Fax: (916) 376-1741  
Email: [pamela.mendoza@dgs.ca.gov](mailto:pamela.mendoza@dgs.ca.gov)

The backup contact person for these inquiries is:

Kevin Kaestner, Capital Outlay Program Manager  
Department of General Services  
Real Estate Services Division,  
Project Management Branch  
707 Third Street, MS 502,  
West Sacramento, CA 95605  
Phone: (916) 376-1642  
Fax: (916) 376-1741  
Email: [Kevin.kaestner@dgs.ca.gov](mailto:Kevin.kaestner@dgs.ca.gov)

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Pamela Mendoza at the above address.

#### AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, and the Economic and Fiscal Impact statement (STD Form 399). Copies may be obtained by contacting Pamela Mendoza at the address or phone number listed above.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are substantial and sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Pamela Mendoza at the address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Pamela Mendoza at the above address.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikethrough can be accessed through the Department website at <http://www.dgs.ca.gov/resd/NewsEvents.aspx>.

#### **TITLE 24. BUILDING STANDARDS COMMISSION**

#### **NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT REGARDING THE 2013 CALIFORNIA RESIDENTIAL CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2.5 (HCD)**

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 2.5. HCD is proposing building standards related to the International Residential Code (IRC).

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 31, 2012 until 5:00 p.m. on October 15, 2012**. Please address your comments to:

**California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, California 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). The 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, 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 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 Residential Code, Part 2.5 of Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, adopted by reference the 2009 International Residential Code (IRC) with California amendments, effective on January 1, 2011.

The purpose of this code is to establish the minimum requirements necessary to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, accessibility, use and occupancy, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment regarding one- and two-family dwellings and townhouses.

Summary of Effect

HCD proposes to adopt by reference the 2012 edition of the IRC, with California amendments, into Part 2.5,

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 and state law accessibility requirements, except where the application is for public use only.
- (b) Employee Housing Act: relative to the use of any buildings or structures on the property in accordance with Health and Safety Code Section 17040.
- (c) Factory-built Housing Law: relative to residential buildings, dwellings or portions thereof, or building component, or manufactured assemblies in accordance with Health and Safety Code Section 19990.

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

An in-depth discussion of the effect of the amendments may be found in the Initial Statement of Reasons.

Comparable Federal Statute or Regulations

None.

Policy Statement Overview

The proposed regulations will adopt, amend or repeal existing building standards to establish the minimum requirements necessary to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, accessibility, use and occupancy, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment regarding one- and two-family dwellings and townhouses.

The benefits anticipated from this proposed regulatory action include updating building 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 Building 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 Residential 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 building standards, which will provide increased protection of public health and safety, worker safety and the environment.**

(See *Economic Impact of the Proposed California Residential 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 Residential 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 identi-

fied 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\\_part2.5.html](http://www.hcd.ca.gov/codes/shl/2013codeadoptproj_part2.5.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 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](mailto: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:

Emily Withers, District Representative II  
HCD, Division of Codes and Standards  
Telephone: (916) 445-9471; Fax: (916) 327-4712  
E-mail: [ewithers@hcd.ca.gov](mailto:ewithers@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](mailto: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 BUILDING CODE  
CALIFORNIA CODE OF REGULATIONS,  
TITLE 24, PART 2  
(HCD)**

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 2. HCD is proposing building standards related to the International Building Code (IBC).

**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 31, 2012 until 5:00 p.m. on October 15, 2012**. Please address your comments to:

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

Written comments may also be faxed to (916) 263-0959 or e-mailed to [CBSC@dgs.ca.gov](mailto: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). The 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, 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 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 Building Code, Part 2 of Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, adopted by reference the 2009 International Building Code (IBC) with California amendments, effective on January 1, 2011.

The purpose of this code is to establish the minimum requirements necessary to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, accessibility, use and occupancy, adequate light and ventilation, energy conservation, and safety to life and proper-

ty from fire and other hazards attributed to the built environment.

Summary of Effect

HCD proposes to adopt by reference the 2012 edition of the IBC, with California amendments, into Part 2, 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 and state law accessibility requirements, except where the application is for public use only.
- (b) Employee Housing Act: relative to the use of any buildings or structures on the property in accordance with Health and Safety Code Section 17040.
- (c) Mobilehome Parks and Special Occupancy Parks: relative to the design or construction of permanent buildings and accessory buildings and structures 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 assemblies in accordance with Health and Safety Code Section 19990.

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

An in–depth discussion of the effect of the amendments may be found in the Initial Statement of Reasons.

Comparable Federal Statute or Regulations

None.

Policy Statement Overview

The proposed regulations will adopt, amend or repeal existing building standards and establish new building standards, which will affect residential occupancies and buildings or structures accessory thereto, as provided for by federal and state accessibility requirements; the use of General Design, Structural, and Fire and Life Safety Requirements in housing construction, buildings and structures accessory thereto; and permanent buildings in mobilehome parks and special occupancy parks.

The benefits anticipated from this proposed regulatory action include updating building 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 sta-

tewide 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 Building 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)(6). 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 Building*

*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 building standards, which will provide increased protection of public health and safety, worker safety and the environment.**  
(See *Economic Impact of the Proposed California Building 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 Building 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/2013codeadopt\\_proj\\_part2.html](http://www.hcd.ca.gov/codes/shl/2013codeadopt_proj_part2.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))

**CBSC Contact:** Enrique Rodriguez

**CBSC Back-up:** If the contact person is unavailable, please contact Michael 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](mailto: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:

Stoyan Bumbalov, District Representative II  
HCD, Division of Codes and Standards  
Telephone: (916) 445-9471; Fax: (916) 327-4712  
E-mail: [sbumbalov@hcd.ca.gov](mailto:sbumbalov@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](mailto: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 GREEN BUILDING  
STANDARDS CODE  
CALIFORNIA CODE OF REGULATIONS,  
TITLE 24, PART 11  
(HCD)**

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 11. HCD is proposing green building standards.

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 31, 2012 until 5:00 p.m. on October 15, 2012**. Please address your comments to:

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

Written comments may also be faxed to (916) 263-0959 or e-mailed to [CBSC@dgs.ca.gov](mailto: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). The 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 amend these building standards under the authority granted by Health and Safety Code Section 18949.5. HCD is proposing this regulatory action based on Health and Safety Code Sections 17921, 17922 and 19990. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Sections 17000-17060, 17910-17990 and 19960-19997.

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

Summary of Existing Laws

Section 17921 of the Health and Safety Code requires 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 Section 19990 requires HCD to adopt building standards for factory-built housing.

Summary of Existing Regulations

The 2010 California Green Building Standards Code, Title 24, Part 11, of the California Code of Regulations (CCR), also known as the California Building Standards Code, became effective on January 1, 2011.

The purpose of the California Green Building Standards Code, also known as *CALGreen*, is to improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices in the following categories: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental air quality. *CALGreen* also includes standards designed to address unique California conditions.

Summary of Effect

HCD proposes to adopt the 2013 edition of the California Green Building Standards Code (*CALGreen*) into Title 24, Part 11 of the California Code of Regulations for the following programs:

- a) State Housing Law: relative to residential occupancies, buildings or structures accessory thereto.

- b) Employee Housing Act: relative to the occupancy of any buildings or structures on the property in accordance with Health and Safety Code Section 17040.
- c) Factory–Built Housing Law: relative to residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies in accordance with Health and Safety Code Section 19990.

The standards provide consistency with model code format, state and federal laws and regulations, and address unique California conditions. In addition, the regulations provide clarity and specificity, and give direction for the code user.

A discussion of the effect of the regulations may be found in the Initial Statement of Reasons.

Comparable Federal Statute or Regulations

None.

Policy Statement Overview

The purpose of the adoption of the California Green Building Standards Code is to improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices in the following categories: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental air quality.

The proposed regulations will adopt building standards that will affect the following: residential occupancies and buildings or structures accessory thereto, as provided for by federal and state accessibility requirements; and the use of General Design, Structural, and Fire and Life Safety Requirements in housing construction, buildings and structures accessory thereto.

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 by the California Building Standards Commission (CBSC). At the direction of the Governor, HCD collaborated with the CBSC and other state agencies to develop green building standards. 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 Green Building Standards 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 Green Building Standards 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 businesses 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 green building standards, which will provide increased protection of public health and safety, worker safety and the environment.**

(See *Economic Impact of the Proposed California Green Building Standards 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 Green Building Standards 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 otherwise identified and brought to the attention of HCD, 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. (See *Economic Impact of the Proposed California Green Building Standards Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

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 the Initial Statement of Reasons can be accessed from the California Building Standards Commission website at <http://www.bsc.ca.gov> and also will be posted on HCD's website at [http://www.hcd.ca.gov/codes/shl/2013codeadoptproj\\_part11.html](http://www.hcd.ca.gov/codes/shl/2013codeadoptproj_part11.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.

**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:** Enrique Rodriguez  
**CBSC Back-up:** If the contact person is unavailable, please contact Michael 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](mailto: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:

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](mailto:shuff@hcd.ca.gov)

Back-up:

Doug Hensel, Assistant Deputy Director  
HCD, Division of Codes and Standards  
Telephone: (916) 445-9471; Fax: (916) 327-4712  
E-mail: [dhensel@hcd.ca.gov](mailto:dhensel@hcd.ca.gov)

**TITLE 24. BUILDING STANDARDS  
COMMISSION**

**NOTICE OF PROPOSED ACTION TO  
BUILDING STANDARDS OF THE  
DIVISION OF THE STATE ARCHITECT —  
STRUCTURAL SAFETY (DSA-SS)  
REGARDING THE CALIFORNIA BUILDING  
STANDARDS ADMINISTRATIVE CODE  
CALIFORNIA CODE OF REGULATIONS,  
TITLE 24, PART 1**

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 administrative standards contained in the California Code of Regulations (CCR), Title 24, Part 1. The Division of the State Architect is proposing to amend administrative standards applicable to the structural design of public elementary and secondary schools, community colleges, and state-owned or state-leased essential services buildings.

**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 31, 2012 until 5:00 p.m. on October 15, 2012. Please address your comments to:

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

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

ly 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). The 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 California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18930 and 18949.1. The purpose of these administrative standards is to implement, interpret, and make specific the provisions of Health & Safety Code Sections 16000–16023, and Education Code Sections 17280–17317 and 81130–81147. The Division of the State Architect is proposing this regulatory action based on Health & Safety Code Section 16022, and Education Code Sections 17310 and 81142.

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

An informative digest drafted in plain English in a format similar to the Legislative Counsel’s Digest shall include the following:

Summary of Existing Laws

Section 16023 of the Health & Safety Code authorizes the State Architect to establish building standards for state-owned and state-leased essential services buildings.

Sections 17310 and 81142 of the Education Code authorize the State Architect to establish building standards for public elementary and secondary schools, and community colleges.

Summary of Existing Regulations

Existing administrative standards which prescribe administrative requirements for building design and construction of state-owned or state-leased essential services buildings, public elementary and secondary schools, and community colleges are promulgated by the Division of the State Architect. These regulations are contained in Title 24, Part 1.

Summary of Effect

The proposed action would modify existing provisions to streamline construction-phase procedures for oversight of school buildings and facilitate project certification. The proposed action would also make editorial changes to clarify existing provisions within Title 24, Part 1.

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 administrative regulations in conformance with current state law and other Parts of Title 24.

Evaluation of consistency

There are no inconsistent or incompatible regulations being proposed.

**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))

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**

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

The Division of the State Architect has determined that this proposed regulatory action would not impose a mandate on local agencies or school districts.

**ESTIMATE OF COST OR SAVINGS**

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

- 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.**

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

The Division of the State Architect has made an initial determination that this proposed regulatory 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.

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

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**  
(Government Code Section 11346.3(d)).

The proposed regulatory 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**  
(Government Code Section 11346.5(a)(9))

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

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

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 Division of the State Architect has determined that this proposed action has no effect.
- The creation of new businesses or the elimination of existing businesses within the State of California.

The Division of the State Architect has determined that this proposed action has no effect.

- The expansion of businesses currently doing business with the State of California.  
The Division of the State Architect has determined that this 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 Division of the State Architect has determined that proposed regulatory action would have no adverse effect on the health and welfare of California residents, worker safety, and the state's environment.

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

The Division of the State Architect has made an initial determination that this proposed regulatory action **WOULD NOT** have a significant effect on housing costs.

(The CBSC contact designated below will make the Division of the State Architect evaluation of the effect of the proposed regulatory action on housing costs available upon request.)

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

The Division of the State Architect (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 this action is proposed, 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),  
Government Code Section 11346.5(a)(19))

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:

Enrique Rodriguez, Associate Construction Analyst  
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:

**Howard "Chip" Smith, Jr., Supervisor**  
**Ph. (916) 322-4699**  
**Howard.Smith@dgs.ca.gov**

**Richard Conrad, Principal Architect**  
**Ph. (916) 324-7180**  
**Richard.Conrad@dgs.ca.gov**

**Division of the State Architect**  
**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)  
REGARDING THE CALIFORNIA GREEN  
BUILDING STANDARDS CODE  
CALIFORNIA CODE OF REGULATIONS,  
TITLE 24, PART 11  
2013 CALGreen Code**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of 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 11. The DSA-SS is proposing building standards related to 2013 California Green Building Standards Code (CALGreen Code).

**PUBLIC COMMENT PERIOD**

A public hearing has not been scheduled; however, written comments will be accepted from August 31, 2012 until 5:00 p.m. on October 15, 2012. Please address your comments to:

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

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

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18928.

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.

#### 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 building 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 building systems for public elementary and secondary schools, and community colleges.

##### Summary of Existing Regulations:

Existing green building standards apply to the planning, design, operation, construction, use and occupancy of every newly constructed building or structure throughout the State of California. It is not the intent that the green building standards substitute or be identified as meeting the certification requirements of any green building program. The green building standards are promulgated by the Division of the State Architect. These regulations are contained in the California Green Building Standards Code (*CALGreen Code*, Part 11, Title 24) and incorporate the following:

- Part 5, the California Plumbing Code, with Chapter 16 for alternate water sources for non–potable applications authored by Department of Water Resources
- Part 6, the California Energy Code, which contains minimum energy efficiency standards for non–residential buildings in California promulgated by the California Energy Commission (CEC)

- Part 11, the California Green Building Standards Code (*CALGreen Code*), which contains mandatory and voluntary green building standards for residential, nonresidential, and medical facilities.

Other relevant CCR titles:

- Title 17 includes regulations for air quality promulgated by the California Air Resources Board
- Title 20, Article 4, Appliance Efficiency regulations, contains CEC standards for water consumption of widely used plumbing fixtures.
- Title 23 includes the Model Water Efficient Landscape Ordinance recently updated by Department of Water Resources.

##### Summary of Governor’s Executive Orders

**S–20–04**, December 14, 2004, instructs state entities to design, construct, and operate all new and renovated state–owned facilities paid for with state funds as “LEED Silver” or higher certified buildings.

**S–3–05**, June 1, 2005, establishes targets for limiting GHG emissions to 2000 levels by 2010, to 1990 levels by 2020, and to 80% of 1990 levels by 2050. It directs the Secretary of the Environmental Protection Agency (EPA) to coordinate this effort with the Secretary of the Business, Transportation and Housing Agency, Secretary of the Department of Food and Agriculture, Secretary of the Resources Agency, Chairperson of the Air Resources Board, Chairperson of the Energy Commission, and the President of the Public Utilities Commission. These agencies formed a Climate Action Team (CAT) to report to the governor by January, 2006 and periodically thereafter on strategies and progress in meeting the goals.

**S–20–06**, October 17, 2006, directs EPA to continue coordinating reduction of GHG emissions and development of market–based strategies for achievement, mandated by AB 32.

##### Summary of Effect

The proposed action would update Part 11 of Title 24 by repealing the adoption of the 2010 edition of the California Green Building Standards Code (*CALGreen Code*) and adopting the 2013 edition California Green Building Standards Code (*CALGreen Code*) published by the California Building Standards Commission.

##### Comparable Federal Statute or Regulations

The Environmental Protection Agency (EPA) defines “Brownfield Development”, an option proposed for site planning and design. EPA also regulates ozone–depleting and climate warming chemicals, as well as other air pollutants like wood smoke in updates to the 1970 Clean Air Act. The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq., also known as the Clean Water Act) is adopted in California by the State

Water Resources Control Board for management of storm water during construction.

Policy Statement Overview

The broad objective of the proposed action is to maintain green building standards in conformance with current state law, by updating and adopting 2013 California Green Building Standards Code (CALGreen 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 projects following the California Green Building Standards Code (CALGreen Code) guidelines would impose a mandate on local agencies in the form of verification. However, the mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code. No mandate is imposed on 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 im-

pact 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 is to improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices in the following categories:

1. Planning and design
2. Energy efficiency
3. Water efficiency and conservation
4. Material conservation and resource efficiency
5. Environmental quality

Enrique Rodriguez, Construction Analyst  
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

#### 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 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:

#### 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

Theresa Townsend  
Ph. (916) 445-1304  
theresa.townsend@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 FOR PROPOSED BUILDING STANDARDS OF THE OFFICE OF THE STATE FIRE MARSHAL REGARDING THE ADOPTION BY REFERENCE OF THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE WITH AMENDMENTS INTO THE 2013 CALIFORNIA FIRE CODE CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 9

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 9. The SFM is proposing building standards related to the 2012 International Fire Code.

INFORMATIVE DIGEST

#### PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 31, 2012 until 5:00 p.m. on October 15, 2012. Please address your comments to:

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

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

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.

#### 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 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 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 9, 2010 California Fire 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 Fire Code (California Code of Regulations, Title 24, Part 9) based upon a more current edition of a model code. The current California Fire Code in effect is the 2010 California Fire Code which is based upon the 2009 International Fire Code of the International Code Council. This proposed action will also:

- Repeal the adoption by reference of the 2009 International Fire Code of the International Code Council and incorporate and adopt by reference in its place the 2012 International Fire Code of the International Code Council for application and effectiveness in the 2013 California Fire Code pursuant to Health and Safety Code 18928. Health and Safety Code 18928 requires any state agency adopting model codes to adopt the most recent edition.
- Repeal certain amendments to the 2009 International Fire Code and/or California Building Standards not addressed by the model code that are no longer necessary pursuant with Health and Safety Code 18930(a)(7).
- Adopt new building standards or necessary amendments to the 2012 International Fire Code that address inadequacies of the 2012 International Fire 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 2006 International Fire Code to the format of the 2012 International Fire 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 objective 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 International Fire 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 Fire 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 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 any specific regulation or class of regulation applicable to the adoption by reference and the amendments relating to the 2012 International Fire 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:

Enrique Rodriguez, Construction Analyst  
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 build-  
ing 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](mailto:kevin.reinertson@fire.ca.gov)  
**(916) 327-4998**  
**(916) 445-8459 FAX**

**TITLE 24. BUILDING STANDARDS  
COMMISSION**

**NOTICE OF PROPOSED ACTION TO  
BUILDING STANDARDS OF THE  
DIVISION OF THE STATE ARCHITECT —  
STRUCTURAL SAFETY (DSA-SS)  
REGARDING THE ADOPTION OF THE 2012  
INTERNATIONAL BUILDING CODE FOR USE  
AS THE 2013 CALIFORNIA BUILDING CODE  
IN THE  
CALIFORNIA CODE OF REGULATIONS,  
TITLE 24, PART 2**

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 2. The Division of the State Architect is proposing to amend building standards applicable to the structural design of public elementary and secondary schools, community colleges, and state-owned or state-leased essential services buildings.

**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 31, 2012 until 5:00 p.m. on October 15, 2012. Please address your comments to:

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

Written comments may also be faxed to (916) 263-0959 or e-mailed to [CBSC@dgs.ca.gov](mailto: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). The 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 California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18930 and 18949.1. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health & Safety Code Sections 16000-16023, and Education Code Sections 17280-17317, 81130-81147, and 81052-81053. The Division of the State Architect is proposing this regulatory action based on Health & Safety Code Section 16022, and Education Code Sections 17310, 81142 and 81053.

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

An informative digest drafted in plain English in a format similar to the Legislative Counsel's Digest shall include the following:

Summary of Existing Laws

Section 16023 of the Health & Safety Code authorizes the State Architect to establish building standards for state-owned and state-leased essential services buildings.

Sections 17310 and 81142 of the Education Code authorize the State Architect to establish building standards for public elementary and secondary schools, and community colleges.

Sections 81052 and 81053 of the Education Code authorize the State Architect to establish building standards which a community college may elect to use in lieu of those standards promulgated in accordance with Education Code Sec. 81142.

Summary of Existing Regulations

Existing building standards which prescribe requirements for building design and construction of state-owned or state-leased essential services buildings, public elementary and secondary schools, and community colleges are promulgated by the Division of the State Architect. These regulations are contained in Title 24, Part 2, and are based on provisions within the adopted model building code.

Summary of Effect

The proposed action would update Title 24, Part 2, by adopting the most recent edition of the selected model building code (*International Building Code*, 2012 edition). The proposed action will also:

- Integrate currently adopted structural safety amendments into the updated Title 24, Part 2.
- Repeal currently adopted amendments deemed to be sufficiently addressed by the adopted model building code.
- Make editorial changes to currently adopted amendments to improve clarity or intent.

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 building code and nationally-recognized structural design standards.

Evaluation of consistency

There are no inconsistent or incompatible regulations being proposed.

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))

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

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

The Division of the State Architect has determined that this proposed regulatory action WOULD NOT impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

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

- 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.**

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

The Division of the State Architect has made an initial determination that this proposed regulatory 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.

DECLARATION OF EVIDENCE

(Government Code Section 11346.5(a)(2))

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  
(Government Code Section 11346.3(d)).

The proposed regulatory 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  
(Government Code Section 11346.5(a)(9))

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

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

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 Division of the State Architect has determined that this proposed action has no effect.
- The creation of new businesses or the elimination of existing businesses within the State of California.  
The Division of the State Architect has determined that this proposed action has no effect.
- The expansion of businesses currently doing business with the State of California.  
The Division of the State Architect has determined that this 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 Division of the State Architect has determined that the proposed rulemaking action will not have an adverse effect on the health and welfare of California residents, worker safety, and the state's environment.

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

The Division of the State Architect has made an initial determination that this proposed regulatory action WOULD NOT have a significant effect on housing costs.

(The CBSC contact designated below will make the Division of the State Architect's evaluation of the effect of the proposed regulatory action on housing costs available upon request.)

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

The Division of the State Architect (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 this action is proposed, 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),  
Government Code Section 11346.5(a)(19))

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  
(Government Code Section 11346.5(a)(14))

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

Enrique Rodriguez, Associate Construction Analyst  
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:

**Howard "Chip" Smith**  
**Ph. (916) 322-4699**  
**Howard.Smith@dgs.ca.gov**

**Richard Conrad**  
**Ph. (916) 324-7180**  
**Richard.Conrad@dgs.ca.gov**

**Division of the State Architect**  
**1102 Q Street, Suite 5100**  
**Sacramento, CA 95811**  
**DSA Facsimile No.: (916) 324-0207**

**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  
INTERNATIONAL RESIDENTIAL CODE  
WITH AMENDMENTS INTO THE 2013  
CALIFORNIA RESIDENTIAL CODE  
CALIFORNIA CODE OF REGULATIONS  
TITLE 24, PART 2.5**

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 2.5. The SFM is proposing building standards related to the 2012 International Residential Code.

**PUBLIC COMMENT PERIOD**

A public hearing has not been scheduled; however, written comments will be accepted from August 31,

2012 until 5:00 p.m. on October 15, 2012. Please address your comments to:

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

Written comments may also be faxed to (916) 263-0959 or e-mailed to [CBSC@dgs.ca.gov](mailto: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). The 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 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 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 adopts by reference the California Code of Regulations, Title 24, Part 2.5, 2010 California Residential 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 the proposed action is principally intended to update and codify a new edition of the California Residential Code (California Code of Regulations, Title 24, Part 2.5) based upon a more current edition of a model code. The current California Residential Code in effect is the 2010 California Residential Code which is based upon the 2009 International Residential Code of the International Code Council. This proposed action will also:

- Repeal the adoption by reference of the 2009 International Residential Code of the International Code Council and incorporate and adopt by

reference in its place the 2012 International Residential Code of the International Code Council for application and effectiveness in the 2013 California Residential Code pursuant to Health and Safety Code 18928. Health and Safety Code 18928 requires any state agency adopting model codes to adopt the most recent edition.

- Repeal certain amendments to the 2009 International Residential Code and/or California Building Standards not addressed by the model code that are no longer necessary pursuant to Health and Safety Code 18930(a)(7).
- Adopt new building standards or necessary amendments to the 2012 International Residential Code that address inadequacies of the 2012 International Residential 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 2006 International Residential Code to the format of the 2012 International Residential 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 objective 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 International Residential 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 Residential 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 any specific regulation or class of regulation applicable to the adoption by reference and the amendments relating to the 2012 International Residential 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:

Enrique Rodriguez, Construction Analyst  
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](mailto: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 INTERNATIONAL RESIDENTIAL CODE WITH AMENDMENTS INTO THE 2013 CALIFORNIA RESIDENTIAL CODE CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 2.5**

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 2.5. The SFM is proposing building standards related to the 2012 International Residential Code.

**PUBLIC COMMENT PERIOD**

A public hearing has not been scheduled; however, written comments will be accepted from August 31, 2012 until 5:00 p.m. on October 15, 2012. Please address your comments to:

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

Written comments may also be faxed to (916) 263-0959 or e-mailed to [CBSC@dgs.ca.gov](mailto: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). The 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 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 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 2.5, 2010 California Residential 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 Residential Code (California Code of Regulations, Title 24, Part 2.5) based upon a more current edition of a model code. The current California Residential Code in effect is the 2010 California Residential Code which is based upon the 2009 International Residential Code of the International Code Council. This proposed action will also:

- Repeal the adoption by reference of the 2009 International Residential Code of the International Code Council and incorporate and adopt by reference in its place the 2012 International Residential Code of the International Code Council for application and effectiveness in the 2013 California Residential Code pursuant to Health and Safety Code 18928. Health and Safety Code 18928 requires any state agency adopting model codes to adopt the most recent edition.
- Repeal certain amendments to the 2009 International Residential Code and/or California Building Standards not addressed by the model code that are no longer necessary pursuant with Health and Safety Code 18930(a)(7).

- Adopt new building standards or necessary amendments to the 2012 International Residential Code that address inadequacies of the 2012 International Residential 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 2006 International Residential Code to the format of the 2012 International Residential 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 International Residential 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 Residential 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 any specific regulation or class of regulation applicable to the adoption by reference and the amendments relating to the 2012 International Residential 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.

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

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

Enrique Rodriguez, Construction Analyst  
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](mailto:kevin.reinertson@fire.ca.gov)**  
**(916) 327-4998**  
**(916) 445-8459 FAX**

**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  
INTERNATIONAL BUILDING CODE (IBC)  
FOR USE AS THE  
2013 CALIFORNIA BUILDING CODE (CBC)  
TITLE 24, PART 2, CALIFORNIA CODE OF  
REGULATIONS (CCR)**

Notice is hereby given that the California Building Standards Commission (CBSC) proposes to repeal the 2009 International Building Code published by the International Code Council and adopt as the new model building code the 2012 International Building Code (IBC) published by the International Code Council as the California Building Code, Part 2 of the California Code of Regulations (CCR), Title 24.

**PUBLIC COMMENT PERIOD**

A public hearing has not been scheduled; however, written comments will be accepted from August 31, 2012 until 5:00 p.m. on October 15, 2012. Please address your comments to:

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

Written comments may also be faxed to (916) 263-0959 or e-mailed to [CBSC@dgs.ca.gov](mailto: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-PUBLIC COMMENT 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, CBSC will explain the modifications in its Final Statement of Reasons to be considered by the commission during the meeting at which the commission adopts,

amends, or repeals the regulation(s). CBSC will accept written comments at the meeting.

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 of Health and Safety Code (H & SC) §§18934.5 and 18942(b) and Government Code (GC) §14617. The purpose of these building standards is to implement, interpret, and make specific the provisions of H & SC §§18928, 18928.1, 18934.5 and 18938.

**INFORMATIVE DIGEST**

Summary of Existing Laws

**H & SC §16600. Building seismic retrofit guidelines for state buildings; seismic retrofit building standards**

Authorizes CBSC and the Division of the State Architect to develop building seismic retrofit guidelines for existing state buildings.

**H & SC §16601. Approval of guidelines and standards; administrative actions**

Provides that CBSC shall approve the standards and take administrative actions to make them applicable to all state buildings, including those owned by the University of California or the California State University.

**H & SC §16603. Applicability of chapter to University of California**

Allows that provisions of this chapter only apply to the University of California if so resolved by the Regents of the university.

**H & SC §16604. Legislative intent**

Provides funding to carry out the provisions of this chapter.

**H & SC §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 International Building Code, and requires that state agencies propose the adoption within one year of publication of a model code.

**H & SC §18928.1. Building Standards; incorporation of model codes, applicable national specifications or published standards; publication agreement**

Sets forth that the commission shall incorporate text of the model code only by reference, unless otherwise

established in a publication agreement between the commission and the model code organization.

**H & SC §18934.5. Standards for state buildings; adoption, approval, codification and publication**

Authorizes CBSC to adopt and publish building standards applicable to state buildings, including state university buildings and, to the extent permitted by law, University of California buildings.

**H & SC §18938. Filing and codification; publication; effective date; emergency standards; application of section**

Sets forth that model codes as referenced in the California Building Standards Code shall apply to occupancies throughout the state and shall become effective 180 days after publication.

**H & SC 18942(b). Publication, supplements; emergency standards; availability and possession of code**

Mandates that CBSC publish statutory safety requirements for the construction of private swimming pools.

**GC 14617. Lighting for college campus parking lots and walkways; standards; adoption of regulations**

Mandates that CBSC adopt and publish regulations for lighting for parking lots and primary campus walkways at the University of California, California State University, and California Community Colleges.

Summary of Existing Regulations

The existing 2010 California Building Code is Part 2 of CCR, Title 24 and incorporates, by adoption by CBSC, the 2009 International Building Code of the International Code Council. This code provides minimum building standards to safeguard public welfare for local jurisdictions within the state of California and for state-owned buildings and buildings constructed by the University of California and California State Universities. It contains references to other codes, such as the fire code, mechanical code, and plumbing code that are adopted for use in California.

Summary of Effect

CBSC is mandated to adopt the most current editions of the model codes. This proposed action by CBSC will make effective the 2012 IBC for occupancies pursuant to H & SC §18934.5, 180 days after publication of the next triennial edition of the California Building Code. This proposed action will also:

- Repeal the 2009 IBC and adopt the 2012 IBC;
- Relocate from the 2010 CBC, and proposed administrative and scoping provisions for occupancies under the authority of state agencies in California;

- Relocate from the 2010 CBC provisions for campus lighting and private swimming pools which are not addressed by the IBC;
- Correlate references to model codes that California does not adopt with those that California proposes for adoption.

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations related to the proposed action by CBSC.

Policy Statement Overview

The proposed adoption of the 2012 IBC makes applicable to state-owned building projects and projects permitted by local agencies the most current edition of the IBC by reference through CCR, Title 24, Part 2. It defines administrative regulations for state agencies, and makes available by adoption by local jurisdictions the administrative provisions. It carries forward CBSC campus lighting and private swimming pool provisions which are not addressed in the IBC. It correlates model code references within the 2012 IBC, which will eliminate conflict and provide internal consistency among model codes adopted by reference in CCR Title 24.

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

CBSC 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

CBSC 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 §17500) of Division 4, Government Code. H & SC §18928 requires CBSC to adopt the most current edition of the model codes.

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

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

CBSC has determined there was no record of facts, evidence, documents, testimony, or other evidence that the agency relied upon to support its initial determination of no effect.

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

CBSC has determined that no report is required for this regulation.

COST IMPACT ON REPRESENTATIVE PRIVATE  
 PERSON OR BUSINESS

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

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.  
**This regulation will not affect the creation 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.  
**This regulation will not affect the creation or elimination of existing businesses within the State of California.**
- The expansion of businesses currently doing business with the State of California.  
**This regulation will not affect the expansion of businesses currently doing business within the State of California.**

INITIAL DETERMINATION OF SIGNIFICANT  
 EFFECT ON HOUSING COSTS

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

CONSIDERATION OF ALTERNATIVES

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 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:

**Michael Nearman, Deputy Executive Director**  
 California Building Standards Commission  
 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:

**Enrique M. Rodriguez,**  
Associate Construction Analyst  
California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone No.: (916) 263-0916  
Facsimile No.: (916) 263-0959  
[Enrique.rodriquez@dgs.ca.gov](mailto:Enrique.rodriquez@dgs.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 2012 EDITION OF THE INTERNATIONAL BUILDING CODE WITH AMENDMENTS INTO THE 2013 CALIFORNIA BUILDING CODE CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 2

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 2. The SFM is proposing building standards related to the 2012 International Building Code.

#### PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 31, 2012 until 5:00 p.m. on October 15, 2012. Please address your comments to:

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

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

ly 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). The 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 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 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 2, 2010 California Building 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 Building Code (California Code of Regulations, Title 24, Part 2) based upon a more current edition of a model code. The current California Building Code in effect is the 2010 California Building Code which is based upon the 2009 International Building Code of the International Code Council. This proposed action will also:

- Repeal the adoption by reference of the 2009 International Building Code of the International Code Council and incorporate and adopt by reference in its place the 2012 International Building Code of the International Code Council for application and effectiveness in the 2013 California Building Code pursuant to Health and Safety Code 18928. Health and Safety Code 18928 requires any state agency adopting model codes to adopt the most recent edition.
- Repeal certain amendments to the 2009 International Building Code and/or California Building Standards not addressed by the model code that are no longer necessary pursuant with Health and Safety Code 18930(a)(7).
- Adopt new building standards or necessary amendments to the 2012 International Building Code that address inadequacies of the 2012 International Building 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 2006 International Building Code to the format of the 2012 International Building 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 International Building 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 Building Code and 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 any specific regulation or class of regulation applicable to the adoption by reference and the amendments relating to the 2012 International Building 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:

Enrique Rodriguez, Construction Analyst  
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](mailto:kevin.reinertson@fire.ca.gov)  
(916) 327-4998  
(916) 445-8459 FAX

**TITLE 24. BUILDING STANDARDS  
COMMISSION**

**NOTICE OF PROPOSED CHANGES TO  
BUILDING STANDARDS OF THE  
CALIFORNIA BUILDING STANDARDS  
COMMISSION (CBSC)  
REGARDING THE PROPOSED CHANGES TO  
ADMINISTRATIVE CODE  
CALIFORNIA CODE OF REGULATIONS,  
TITLE 24, PART 1  
AMEND CHAPTER 1**

Notice is hereby given that the California Building Standards Commission (CBSC) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24. CBSC is proposing building standards related to amendments, reformatting, and new regulations for the 2010 California Administrative Code, CCR, Title 24, Part 1.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 31, 2012 until 5:00 p.m. on October 15, 2012.

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

Written comments may also be faxed to (916) 263-0959 or e-mailed to [CBSC@dgs.ca.gov](mailto: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). The 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 in Government Code Sections 11000, 11346.1, 11346.5, 82019, and 87306; and Health and Safety Code Sections 18909, 18929, 18929.1, 18930, 18930.5, 18931, 18931(f), 18931.6, 18931.7, 18934, 18935, 18937, 18945, 18946, and 18949.6.

The purpose of these building standards is to implement, interpret, and make specific the provisions of Government Code Sections 11000, 11346.1, 11346.5, 82019, and 87306 and Health and Safety Code Sections 18901–18949.

#### INFORMATIVE DIGEST

##### Summary of Existing Laws

Government Code 11000 defines commissions and other referenced departments as “state agencies.”

Government Code 11346.1 allows for regulations to be adopted on an emergency basis within defined parameters and holds that emergency building regulations be filed with CBSC and not with the Office of Administrative Law (OAL).

Government Code 11346.5 establishes requirements for public notices of proposed regulatory adoption, including economic impact statements, statements of potential impact on California businesses, effect on housing costs, and where and how to obtain copies of the proposed regulations.

Government Code 82019 defines a “designated employee” for the purposes of the Conflict of Interest Code.

Government Code 87306 requires that a state agency report to the Fair Political Practices Commission changes to its Conflict of Interest Code on a biennial basis.

Health and Safety Code 18909 defines what is and what is not a building standard.

Health and Safety Code 18925 provides for CBSC to appoint an Executive Director with defined responsibilities.

Health and Safety Code 18927 permits CBSC to appoint advisory panels composed of volunteers from professions most likely to be knowledgeable in and affected by building standards, to advise CBSC.

Health and Safety Code 18929 through 18932 outline the duties of CBSC in its review of building standards proposed by state agencies; criteria to be used for accep-

tance; authority of CBSC to propose green building standards where no other agency has authority; procedural duties of CBSC; reimbursement by state agencies for review and development of building standards; establishment of a local fee on building permits to be used by CBSC and other agencies in the development and training of building standards, primarily green building standards; permission for CBSC to accept grants and gifts to perform its duties; and content of the code and authority of CBSC for its format.

Health and Safety Code 18934 requires state agencies proposing to adopt building standards to adopt and submit to CBSC regulations for procedures that insure public participation.

Health and Safety Code 18935 requires that state agencies proposing to adopt building standards meet requirements, for public noticing and hearings, of California Government Code, Division 3, Part 1, Chapter 3.5, beginning with Section 11340, known as the Administrative Procedure Act (APA); and that CBSC shall submit agency notices to OAL for the purpose of publication in the California Regulatory Notice Register.

Health and Safety Code 18936 holds that CBSC shall mail notices of its meetings to organizations or parties submitting written requests for them at least 15 days prior to those meetings.

Health and Safety Code 18937 requires CBSC to act on emergency building standards proposals within 30 days, provided the proposing agency has made a finding of emergency in accordance with the APA. CBSC must concur with the finding of emergency in its approval actions.

Health and Safety Code 18945 sets forth a process for an appeal to CBSC of any state agency’s action respecting the administration of any building standard.

Health and Safety Code 18946 describes the options CBSC has in hearing or referring appeals and requires a written decision on an appeal.

Health and Safety Code 18949.1 through 18949.5 define the authority for CBSC to adopt building standards on behalf of certain state agencies, and include provisions for the California Energy Commission in its adoption of building standards to follow the time schedule for code cycles set by CBSC.

Health and Safety Code 18949.6 requires CBSC to adopt regulations for the procedure for adopting building standards and administrative regulations that apply to implementation or enforcement of building standards. Regulations shall facilitate adoption of model building codes and shall allow for compliance with the APA.

##### Summary of Existing Regulations

Chapter 1 of Part 1 contains the administrative regulations of CBSC in ten articles, describing duties and

procedures to be followed in implementation of California Building Standards Law. Last code adoption cycle, CBSC made extensive updates to Chapter 1 to reflect changes in the law, and clarify the Chapter for proposing state agencies and other code uses.

Summary of Effect

The proposed standards make several editorial, grammatical and punctuation changes. They change the makeup of the PEME and Green Code Advisory Committees for upcoming code cycles as requested by the Commission.

Comparable Federal Statute or Regulations

CBSC is not aware of an existing comparable federal statute or regulation.

Policy Statement Overview

The proposed regulations will correct minor errors and reflect the Commission's desire to update specific Code Advisory Committee positions.

Evaluation of consistency

The proposed regulations are consistent with existing state regulations.

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

CBSC 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 CBSC 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: **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.**

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

The CBSC 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. The proposed regulations are primarily internal to CBSC and affected state agencies and if anything, are intended to bring more transparency to CBSC processes.

**DECLARATION OF EVIDENCE**

CBSC 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.

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

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**

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**

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

- **The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.**

These regulations will positively affect the safety of California residents.

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

CBSC has made an initial determination that this proposal will have no effect on housing costs.

#### CONSIDERATION OF ALTERNATIVES

CBSC has made an initial determination that no reasonable alternative it considered 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. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

[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:

**Jim McGowan, [Jim.McGowan@dgs.ca.gov](mailto:Jim.McGowan@dgs.ca.gov)**

#### CBSC 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:

**Mia Marvelli, [Mia.Marvelli@dgs.ca.gov](mailto:Mia.Marvelli@dgs.ca.gov)  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone No.: (916) 263-0916  
Facsimile No.: (916) 263-0959**

#### TITLE 24. BUILDING STANDARDS COMMISSION

#### NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT REGARDING THE CALIFORNIA ADMINISTRATIVE CODE AND CALIFORNIA BUILDING CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PARTS 1 & 2

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, Parts 1 & 2. The OSHPD is proposing building standards related to the adoption of the 2013 California Administrative Code and the adoption of the 2012 International Building Code for incorporation into the 2013 California Building Code.

#### PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 31, 2012 until 5:00 p.m. on October 15, 2012. Please address your comments to:

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

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

An informative digest drafted in plain English in a format similar to the Legislative Counsel's Digest shall include the following:

##### 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 1, 2010 California Administrative Code (CAC) and Part 2, 2010 California Building Code (CBC), which is based on the 2009 International Building Code with California amendments. OSHPD enforces requirements related to the construction of hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers. Requirements governing the structural design and construction of OSHPD-regulated health facilities are currently found in Volumes 1 & 2 of the 2010 CBC.

##### Summary of Effect

The purpose of this proposed action is to: 1) make minor technical amendments to Title 24, Part 1, and 2) adopt the 2012 International Building Code (IBC), by amendments, into the Title 24, Part 2, 2013 CBC, carry forward existing California amendments related to the structural design of health facilities and propose new amendments. The proposed amendments will:

Part 1

Make minor technical amendments for consistency with 2013 Title 24, Part 2, CBC.

Part 2, Volume 1

Add definitions in Chapter 2, for consistency with new format of IBC 2012, and carry forward existing amendments in Chapter 1, 14, and 15.

Part 2, Volume 2

Make technical amendments to the requirements in various sections of Chapters 16, 16A, 17, 17A, 18, 18A, 19, 19A, 20, 21A, 22A, 23, 24, 25, 33, 34, 34A, 35, Appendix J, and Appendix L; will repeal redundant, outdated or conflicting requirements, provide clarity and provide consistency within the code.

Comparable Federal Statute or Regulations

These regulations do not duplicate or conflict with federal statute or regulation.

Policy Statement Overview

The intent of this proposal is to amend the administrative regulations, as necessary, and 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 regulation 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 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.** Estimate: None.

**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 make minor technical amendments to the administrative regulations and to adopt the most recent model code pursuant to statutory requirements and to carry forward existing California amendments from the 2010 California Building Code.

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

A report pursuant to Government Code §11346.3(c) is not required by these proposed regulations.

**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**

(Government Code Section 11346.5(a)(10), Government Code Section 11346.3(b)(1))

- The 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 are intended to ensure that health care facilities that serve patients who have less than the capacity of normally healthy persons to protect themselves, and that must be reasonably capable of providing services to the public after a disaster, shall be designed and constructed to resist, insofar as practical, the forces generated by earthquake, floods, wind and gravity.

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

The 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

(Government Code Section 11346.5(a)(20), Government Code Section 11346.5(a)(19))

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 (Government Code Section 11346.5(a)(14))

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:

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](mailto: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  
CALIFORNIA BUILDING STANDARDS  
COMMISSION (CBSC)  
REGARDING APPENDIX CHAPTER A1  
OF THE 2012 INTERNATIONAL EXISTING  
BUILDING CODE,  
CALIFORNIA CODE OF REGULATIONS,  
TITLE 24, PART 10  
ADOPTION OF NEW MODEL CODE FOR USE  
IN CALIFORNIA AS TITLE 24, PART 10,  
CHAPTER A1**

Notice is hereby given that the California Building Standards Commission (CBSC) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 10, Chapter A1.

**PUBLIC COMMENT PERIOD**

A public hearing has not been scheduled; however, written comments will be accepted from August 31, 2012 until 5:00 p.m. on October 15, 2012. Please address your comments to:

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

Written comments may also be faxed to (916) 263-0959 or e-mailed to [CBSC@dgs.ca.gov](mailto: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). The CBSC will ac-

cept 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**

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code (H&SC) sections 18928, 18928.1, and 18934.7. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC sections 18916, 18928, 18928.1, 18934.7, 18938 and 18941.6. CBSC is proposing this regulatory action based on H&SC section 18928.

**INFORMATIVE DIGEST**

An informative digest drafted in plain English in a format similar to the Legislative Counsel's Digest shall include the following:

**Summary of Existing Laws**

**HS&C section 18916. Model code**

Defines model code, including but not limited to, Appendix Chapter 1 of the Uniform Code for Building Conservation of the International Conference of Building Officials.

**HS&C section 18928. 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.

**HS&C section 18928.1. Building standards; incorporation of model codes, applicable national specifications or published standards; publication agreement**

Mandates the commission adopt or approve the model codes, applicable national specifications, or published standards, in whole or in part, only by reference, with appropriate additions or deletions.

**HS&C section 18934.7. International Existing Building Code of the International Code Council; publication of standards; exception**

Mandates the commission adopt by reference the building standards of Appendix Chapter 1 of the International Existing Building Code for Building Con-

servation for publication in the California Building Standards Code, except for buildings subject to building standards adopted pursuant to Part 1.5 (commencing with Section 17910).

**HS&C section 18941.6 Hazardous building ordinances and programs; building standards; local condition; exceptions; study**

Requires local jurisdiction to follow Appendix Chapter 1 of the IEBC with regular updates thereafter.

**HS&C section 18938. Filing and Codification; publication; effective date; emergency standards; application of section**

Sets forth that the commission shall file building standards with the Secretary of State after approval and publish them only in Title 24. This section also provides that building standards contained in the model codes as referenced in the California Building Standards Code shall apply to all occupancies in the state and shall become effective 180 days after publication in the California Building Standards Code, or Title 24.

**Summary of Existing Regulations**

The existing 2010 Existing California Building Code (CEBC) is a part 10 of Title 24. It incorporates Appendix Chapter 1 of the 2009 International Existing Building Code (IEBC) of the International Code Council (ICC) without amendments for existing buildings, except for detached dwellings of less than five dwelling units, having at least one unreinforced masonry (URM) bearing wall, pursuant to 1986 URM Building Law.

**Summary of Effect**

This proposed action will make effective Appendix Chapter A1 of the 2012 IEBC of the ICC to occupancies identified pursuant to Health and Safety Code 18934.7, 180 days after the publication of the next triennial edition of the CEBC. This proposed action by the California Building Standards Commission will also make the 2010 CEBC inoperative for future alterations to existing URM buildings in the highest Seismic Design Category, upon the effective date of the next triennial edition of the CEBC.

**Comparable Federal Statute or Regulations**

There are no comparable Federal statutes or regulations related to the proposed action by CBSC.

**Policy Statement Overview**

The broad objective of the adoption of the most current edition of the IEBC by reference is to provide an up-to-date reference document for existing URM buildings to be altered under the next triennial edition of the CCBC, thereby improving the results of seismic retrofitting programs initiated under the 1986 URM Building Law.

**Evaluation of consistency**

The proposed regulations are consistent with existing state regulations.

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

CBSC 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**

CBSC has determined that the proposed regulatory action would impose a mandate on local agencies. 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 CBSC to adopt the most current edition of the model codes. H&SC 18938(b) makes applicable the most current edition of the model building conservation code to all occupancies throughout the State of California as prescribed.

**ESTIMATE OF COST OR SAVINGS**

- A. Cost or Savings to any state agency: **No cost. HS&C section 18928 mandates the adoption of the most recent edition of the model code.**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No cost. HS&C section 18928 mandates the adoption of the most recent edition of the model code.**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No cost. HS&C section 18928 mandates the adoption of the most recent edition of the model code.**
- D. Other non-discretionary cost or savings imposed on local agencies: **No cost. HS&C section 18928 mandates the adoption of the most recent edition of the model code.**
- E. Cost or savings in federal funding to the state: **No cost. HS&C section 18928 mandates the adoption of the most recent edition of the model code.**

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

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

In its 2004 report to the Legislature titled “Status of the Unreinforced Masonry Building Law”, SSC 2005–02, the Seismic Safety Commission recommended that state and local governments provide economic incentives to URM building owners to defray costs associated with retrofitting, which may have a positive impact on business.

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

No report is required for this regulation.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

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.

- **The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.**

These regulations will positively affect the safety of California residents.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

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

CONSIDERATION OF ALTERNATIVES

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. 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 PERSONS

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

**Michael Nearman, Deputy Executive Director**  
**[Michael.Nearman@dgs.ca.gov](mailto:Michael.Nearman@dgs.ca.gov)**

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

**Mia Marvelli, Architectural Associate**  
**Mia.Marvelli@dgs.ca.gov**  
California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone No.: (916) 263-0916  
Facsimile No.: (916) 263-0959

## TITLE 24. BUILDING STANDARDS COMMISSION

### NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC) REGARDING AMENDMENTS TO THE 2013 CALIFORNIA BUILDING STANDARDS CODE, TITLE 24, CALIFORNIA CODE OF REGULATIONS (CCR), PART 11, CALIFORNIA GREEN BUILDING STANDARDS CODE

Notice is hereby given that CBSC proposes to adopt, approve, codify, and publish primarily voluntary green building standards in CCR, Title 24, Part 11.

#### PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 31, 2012 until 5:00 p.m. on October 15, 2012. Please address your comments to:

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

Written comments may also be faxed to (916) 263-0959 or e-mailed to [CBSC@dgs.ca.gov](mailto: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). The 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 (H&SC) Sections 16600, 18928, 18930.5, 18934.5, 18934.6, and 18938(b) and Government Code Section 14617. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC, Sections 16600 through 16604 and Division 13, Part 2.5, commencing with Section 18901; and Government Code Section 14617.

#### INFORMATIVE DIGEST

##### Summary of Existing Laws

**H&SC Section 16600** authorizes the commission and the Division of the State Architect to develop and adopt building seismic retrofit guidelines for state buildings.

**H&SC Section 18928** authorizes the commission to adopt the most recent edition of model codes, national standards, or specifications.

**H&SC Section 18934.5** 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.

**H&SC Section 18934.6** mandates that the commission shall adopt, approve, codify, and publish by reference Appendix Chapter 1 of the International Existing Building Code for providing the minimum standards for unreinforced masonry buildings.

**H&SC 18930.5** grants CBSC the authority, if no state agency has the authority or expertise to propose green building standards applicable to a particular occupancy, the commission shall adopt, approve, codify, update, and publish green building standards for those occupancies.

**H&SC Section 18938(b)** provides that model code standards as referenced in the California Building Standards Code (CCR, Title 24) shall apply to all occupan-

cies throughout the state, and shall become effective 180 days after publication in the California Building Standards Code by CBSC, or on a later date after publication established by CBSC.

**H&SC Section 38500 et seq. (AB 32, Stats 2006, c. 488)** requires a cap on greenhouse gas (GHG) emissions by 2020, mandatory emissions reporting, and a market-based compliance program.

**Government Code Section 14617** authorizes the commission and the Division of the State Architect to establish a standard of lighting for parking lots at the University of California, California State University, and California Community Colleges.

**Government Code Sections 65601 through 65607** regulate use of recycled water in landscaping.

**Public Resources Code Sections 42900 through 42911** provide for access in development projects to adequate areas for collection and loading of recyclable materials, and include a model ordinance for local agency adoption.

Summary of Existing Regulations

California Code of Regulations (CCR), Title 24, also referred to as the 2010 California Building Standards Code incorporates the following:

- Part 1, the California Administrative Code, with administrative regulations for CBSC and the California Energy Commission (CEC).
- Part 5, the California Plumbing Code, Chapter 16 and 17 for graywater and rainwater, respectively, being adopted simultaneously for the 2013 edition;
- Part 6, the California Energy Code, which contains minimum energy efficiency standards for nonresidential buildings in California promulgated by the CEC.
- Part 11, the California Green Building Standards Code (CGBSC), also known as the CALGreen Code, which contains mandatory and voluntary green building standards for residential and nonresidential occupancies.

Other relevant CCR titles:

- Title 17 includes regulations for air quality promulgated by the California Air Resources Board.
- Title 20, Article 4, Appliance Efficiency regulations, contains CEC standards for water consumption of widely used plumbing fixtures.
- Title 23 includes the Model Water Efficient Landscape Ordinance recently updated by Department of Water Resources.

Summary of Governor’s Executive Orders

**B–18–12**, April 25, 2012, instructs state entities to design, construct, and operate all new and renovated

state-owned buildings paid for with state funds as Zero Net Energy facilities by 2025 and, with those over 10,000 square feet being “LEED Silver” or higher certified buildings.

**S–3–05**, June 1, 2005, establishes targets for limiting GHG emissions to 2000 levels by 2010, to 1990 levels by 2020, and to 80% of 1990 levels by 2050. It directs the Secretary of the Environmental Protection Agency (EPA) to coordinate this effort with the Secretary of the Business, Transportation and Housing Agency, Secretary of the Department of Food and Agriculture, Secretary of the Resources Agency, Chairperson of the Air Resources Board, Chairperson of the Energy Commission, and the President of the Public Utilities Commission. These agencies formed a Climate Action Team (CAT) to report to the governor by January, 2006 and periodically thereafter on strategies and progress in meeting the goals.

**S–20–06**, October 17, 2006, directs CalEPA to continue coordinating reduction of GHG emissions and development of market-based strategies for achievement, mandated by AB 32.

Summary of Effect

This proposed action will make effective mandatory and voluntary green building standards available in Title 24, Part 11 for buildings under authority of CBSC, on a date commensurate with the 2010 annual code adoption cycle, either 180 days after publication in Title 24 or at a later date determined by CBSC.

Comparable Federal Statute or Regulations

The Environmental Protection Agency (EPA) defines “Brownfield Development”, an option proposed for site planning and design. EPA also regulates ozone-depleting and climate warming chemicals, as well as other air pollutants like wood smoke in updates to the 1970 Clean Air Act. The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq., also known as the Clean Water Act) is adopted in California by the State Water Resources Control Board for management of storm water during construction.

Policy Statement Overview

Working with its green building focus group made up of state agencies, building officials, industry representatives, model code publishers, and environmental organizations, CBSC is currently proposing modifications to the 2010 mandatory and voluntary standards. To be published in the 2013 edition, the changes are intended to clarify and improve the code for its various users and to enhance specific requirements meant to assist the state in reaching its energy and greenhouse gas emission goals.

Evaluation of Consistency

The proposed action is consistent with both building standards regulations and with enabling statute.

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

CBSC 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

CBSC has determined that projects following the Green Building Code would impose a mandate on local agencies in the form of verification. However, the mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code. No mandate is imposed on school districts.

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

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

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 over and above the Initial Statement of Reasons and

the Economic and Fiscal Impact Statement which are part of this rulemaking.

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

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

CBSC is aware of initial cost impacts that a representative private person or business could incur in reasonable compliance with the proposed action. However, it is also anticipated that such costs would be recouped in long-range savings expressed in utility and transportation costs, worker productivity, health costs, and goodwill. The Initial Statement of Reasons and the Economic and Fiscal Impact Statement support this statement.

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

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, employing emerging green building technologies, products, and services, should create jobs within the State of California.
- **The creation of new businesses or the elimination of existing businesses within the State of California.** These regulations, employing emerging green building technologies, products, and services should create new business and should expand opportunities for existing business within the State of California.
- **The expansion of businesses currently doing business with the State of California.** These regulations will position California in the lead for statewide green building guidelines, and should provide opportunities for 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 REASONABLE  
ALTERNATIVES

The CBSC has initially determined 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 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 persons 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 persons named below.

CBSC CONTACT PERSONS

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

**Michael Nearman, Deputy Executive Director**  
**[Michael.Nearman@dgs.ca.gov](mailto:Michael.Nearman@dgs.ca.gov)**

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

**Mia Marvelli, Architectural Associate**  
**[Mia.Marvelli@dgs.ca.gov](mailto:Mia.Marvelli@dgs.ca.gov)**  
**2525 Natomas Park Drive, Suite 130**  
**Sacramento, CA 95833**  
**Telephone No.: (916) 263-0916**  
**Facsimile No.: (916) 263-0959**

**TITLE 24. BUILDING STANDARDS  
COMMISSION**

**NOTICE OF PROPOSED ACTION TO  
BUILDING STANDARDS OF THE  
CALIFORNIA DEPARTMENT OF  
PUBLIC HEALTH  
REGARDING THE CALIFORNIA  
BUILDING CODE  
CALIFORNIA CODE OF REGULATIONS,  
TITLE 24, PART 2  
PUBLIC POOLS**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the California Department of Public Health (CDPH) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 2. CDPH is proposing building standards related to public pools.

**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 31, 2012 until 5:00 p.m. on October 15, 2012. Please address your comments to:

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

Written comments may also be faxed to (916) 263-0959 or e-mailed to [CBSC@dgs.ca.gov](mailto: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). The 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 the California Health and Safety Code (HSC). The purpose of these building standards is to implement, interpret, and make specific the provisions of the HSC. CDPH is proposing this regulatory action based on the HSC, Sections 116025–116068.

#### INFORMATIVE DIGEST

##### Summary of Existing Laws

HSC Section 1797.182 requires that all ocean, public beach, and public swimming pool lifeguards and all firefighters in the state, except those whose duties are primarily clerical or administrative, shall be trained to administer first aid and cardiopulmonary resuscitation.

HSC Sections 116025–116068 requires every public swimming pool and its operation to ensure the safety of its bathers and provides measures to ensure that the public swimming pools at all times are sanitary, healthful and safe.

HSC Sections 116028 and 116033 require lifeguards to possess, as minimum qualifications as determined by the CDPH, current certificates from an American Red Cross or YMCA of the U.S.A. lifeguard training program or to have equivalent qualifications and to have been trained to administer first aid.

HSC 115990 requires a wave pool operator to comply with several specified safety requirements to ensure that there are consistent safety standards to reduce or eliminate drowning and near-drowning cases.

##### Summary of Existing Regulations

Chapter 31B, Part 2, Title 24, CCR requires standards for the construction, installation, alteration, addition, relocation, replacement or use of any public swimming pool including its appurtenant auxiliary areas, facilities, mechanical equipment, and related piping.

##### Summary of Effect

The proposal will update the public pool regulations to reflect current health and safety practices, industry standards, and operations. The proposed pool regulations have been posted on the CDPH web site at <http://www.cdph.ca.gov/HealthInfo/environhealth/water/Pages/CaliforniaPublicSwimmingPoolRequirements.aspx>. Pool industry stakeholders have been notified that the proposed regulations are available for re-

view. To date no comments have been received by CDPH.

##### Comparable Federal Statute or Regulations

Virginia Graeme Baker Pool and Spa Safety Act, 15 USC 8001, Title XIV Sections 1401–1408 requires that each public pool in the United States be equipped with anti-entrapment devices or systems that comply with a specified performance standard, and each public pool and spa in the United States equipped with a single main drain other than an unblockable drain be equipped at a minimum with 1 or more specified devices or systems designed to prevent entrapment by pool or spa drains.

##### Policy Statement Overview

CDPH is proposing adoption of new public swimming pool regulations including standards for water park facilities such as spray grounds as well as the amendment and repeal of existing public swimming pool regulations. The public health risk associated with spray grounds is significant and has been associated with several illness outbreaks around the country. The purpose of the proposal is to update existing public pool regulations to reflect current health and safety practices, industry standards, and public pool operations. The proposal would incorporate by reference the NSF International Standard/American National Standards Institute 50–2010 effective August 2010 and the United States Diving Inc, Diving Rulebook effective January 1, 2010.

##### Evaluation of consistency

The proposed regulation is compatible with existing regulations.

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

None.

#### MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

CDPH 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.**  
Estimate: \$0 for each new public pool constructed by State agencies.

INITIAL DETERMINATION OF SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

CDPH 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

CDPH 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 the Government Code Section 11346.5(a)(8). The public is welcome to submit any information, facts, or documents either supporting CDPH's initial determination or finding to the contrary.

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

CDPH 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 CDPH 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 CDPH 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 proposed regulations will not create or eliminate jobs within the State of California.**
- The creation of new businesses or the elimination of existing businesses within the State of California.  
**The proposed regulations will not create new businesses or eliminate existing businesses within the State of California.**
- The expansion of businesses currently doing business with the State of California.  
**The proposed regulations will not expand businesses currently doing business with the State of California.**
- The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.  
**The proposed regulations will benefit the health and welfare of California residents in that the changes will result in an enhanced protection of the health and safety of the bathers who use public pools in the state.**

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

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

CONSIDERATION OF ALTERNATIVES

The CDPH 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  
(Government Code Section 11346.5(a)(14))**

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

Enrique Rodriguez, Construction Analyst  
or back up person,  
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

**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:

**CDPH Contact:**

Mark Jeude, REHS, Environmental Health Services  
Section Chief  
[Mark.jeude@cdph.ca.gov](mailto:Mark.jeude@cdph.ca.gov)  
(916) 449-5693

**CDPH Back-up:**

Candi Zizek, REHS  
[Candi.Zizek@cdph.ca.gov](mailto:Candi.Zizek@cdph.ca.gov)  
(916) 552-9991

**TITLE 24. BUILDING STANDARDS  
COMMISSION**

**NOTICE OF PROPOSED ACTION TO  
BUILDING STANDARDS OF THE  
DEPARTMENT OF HOUSING AND  
COMMUNITY DEVELOPMENT  
REGARDING THE 2013 CALIFORNIA  
EXISTING BUILDING CODE  
CALIFORNIA CODE OF REGULATIONS,  
TITLE 24, PART 10  
(HCD)**

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 10. HCD is proposing building standards related to the International Existing Building Code (IEBC).

**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 31, 2012 until 5:00 p.m. on October 15, 2012**. Please address your comments to:

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

Written comments may also be faxed to (916) 263-0959 or e-mailed to [CBSC@dgs.ca.gov](mailto: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). The CBSC will ac-

cept 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 17000–17060, 17910–17990, 18200–18700, 18860–18874, and 19960–19998; 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, 18620, 18630, 18640, 18865, 18865.3, 18873, 18873.2 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 Existing Building Code, Part 10 of Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, is based on the 2009 International Existing Building Code (IEBC).

The purpose of this code is to establish minimum requirements for existing buildings using prescriptive and performance standards intended to encourage the use and reuse of existing buildings while requiring reasonable upgrades and improvements necessary to safeguard the public health, safety and general welfare.

Summary of Effect

HCD proposes to adopt by reference the 2012 edition of the IEBC, with California amendments, into Part 10, 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 and state law accessibility requirements, except where the application is for public use only.
- (b) Employee Housing Act: relative to the use of any buildings or structures on the property in accordance with Health and Safety Code Section 17040.
- (c) Mobilehome Parks and Special Occupancy Parks: relative to the design or construction of permanent buildings and accessory buildings and structures 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 assemblies in accordance with Health and Safety Code Section 19990.

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

An in–depth discussion of the effect of the amendments may be found in the Initial Statement of Reasons.

Comparable Federal Statute or Regulations

None.

Policy Statement Overview

The proposed regulations will adopt building conservation standards, which will affect residential occupancies, and buildings or structures accessory thereto under the authority of HCD.

The benefits anticipated from this proposed regulatory action include updating building standards and providing guidelines for upgrading the seismic resistance

capacity of different types of existing buildings, including unreinforced masonry buildings, reinforced concrete and reinforced masonry wall buildings, and light-frame wood buildings, which will result in the protection of public health and safety, worker safety, the environment and general welfare of California residents. Additional benefits include: provisions that do not increase construction costs unnecessarily; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to particular types or classes of materials, products or methods of construction. 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.

**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.

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 building standards, which will provide increased protection of public health and safety, worker safety and the environment.**

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 pro-

posed regulatory action on housing costs available upon request.

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/2013codeadotproj\\_part10.html](http://www.hcd.ca.gov/codes/shl/2013codeadotproj_part10.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:** Enrique Rodriguez  
**CBSC Back-up:** If the contact person is unavailable, please contact Michael 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](mailto: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:

Emily Withers, District Representative II  
HCD, Division of Codes and Standards  
Telephone: (916) 445-9471; Fax: (916) 327-4712  
E-mail: [ewithers@hcd.ca.gov](mailto:ewithers@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](mailto:shuff@hcd.ca.gov)

**TITLE 27. OFFICE OF  
ENVIRONMENTAL HEALTH HAZARD  
ASSESSMENT**

**AMENDMENT TO SECTION 25705  
SPECIFIC REGULATORY LEVELS POSING  
NO SIGNIFICANT RISK:  
BROMOETHANE  
August 31, 2012**

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) pro-

poses to adopt a Proposition 65<sup>1</sup> No Significant Risk Level (NSRL) of 96 micrograms per day for bromoethane, by amending Title 27, California Code of Regulations, section 25705(b)<sup>2</sup>.

**PUBLIC PROCEEDINGS**

Any written comments concerning this proposed action must be received by OEHHA by 5:00 p.m. on **October 15, 2012**, the designated close of the written comment period. All comments received will be posted on the OEHHA website at the close of the public comment period.

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](mailto:P65Public.Comments@oehha.ca.gov). Please include "Bromoethane NSRL" in the subject line. Hard-copy comments may be mailed, faxed, or delivered in person to the appropriate address below.

**Mailing Address:** Ms. Monet Vela  
Office of Environmental Health Hazard Assessment  
P.O. Box 4010, MS-25B  
Sacramento, California 95812-4010  
Fax: (916) 323-2610  
Street Address: 1001 I Street  
Sacramento, California 95814

Please be aware that OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. Comments on all regulatory and other actions are routinely posted on our website. By sending us your comments you are waiving any right to privacy you may have in the information you provide. Individual commenters should advise OEHHA when submitting documents to request redaction of home address or personal telephone numbers. Names of commenters will not be redacted.

A public hearing on this proposed regulatory amendment will be scheduled on request. To request a hearing send an e-mail to Monet Vela at [monet.vela@oehha.ca.gov](mailto:monet.vela@oehha.ca.gov) or to the address listed above by no later than **October 1, 2012**, which is 15 days before the close of the comment period. OEHHA will mail a notice of the hearing to the requester and interested parties on the Proposition 65 mailing list for regulatory public hearings. The notice will also be posted on the OEHHA web site at least ten days before the public hearing date. The notice will provide the date, time, and location of the hearing.

<sup>1</sup> The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.5 et seq., referred to herein as "Proposition 65" or "The Act."

<sup>2</sup> All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated.

If a hearing is scheduled and you have special accommodation or language needs, please contact Monet Vela at (916) 323-2517 or [monet.vela@oehha.ca.gov](mailto:monet.vela@oehha.ca.gov) at least one week in advance of the hearing. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

CONTACT

Please direct inquiries concerning the proposed regulatory action described in this notice to Monet Vela, in writing at the address given above, or by telephone at (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](mailto:susan.luong@oehha.ca.gov) or (916) 327-3015.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Proposition 65 prohibits a person in the course of doing business from knowingly and intentionally exposing any individual to a chemical that has been listed as known to the State to cause cancer or reproductive toxicity, without first giving clear and reasonable warning to such individual<sup>3</sup>. The Act also prohibits a business from knowingly discharging a listed chemical into water or onto or into land where such chemical passes or probably will pass into any source of drinking water<sup>4</sup>.

For carcinogens, an exemption from the warning requirement is provided by the Act when the exposure for which the person is responsible can be demonstrated to produce no significant risk or that a discharge which otherwise complies with all applicable requirements would not cause any significant amount of the discharged or released chemical to enter any source of drinking water<sup>5</sup>. A determination that a level of exposure poses no significant risk may be made utilizing regulations that have previously been adopted by OEHHA (Sections 25701-25721). Section 25701 describes alternative methods for making such a determination. Section 25705 sets forth the process for determining “no significant risk” levels for purposes of Proposition 65 and establishes those levels for certain listed chemicals.

Details on the basis for the proposed NSRL for bromoethane are provided in the Initial Statement of Reasons for this regulatory amendment, which is available on request from Monet Vela and is posted on the OEHHA web site at [www.oehha.ca.gov](http://www.oehha.ca.gov).

This proposed amendment to section 25705 would add an NSRL for bromoethane by amending Section 25705(b) as follows (addition in underline):

<u>Chemical</u>	<u>NSRL, in micrograms per day</u>
<u>Bromoethane</u>	<u>96</u>

The proposed NSRL for bromoethane is based upon a risk assessment document prepared by OEHHA, which provides details on the potency calculation and mechanism of carcinogenesis that is relevant to evaluating the most appropriate method for deriving the NSRL in the context of Section 25703. This document is available on request from Monet Vela and is posted on the OEHHA web site at [www.oehha.ca.gov](http://www.oehha.ca.gov).

Specific Benefits Anticipated by the Regulation: See “Benefits of the Proposed Regulation” under “RESULTS OF THE ECONOMIC IMPACT ANALYSIS” below.

RESULTS OF ECONOMIC IMPACT ANALYSIS (Gov. Code section 11346.3(b))

By providing an NSRL, this regulatory proposal spares businesses the expense of calculating their own NSRL and may also enable them to reduce or avoid litigation costs. In addition, the NSRL does not require, but may encourage, businesses to lower the amount of the listed chemical in their product to a level that does not cause a significant exposure, thereby providing a public health benefit to Californians.

**Impact on the Creation, Elimination, or Expansion of Jobs/Businesses in California**

This regulatory proposal will not affect the creation or elimination of jobs within the State of California. Proposition 65 requires businesses with ten or more employees to provide warnings when they expose people to chemicals that are known to cause cancer. The law also prohibits the discharge of listed chemicals into sources of drinking water. Bromoethane is listed under Proposition 65, therefore businesses that expose the public or employees to bromoethane through their operations must provide a warning.

Because the proposed NSRL provides compliance assistance to businesses subject to the Act, but does not impose any mandatory requirements on those businesses, OEHHA has determined that the proposed regulatory action will not have any impact on the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

**No Inconsistency or Incompatibility with Existing Regulations**

OEHHA has determined that the proposed regulation is neither inconsistent nor incompatible with existing

<sup>3</sup> Health and Safety Code section 25249.6.  
<sup>4</sup> Health and Safety Code section 25249.5.  
<sup>5</sup> Health and Safety Code sections 25249.9 and 25249.10.

state regulations because it provides compliance assistance to businesses subject to the Act, but does not impose any mandatory requirements on those businesses, state or local agencies and does not address compliance with any other law or regulation.

**Benefits of the Proposed Regulation**

Some businesses may not be able to afford the expense of establishing an NSRL and therefore may be exposed to litigation for a failure to warn or for a prohibited discharge of the listed chemical. Adopting this regulation will save these businesses those expenses and may reduce litigation costs. In addition, by providing an NSRL, this regulatory proposal may encourage businesses to lower the amount of the listed chemical in their product to a level that does not require a warning. This in turn may reduce exposure to bromoethane and reduce resident, worker and environmental exposures to chemicals that cause cancer.

**PEER REVIEW**

This notice and the Initial Statement of Reasons are being provided to the OEHHA Science Advisory Board's Carcinogen Identification Committee for review and comment.

**AUTHORITY**

Health and Safety Code Section 25249.12.

**REFERENCE**

Health and Safety Code Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11.

**IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

Because Proposition 65 expressly<sup>6</sup> does not apply to local agencies or school districts, OEHHA has determined the proposed regulatory action would not impose a mandate on local agencies or school districts nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

**COSTS OR SAVINGS TO STATE AGENCIES**

Because Proposition 65 expressly<sup>7</sup> does not apply to any State agency, OEHHA has determined that no sav-

ings or increased costs to any State agency will result from the proposed regulatory action.

**EFFECT ON FEDERAL FUNDING TO THE STATE**

Because Proposition 65 expressly<sup>8</sup> does not apply to any federal agency, OEHHA has determined that no costs or savings in federal funding to the State will result from the proposed regulatory action.

**EFFECT ON HOUSING COSTS**

OEHHA has determined that the proposed regulatory action will have no effect on housing costs because it provides compliance assistance to businesses subject to the Act, but does not impose any mandatory requirements on those businesses.

**SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE**

Because the proposed regulatory level provides compliance assistance to businesses subject to the Act, but does not impose any mandatory requirements on those businesses, OEHHA has made an initial determination that the adoption of the 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.

**COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES**

The proposed NSRL was developed to provide compliance assistance for these businesses in determining whether a warning is required or a discharge is prohibited. The NSRL provides a level of exposure at or below which a warning is not required and a discharge is not prohibited. Use of the NSRL is not mandatory. The implementing regulations allow a business to calculate its own level and provide guidance in order to assist businesses in doing so.<sup>9</sup> However, conducting such a process can be expensive and time consuming, and the resulting levels may not be defensible in an enforcement action.

**EFFECT ON SMALL BUSINESSES**

OEHHA has determined that the proposed regulation will not impose any mandatory requirements on small

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<sup>6</sup> See Health and Safety Code section 25249.11(b).

<sup>7</sup> See Health and Safety Code section 25249.11(b).

<sup>8</sup> See Health and Safety Code section 25249.11(b).

<sup>9</sup> Title 27, Cal. Code of Regs., section 25801 et seq.

business. Rather, the proposed NSRL will provide compliance assistance for small businesses subject to the Act because it will help them determine whether or not an exposure for which they are responsible is subject to the warning requirement or discharge prohibition of the Act.

CONSIDERATION OF ALTERNATIVES

Government Code section 11346(a)(13) requires that OEHHA must determine that no reasonable alternative considered by the OEHHA or that has otherwise been identified and brought to the attention of the OEHHA 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 provision of law than the proposal described in this Notice.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the regulation, all the information upon which the regulation is based and the text of the regulation. A copy of the Initial Statement of Reasons, the text of the regulation and the risk assessment which was used by OEHHA to develop the proposed regulation are available upon request from OEHHA at the address and telephone number indicated above. These documents are also posted on OEHHA's Web site at [www.oehha.ca.gov](http://www.oehha.ca.gov).

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of this proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on changed regulations and the full text will be mailed to individuals who testified or submitted written comments at the public hearing, if held, or whose comments were received by OEHHA during the public comment period, and anyone who requests notification from OEHHA of the availability of such changes. Copies of the notice and the changed regulation will also be available on the OEHHA Web site at [www.oehha.ca.gov](http://www.oehha.ca.gov).

FINAL STATEMENT OF REASONS

A copy of the Final Statement of Reasons for this regulatory action may be obtained, when it becomes available, from OEHHA at the address and telephone number indicated above, and on the OEHHA website at [www.oehha.ca.gov](http://www.oehha.ca.gov).

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF FOOD AND AGRICULTURE**

**NOTICE OF A 15-DAY COMMENT PERIOD**

**NOTICE IS HEREBY GIVEN** that the Department of Food and Agriculture (Department) is proposing to take the action described in the Informative Digest published in the California Regulatory Notice Register [Notice File No. Z2012-0626-03, Register 2012, No. 27-Z, July 6, 2012], relating to shell egg food safety. The 45-day public comment on the originally proposed text for this proposal began July 6, 2012 and ended at 5:00 p.m. on August 20, 2012. The Department is now publishing a notice of a 15-day comment period on the originally proposed text. The purpose is to allow interested persons additional time to review the originally proposed text and submit written comments. The 15-day public comment period begins **September 1, 2012 and ends at 5:00 p.m., September 15, 2012.**

**Authority and Reference:** Authority: Sections 407, 27531, 27533 and 46002 of the Food and Agricultural Code. Reference: Sections 27510, 27510.1, 27518, 27521, 27541, 27573, 27631, 27627 and 27644, of the Food and Agricultural Code.

**Sections Affected:** Adopt section 1350 and amend section 1354 of Subchapter 3, Chapter 1, Division 3, of Title 3, California Code of Regulations.

**Written comments** are to be addressed to the person listed below. All written comments already submitted for this proposal during the original 45-day public comment period will become a part of the Department's official rulemaking file and will be reviewed and responded to by Departmental staff as part of the compilation of the rulemaking file.

Written comments are to be addressed to the following person:

Tony Herrera, Program Supervisor  
Egg Safety and Quality Management  
Department of Food and Agriculture  
Meat, Poultry and Egg Safety Branch  
1220 N Street  
Sacramento, CA 95814  
(916) 900-5060  
E-mail: tony.herrera@cdfa.ca.gov

The backup contact person is:

Nancy Grillo, Associate Analyst  
Department of Food and Agriculture  
Animal Health and Food Safety Services  
1220 N Street  
Sacramento, CA 95814  
Telephone: (916) 900-5033  
E-mail: nancy.grillo@cdfa.ca.gov

Website Access: Materials regarding this proposal can be found by accessing the following Internet address: <http://www.cdfa.ca.gov/ahfss/regulations.html>.

**OCCUPATIONAL SAFETY AND  
HEALTH APPEALS BOARD**

**Notice of Additional Location for Public Hearing**

Notice is hereby given by the Occupational Safety and Health Appeals Board that an additional location has been added via live video teleconference for the public to attend the previously scheduled Public Hearing on September 17, 2012 regarding proposed changes to Board Rules of Practice and Procedure Noticed in the California Regulatory Notice Register on August 3, 2012, Register 2012, No. 31-Z.

Location for participation in Public Hearing via live video teleconference:

100 N. Barranca Street, Suite 410, West Covina, CA 91791

For additional information, please contact:

Michael Wimberly, Executive Officer or  
J. Jeffery Mojcher, Chief Counsel  
Cal/OSHA Appeals Board  
2520 Gateway Oaks Drive, Suite 300  
Sacramento, CA 95833  
(916) 275-5751.

**DECISION NOT TO PROCEED**

**SUPERINTENDENT OF PUBLIC  
INSTRUCTION**

Federal-Based Migrant Education Program

Pursuant to Government Code section 11347, the State Superintendent of Public Instruction (SSPI) has decided not to proceed with title 5, division 1, chapter 19, subchapter 3, sections 18093, 18110; and subchapter 7, sections 18180, 18181, 18182, 18183, 18184 (Notice File No. Z2012-0521-04), published June 1, 2012, in the California Regulatory Notice Register 2012, No. 22-Z, page 704), and withdraws this proposed action from further consideration.

The SSPI will also publish this Notice of Decision Not to Proceed on the California Department of Education's Web site at <http://www.cde.ca.gov/re/lr/rr>.

**OAL REGULATORY  
DETERMINATION**

OFFICE OF ADMINISTRATIVE LAW  
DETERMINATION OF ALLEGED  
UNDERGROUND REGULATIONS  
(Pursuant to Government Code Section 11340.5 and Title 1, section 270, of the California Code of Regulations)

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact Margaret Molina at (916) 324-6044 or [mmolina@oal.ca.gov](mailto:mmolina@oal.ca.gov).

**DEPARTMENT OF JUSTICE**

STATE OF CALIFORNIA  
OFFICE OF ADMINISTRATIVE LAW

2012 OAL DETERMINATION NO. 8  
(OAL FILE NO. CTU2012-0207-01)

**REQUESTED BY: JASON DAVIS,  
REPRESENTING  
CALIFORNIA BUSINESS  
ENVIRONMENTS INC. dba  
FRANKLIN ARMORY**

**CONCERNING: PERMITS FOR ASSAULT WEAPONS  
DETERMINATION ISSUED PURSUANT TO GOVERNMENT CODE SECTION 11340.5.**

OAL determines that the Department rule as stated in the letter from the Department to the Petitioner dated May 5, 2006, as quoted above meets the definition of “regulation” that should have been adopted pursuant to the APA.

**SCOPE OF REVIEW**

A determination by the Office of Administrative Law (OAL) evaluates whether or not an action or enactment by a state agency complies with California administrative law governing how state agencies adopt regulations. Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. Our review is limited to the sole issue of whether the challenged rule meets the definition of “regulation” as defined in Government Code section 11342.600 and is subject to the Administrative Procedure Act (APA). If a rule meets the definition of “regulation,” but was not adopted pursuant to the APA and should have been, it is an “underground regulation” as defined in California Code of Regulations, title 1, section 250.<sup>1</sup> OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

**CHALLENGED RULE**

The specific rule challenged by the Petitioner is stated in a variety of correspondence between the Firearms Bureau of the Department of Justice (Department) and the Petitioner. The most succinct iteration of the rule is in a letter from the Department to the Petitioner dated May 5, 2006:

The Department issues assault weapon permits to corporations and other business entities. However, such permits are issued to individuals authorized to act on behalf of corporations or other business entities. The authorization is not transferable to other persons, or to activities that are not undertaken on behalf of the corporation. . . .

**DETERMINATION**

<sup>1</sup>As defined by title 1, section 250(a), an “Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

**FACTUAL BACKGROUND**

On February 7, 2012, OAL received a petition from Jason Davis, the Petitioner, alleging that the Department has issued, used, enforced or attempted to enforce an underground regulation. The Petitioner represents California Business Environments Inc. doing business as Franklin Armory. The petition alleges that the Roberti–Roos Assault Weapons Control Act of 1989 and the .50 Caliber BMG Regulation Act of 2004 (Roberti–Roos Act) (Pen. C. section 30500 et seq.) permit “persons” to be issued a permit to possess or to sell or offer or expose for sale assault weapons. “Person,” as defined in Penal Code section 16970 includes corporations, limited liability companies, associations and other groups and entities:

As used in Sections 16790 and 17505 and in Chapter 2 (commencing with Section 30500) of Division 10 of Title 4, “person” means an individual, partnership, corporation, limited liability company, association, or any other group or entity, regardless of how it was created.

The petition alleges that rather than issuing a permit for an assault weapon to a business entity that submitted the permit application, the Department issues the permit to a person authorized to act on behalf of the business entity, as stated in a letter from the Department to the Petitioner, dated May 5, 2006:

The Department issues assault weapon permits to corporations and other business entities. However, such permits are issued to individuals authorized to act on behalf of corporations or other business entities. The authorization is not transferable to other persons, or to activities that are not undertaken on behalf of the corporation. . . .

In its response to the petition, the Department agrees that this is an accurate statement of its policy.

**POSSESSION OF ASSAULT WEAPONS**

The Roberti–Roos Act sets out the statutory requirements for possession and control of assault weapons.

Penal Code section 30605 makes it generally illegal to possess assault weapons in California; however, Penal Code section 30675(a)(2) states that section 30605 does not apply to a person who has a permit to possess an assault weapon or a .50 BMG rifle issued pursuant to Penal Code section 31005:

31005. (a) The Department of Justice may, upon a finding of good cause, issue permits for the manufacture or sale of assault weapons or .50 BMG rifles for the sale to, purchase by, or possession of assault weapons or .50 BMG rifles by, any of the following:

- (1) The agencies listed in Section 30625, and the officers described in Section 30630.
- (2) **Entities and persons who have been issued permits pursuant to this section or Section 31000.**
- (3) Federal law enforcement and military agencies.
- (4) Law enforcement and military agencies of other states.
- (5) Foreign governments and agencies approved by the United States State Department.
- (6) Entities outside the state who have, in effect, a federal firearms dealer's license solely for the purpose of distribution to an entity listed in paragraphs (3) to (5), inclusive.

(b) **Application for the permits, the keeping and inspection thereof, and the revocation of permits shall be undertaken in the same manner as specified in Article 3 (commencing with Section 32650) of Chapter 6.** [Emphasis added.]

As stated in Penal Code section 31005, subdivision (b), the application for permits shall be undertaken in the same manner as specified in Article 3 of Chapter 6 of the Penal Code, commencing with section 32650. In Article 3, Penal Code section 32655 sets out the requirements for a permit:

- (a) An application for a permit under this article shall satisfy all of the following conditions:
  - (1) It shall be filed in writing.
  - (2) It shall be signed by the applicant if an individual, **or by a member or officer qualified to sign if the applicant is a firm or corporation.**
  - (3) It shall state the applicant's name.
  - (4) It shall state the business in which the applicant is engaged.
  - (5) It shall state the applicant's business address.
  - (6) It shall include a full description of the use to which the firearms are to be put.

(b) Applications and permits shall be uniform throughout the state on forms prescribed by the Department of Justice.

- (c) Each applicant for a permit shall pay at the time of filing the application a fee determined by the Department of Justice. The fee shall not exceed the application processing costs of the Department of Justice.
- (d) A permit granted pursuant to this article may be renewed one year from the date of issuance, and annually thereafter, upon the filing of a renewal application and the payment of a permit renewal fee, which shall not exceed the application processing costs of the Department of Justice.
- (e) After the department establishes fees sufficient to reimburse the department for processing costs, fees charged shall increase at a rate not to exceed the legislatively approved annual cost-of-living-adjustments for the department's budget. [Emphasis added.]

Additionally, Penal Code section 30600 makes illegal, among other things, keeping for sale or offering or exposing for sale an assault weapon; however, pursuant to Penal Code section 30650, section 30600 does not apply to persons who are issued a permit pursuant to Penal Code section 31005.

Pursuant to the authority granted by the Legislature to the Department in Penal Code section 30520(c), the Department has adopted regulations setting out the requirements for issuance of a permit to possess an assault weapon.<sup>2</sup>

California Code of Regulations, title 11, section 4128 states that no person shall possess, transport, or sell any dangerous weapon<sup>3</sup> unless he/she has been granted a license and/or a permit.

California Code of Regulations, title 11, section 4138 requires that the Department investigate an applicant for a dangerous weapon permit:

The DOJ shall conduct investigations of applicants for dangerous weapon licenses/permits to establish grounds for the issuance or denial of the application as follows:

- (a) Related Persons. Additional persons who may be investigated are:
  - (1) Persons with 10 percent or more interest in the licensee/permittee's business.

<sup>2</sup>Penal Code section 30520(c) states:

The Attorney General shall adopt those rules and regulations that may be necessary or proper to carry out the purposes and intent of this chapter.

<sup>3</sup>The definition of "dangerous weapon" includes assault weapons, pursuant to California Code of Regulations, title 11, section 4127(l).

(2) Persons with authority to make management decisions for the licensee/permittee.

(3) Persons who have access to the dangerous weapon(s).<sup>4</sup>

(b) Applicant's Business Role and/or Control of the Business. The following areas may be investigated concerning the applicant's business role and/or control of the business:

(1) Primary function of the business.

(2) Law enforcement's comments on the business.

(3) Applicant's financial interest in the business and source of funds.

(4) Applicant's role in and/or control of the business.

(5) Spouse's association with the business.

(c) Applicant's Personal Qualifications. The following areas may be investigated concerning the applicant's personal background:

(1) Character assessment by personal and/or business acquaintances and appropriate law enforcement and government agencies.

(2) Criminal history and driving record.

(3) Military record.

(4) Past employment or expertise related to the weapon to be covered by the requested license/permit.

(5) Medical history.

And lastly, as noted in the Factual Background above, "person" is defined in Penal Code section 16970:

As used in Sections 16790 and 17505 and in Chapter 2 (commencing with Section 30500) of Division 10 of Title 4, "person" means an individual, partnership, corporation, limited liability company, association, or any other group or entity, regardless of how it was created.

## UNDERGROUND REGULATIONS

Government Code section 11340.5, subdivision (a), provides that:

(a) No state agency shall issue, utilize, enforce, or attempt to enforce any guideline, criterion,

<sup>4</sup> We note that this regulation requires the Department of Justice to conduct an investigation of any person who has access to dangerous weapons. However, it does not require that those persons be named as persons authorized to act on behalf of the business entity.

bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation as defined in [Government Code] Section 11342.600, unless the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed with the Secretary of State pursuant to [the APA].

When an agency issues, utilizes, enforces, or attempts to enforce a rule in violation of Government Code section 11340.5 it creates an underground regulation as defined in title 1, California Code of Regulations, section 250.

OAL may issue a determination as to whether or not an agency has issued, utilized, enforced, or attempted to enforce a rule that meets the definition of "regulation" as defined in Government Code section 11342.600 and should have been adopted pursuant to the APA (Gov. Code, sec.11340(b)). An OAL determination is not enforceable against the agency through any formal administrative means, but it is entitled to "due deference" in any subsequent litigation of the issue pursuant to *Grier v. Kizer* (1990) 219 Cal.App.3d 422 [268 Cal.Rptr. 244].

## ANALYSIS

OAL's authority to issue a determination extends only to the limited question of whether the challenged rule is a "regulation" subject to the APA. This analysis will determine (1) whether the challenged rule is a "regulation" within the meaning of Government Code section 11342.600, and (2) whether the challenged rule falls within any recognized exemption from APA requirements.

A regulation is defined in Government Code section 11342.600 as:

... every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

In *Tidewater Marine Western, Inc. v. Victoria Bradshaw* (1996) 14 Cal.4th 557, 571 [59 Cal.Rptr.2d 186], the California Supreme Court found that:

A regulation subject to the Administrative Procedure Act (APA) (Gov. Code, §11340 et seq.) has two principal identifying characteristics. First, the agency must intend its rule to apply generally, rather than in a specific case. The rule need not, however, apply universally; a rule applies generally so long as it declares how a certain class of cases will be decided. Second, the rule must implement, interpret, or make specific the law

enforced or administered by the agency, or govern the agency's procedure (Gov. Code, §11342, subd. (g)).<sup>5</sup>

As stated in *Tidewater*, the first element used to identify a "regulation" is whether the rule applies generally. A rule need not apply to all persons in the state of California; it is sufficient if the rule applies to a clearly defined class of persons<sup>6</sup> or situations.<sup>7</sup>

In this case, the Department, in the challenged rule, states that it issues assault weapon permits to corporations and other business entities. The permits, however, are issued to individuals authorized to act on behalf of the corporation or other business entity. The rule applies to any corporation or other business entity that applies for a permit to possess or sell an assault weapon. Corporations and other business entities that apply for a permit to possess or sell assault weapons are a clearly defined class of persons or situations.

The first element of the *Tidewater* case is, therefore, met.

The second element used to identify a "regulation" as stated in *Tidewater* is that the rule must implement, interpret or make specific the law enforced or administered by the agency, or govern the agency's procedure.

Penal Code sections 31005(b) and 32655 provide that the Department may issue permits for the possession and/or sale of assault weapons if specified conditions are met. In particular, Penal Code section 32655 specifically includes the procedure for an application for a permit by a business entity. In addition, the Department has adopted California Code of Regulations, title 11, section 4128 prohibiting the possession, transportation, or sale of any dangerous weapon without a permit. California Code of Regulations, title 11, section 4138 sets out the investigation the Department will conduct in evaluating an application for a permit.

The challenged rule further implements, interprets and makes specific Penal Code sections 31005 and 32655 and California Code of Regulations, title 11, sections 4128 and 4138, the law enforced or administered by the Department. The second element of *Tidewater* is, therefore, met.

The challenged rule, therefore, meets the definition of "regulation" in Government Code section 11342.600.

The final issue to examine is whether the challenged rule falls within an express statutory exemption from

the APA. Exemptions from the APA can be general exemptions that apply to all state rulemaking agencies. Exemptions may also be specific to a particular rulemaking agency or a specific program. Pursuant to Government Code section 11346, the procedural requirements established in the APA "shall not be superseded or modified by any subsequent legislation **except to the extent that the legislation shall do so expressly.**" (Emphasis added.)

In its response to the petition, the Department stated that the exemption known as the "only legally tenable interpretation" applies to the challenged rule.

Government Code section 11340.9 establishes several exemptions from the APA. Subdivision (f) exempts a regulation that "embodies the only legally tenable interpretation of a provision of law."

In its response, the Department argues that the Penal Code sections addressing the issuance of a Certificate of Eligibility require the Department to conduct criminal background checks which can only be done for natural persons.

Penal Code section 26700 et seq. establishes the procedure for the issuance, forfeiture, and condition of license to sell, lease, or transfer firearms at retail. Penal Code section 26705 states that the duly constituted licensing authority of a city, county, or a city and county shall accept applications for, and may grant licenses permitting the sale of firearms at retail within the city, county, or city and county. The applicant must comply with several requirements, including the requirement in Penal Code section 26710 that the applicant have a Certificate of Eligibility issued by the Department. The Certificate of Eligibility is issued only to applicants who are not prohibited by state or federal law from possessing firearms.

The Department notes that to determine if an applicant is prohibited from possessing firearms by state or federal law, it must conduct a background check on the applicant. It cannot conduct a background check on a corporation or other business entity, therefore, the challenged rule is the only legally tenable interpretation of law.

The rule challenged by the Petitioner and addressed in this determination concerns the permit issued pursuant to the Roberti-Roos Act. The issuance of the Certificate of Eligibility is not part of the Roberti-Roos Act. Our determination is limited to the terms of the rule challenged by the Petitioner, i.e., the issuance of a permit or license pursuant to the Roberti-Roos Act. The Certificate of Eligibility, issued pursuant to Penal Code section 26700 et seq., is not part of the rule challenged by the Petitioner; therefore, the only legally tenable interpretation of Penal Code section 26700 et seq. does not apply in this matter.

<sup>5</sup> Government Code section 11342(g) was re-numbered in 2000 to section 11342.600 without substantive change.

<sup>6</sup> Pursuant to Government Code section 17 "person" means: "Person" includes any person, firm, association, organization, partnership, limited liability company, business trust, corporation, or company.

<sup>7</sup> See also *Roth v. Department of Veterans Affairs*, (1980) 110 Cal.App.3d 14, 19; 167 Cal.Rptr. 552, 557.

We find, therefore, that the “only legally tenable interpretation” exemption does not apply to the rule challenged by the Petitioner. OAL did not identify any other relevant exemptions.

**AGENCY RESPONSE**

In addition to the argument that the “only legally tenable interpretation” exemption applies in this matter, the Department also argues that the definition of “person” in Penal Code section 16970 does not apply to the permit issued pursuant to the Roberti–Roos Act. The Department argues that the legislative intent behind the adoption of Penal Code section 16970 was to prohibit individuals, partnerships, corporations, association, and any other group or entity, from advertising the sale of assault weapons.

Penal Code section 16970 states:

As used in Sections 16790 and 17505 and in **Chapter 2 (commencing with Section 30500) of Division 10 of Title 4**, “person” means an individual, partnership, corporation, limited liability company, association, or any other group or entity, regardless of how it was created. [Emphasis added.]

It is settled law that the legislative intent behind a statutory enactment can be examined only if there is ambiguity in the language of the statute. In *People v. Superior Court of San Joaquin County Respondent; Jose Francisco Zamudio, Real Party in Interest* (2000) 23 Cal.4th 183, 192–193 [96 Cal.Rptr. 2d 463] (referred to hereafter as *Zamudio*), the California Supreme Court set forth the following analytical framework:

...Initially, ‘[a]s in any case of statutory interpretation, our task is to determine afresh the intent of the Legislature by construing in context the language of the statute.’ (*Harris v. Capital Growth Investors XIV* (1991) 52 Cal.3d 1142, 1159, 278 Cal.Rptr. 614, 805 P.2d 873) In determining such intent, we begin with the language of the statute itself. (*Rojo v. Kliger* (1990) 52 Cal.3d 65, 73, 276 Cal. Rptr. 130, 801 P.2d 373.) That is, we look first to the words the Legislature used, giving them their usual and ordinary meaning. (*City of Santa Cruz v. Municipal Court* (1989) 49 Cal.3d 74, 90, 260 Cal.Rptr. 520, 776 P.2d 222.) ‘If there is no ambiguity in the language of the statute, then the Legislature is presumed to have meant what is said, and the plain meaning of the language governs.’ *Lennane v. Franchise Tax Bd.* (1994) 9 Cal.4th 263, 268, 36 Cal.Rptr.2d 563, 885 P.2d 976.) But when the statutory language is ambiguous, ‘the court may examine the context in which the language appears, adopting the construction that best harmonizes the statute

internally and with related statutes.’ (*Calvillo–Silva v. Home Grocery* (1998) 19 Cal.4th 714, 724, 80 Cal.Rptr.2d 506, 968 P.2d 65.)

Giving the words of Penal Code section 16970 their “usual and ordinary meaning,” there is no ambiguity. Penal Code section 16970 clearly states that the definition of “person” applies to Chapter 2 of Division 10 of Title 4 of the Penal Code, the Roberti–Roos Act.

Chapter 2 includes sections 30500 to 31115, inclusive, including the provisions for the issuance of the permits for assault weapons that give rise to the challenged rule in this determination. We do not find any ambiguity in the language of Penal Code section 16970; therefore, it is not necessary to refer to the legislative intent behind the enactment of the section.

Finally, the Department responds to an allegation by the Petitioner that the challenged rule harms businesses. The allegation of harm to business in California is not relevant to the question of whether the rule meets the definition of “regulation” in Government Code section 11342.600; therefore, this allegation is outside the scope of this determination and will not be addressed here.

**PUBLIC COMMENTS**

OAL received comments from Clifton B. Monfort of Michel and Associates, P.C., Attorneys at Law, and Brandon Combs of California Association of Federal Firearms Licensees, Inc. Their comments included additional information about the challenged rule and its effect on their businesses. We thank them for their comments.

**CONCLUSION**

The rule challenged by the Petitioner is stated in a letter from the Department to the Petitioner, dated May 5, 2006:

The Department issues assault weapon permits to corporations and other business entities. However, such permits are issued to individuals authorized to act on behalf of corporations or other business entities. The authorization is not transferable to other persons, or to activities that are not undertaken on behalf of the corporation. . . .

In accordance with the above analysis, OAL determines that this rule meets the definition of “regulation” that should have been adopted pursuant to the APA.

/s/  
 \_\_\_\_\_  
 Debra M. Cornez  
 Assistant Chief Counsel/  
 Acting Director

/s/  
 \_\_\_\_\_  
 Kathleen Eddy  
 Senior Counsel

**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# 2012-0712-01  
CORRECTIONS STANDARDS AUTHORITY  
Minimum Standards for Local Detention Facilities

The Board of State and Community Corrections (previously the Corrections Standards Authority) is amending the Minimum Standards for Local Detention Facilities pursuant to a biennial review.

Title 15  
California Code of Regulations  
AMEND: 1006, 1007, 1008, 1012, 1013, 1024, 1032, 1044, 1046, 1051, 1055, 1056, 1058, 1059, 1062, 1063, 1069, 1072, 1080, 1081, 1083, 1084, 1100, 1104, 1125, 1140, 1141, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1151, 1203, 1205, 1206, 1208, 1217, 1241  
Filed 08/20/2012  
Effective 09/19/2012  
Agency Contact: Allison Ganter (916) 323-8617

File# 2012-0806-01  
DEPARTMENT OF DEVELOPMENTAL SERVICES  
Regional Center Conflict-of-Interest Standards and Procedures

The Department of Developmental Services filed this 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 decisionmaking 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# 2012-0710-01  
DEPARTMENT OF FOOD AND AGRICULTURE  
Asian Citrus Psyllid Interior Quarantine

This is a certification of compliance of an emergency action (2012-0202-02 E) which expanded the existing Asian citrus psyllid (ACP), *Diaphorinia citri* interior quarantine area by approximately 144 square miles in San Diego County. The expansion surrounds the latest find of an ACP in San Clemente, CA. The total proposed quarantine area will become approximately 20,706 square miles.

Title 3  
California Code of Regulations  
AMEND: 3435(b)  
Filed 08/20/2012  
Effective 08/20/2012  
Agency Contact: Stephen S. Brown (916) 654-1017

File# 2012-0720-01  
DEPARTMENT OF INSURANCE  
Premium Taxes

This regulatory action is pursuant to the State Board of Equalization's opinion issued on December 12, 2006: In the Matter of the Petitions for Redetermination Under the Tax on Insurers Law of California Automobile Insurance Company. It creates a framework for an insurer who opts to transition from reporting and paying premium taxes based on premiums written to reporting and paying them based on premiums received. It also requires newly admitted insurers to report and pay premium taxes on premiums received.

Title 10  
California Code of Regulations  
ADOPT: 2327, 2327.1, 2327.2  
Filed 08/22/2012  
Effective 09/21/2012  
Agency Contact:  
Laszlo Komjathy, Jr. (415) 538-4413

File# 2012-0711-04  
DEPARTMENT OF PESTICIDE REGULATION  
Groundwater Protection List

This action by the Department of Pesticide Regulation makes changes without regulatory effect relating to

the groundwater protection list located in Title 3, CCR section 6800(b). Pursuant to section 13145(d) of the Food and Agricultural Code, section 6800(b) establishes a list of pesticides that have the potential to pollute groundwater. This action reorganizes the pesticides already identified in section 6800(b) to reflect whether each pesticide is actively registered for use in California pursuant to Food and Agricultural Code section 12811 et seq.

Title 3  
California Code of Regulations  
AMEND: 6800(b)  
Filed 08/22/2012  
Agency Contact:  
Linda Irokawa-Otani (916) 445-3991

File# 2012-0711-01  
DEPARTMENT OF SOCIAL SERVICES  
SB 781 Eviction Procedures

This rulemaking by the Department of Social Services amends Title 22, CCR section 87224 relating to eviction procedures for residents of licensed Residential Care Facilities for the Elderly (RCFE). Specifically, Section 87224(d) is amended to clarify eviction procedures and the information that must be provided to a RCFE resident when face with a written notice to evict, consistent with Health and Safety Code Section 1569.683 (Added by Stats.2009, c. 617 (S.B. 781) § 2). A change without regulatory effect is made to Section 87224(a)(4) changing a cross-reference from Section 87587 to 87463 to correct for a renumbering of the section in the CCR.

Title 22  
California Code of Regulations  
AMEND: 87224  
Filed 08/20/2012  
Effective 09/19/2012  
Agency Contact: Zaid Dominguez (916) 651-8267

File# 2012-0710-02  
MEDICAL BOARD OF CALIFORNIA  
Sponsored Free Health Care Events

In this regulatory action, the Medical Board of California (Board) adopts regulations pertaining to "Sponsored Free Health Care Events." These regulations implement Business and Professions Code section 901 which was enacted in Statutes of 2010, Chapter 270 (A.B. 2699). Under this legislation, California's healing arts boards are generally authorized to adopt regulations under which a health care practitioner licensed or certified and in good standing in another state, district or territory of the United States (an out-of-state practitioner) under specified conditions may offer or provide

health care services in California without obtaining California licensure. The out-of-state practitioner must provide the services on a voluntary basis and without charge to uninsured and underinsured persons, at a sponsored health care event, and for a period of 10 days or less per event. The Board implements Business and Professions Code section 901 as it pertains to the practice of medicine by an out-of-state practitioner.

Title 16  
California Code of Regulations  
ADOPT: 1333, 1333.1, 1333.2, 1333.3  
Filed 08/20/2012  
Effective 08/20/2012  
Agency Contact: Christine Valine (916) 263-2466

File# 2012-0705-01  
STATE ALLOCATION BOARD  
Leroy F. Greene School Facilities Act 1998 — Special Day Class Pupils

This rulemaking amends several sections and repeals some sections in Title 2 of the California Code of regulations along with Form SAB 50-04. This rulemaking repeals regulation sections and references relating to the Small High School Program because the statutory authority for this program was repealed January 1, 2008. This rulemaking also allows school districts to request fewer than the currently required 101 pupil grants for modernization projects applying for Special Day Class pupil grants. This rulemaking also establishes the Excessive Cost Hardship Grant for SDC Small Size Projects of fewer than 101 pupil grants at four percent of the grant funding.

Title 2  
California Code of Regulations  
AMEND: 1859.2, 1859.61, 1859.74, 1859.77.1, 1859.79, 1859.79.2, 1859.79.3, 1859.83, 1859.104  
REPEAL: 1859.70.3, 1859.71.5, 1859.78.9, 1859.93.2, 1859.93.3  
Filed 08/16/2012  
Effective 08/16/2012  
Agency Contact: Robert Young (916) 375-5939

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN March 28, 2012 TO  
August 22, 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**

08/16/12 AMEND: 1859.2, 1859.61, 1859.74, 1859.77.1, 1859.79, 1859.79.2, 1859.79.3, 1859.83, 1859.104 REPEAL: 1859.70.3, 1859.71.5, 1859.78.9, 1859.93.2, 1859.93.3

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

**Title 3**

08/22/12 AMEND: 6800(b)

08/20/12 AMEND: 3435(b)

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

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

**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

**CALIFORNIA REGULATORY NOTICE REGISTER 2012, VOLUME NO. 35-Z**

04/20/12	AMEND: 18013, 18054, 18111 REPEAL: 18006, 18200, 18201, 18202, 18203, 18205, 18206, 18207	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
04/11/12	AMEND: 19816, 19816.1, 19845.2	08/02/12	ADOPT: 426.00
04/02/12	ADOPT: 27000, 27001, 27002, 27003, 27004, 27005, 27006, 27007, 27008, 27009	07/30/12	AMEND: 1268, 1270.3
04/02/12	ADOPT: 1039.2, 1039.3	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
<b>Title 7</b>		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
07/03/12	AMEND: 219	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
<b>Title 8</b>		04/10/12	ADOPT: 553.30 AMEND: 553, 553.10, 553.20, 553.50, 553.70, 553.72
08/07/12	ADOPT: 3558 AMEND: 3207, 4184	<b>Title 14</b>	
07/30/12	ADOPT: 32802, 32804 AMEND: 32380, 32603, 32604	08/14/12	AMEND: 13055
05/21/12	ADOPT: 10582.5, 10770.1 AMEND: 10770	08/02/12	ADOPT: 2231, 2301 AMEND: 2000, 2200, 2230, 2235, 2240, 2245, 2300, 2305, 2310, 2320
05/07/12	AMEND: 477	07/26/12	AMEND: 18836
05/07/12	AMEND: 2340.22	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
05/02/12	AMEND: 20363, 20365, 20393, 20400, 20402	07/09/12	ADOPT: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5, 1665.6, 1665.7, 1665.8
05/01/12	AMEND: 1533, 1541, 8403	07/02/12	ADOPT: 602
<b>Title 9</b>		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
07/27/12	AMEND: 7141.5, 7143, 7227, 7350, 7351, 7353.6, 7354, 7355, 7356, 7357, 7358, 7400	06/25/12	AMEND: 791.7
<b>Title 10</b>		06/06/12	ADOPT: 18950, 18951, 18952, 18953, 18954, 18955, 18955.1, 18955.2, 18955.3, 18956, 18957, 18958
08/22/12	ADOPT: 2327, 2327.1, 2327.2	06/01/12	REPEAL: 660
08/03/12	ADOPT: 2561.1, 2561.2	05/30/12	AMEND: 11960
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		
<b>Title 11</b>			
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		
<b>Title 12</b>			
06/04/12	AMEND: 506		
<b>Title 13</b>			
08/07/12	ADOPT: 1962.2 AMEND: 1962.1, 1962.2 (renumbered to 1962.3)		

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05/29/12 AMEND: 360, 361, 362, 363, 364, 365,  
708.12  
05/21/12 AMEND: 703  
05/21/12 AMEND: 7.50  
05/21/12 AMEND: 705  
05/17/12 AMEND: 7.50  
05/07/12 ADOPT: 18835, 18836, 18837, 18838,  
18839  
05/01/12 AMEND: 27.80  
05/01/12 ADOPT: 4870, 4871, 4872, 4873, 4874,  
4875, 4876, 4877  
05/01/12 AMEND: 791.7, 870.17  
04/30/12 AMEND: 632  
04/27/12 AMEND: 228, 228.5  
04/05/12 AMEND: 28.29, 52.10, 150.16  
04/03/12 ADOPT: 791.6 AMEND: 791.7, 795, 796

**Title 15**

08/20/12 AMEND: 1006, 1007, 1008, 1012, 1013,  
1024, 1032, 1044, 1046, 1051, 1055,  
1056, 1058, 1059, 1062, 1063, 1069,  
1072, 1080, 1081, 1083, 1084, 1100,  
1104, 1125, 1140, 1141, 1143, 1144,  
1145, 1146, 1147, 1148, 1149, 1151,  
1203, 1205, 1206, 1208, 1217, 1241  
07/02/12 ADOPT: 3999.12  
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  
06/26/12 ADOPT: 3079, 3079.1 AMEND: 3000,  
3075.2, 3075.3  
06/26/12 AMEND: 3000, 3076.1, 3076.3, 3375,  
3375.1, 3375.2, 3375.3, 3375.4, 3375.5,  
3377.2, 3521.2  
06/06/12 AMEND: 3000, 3006, 3170.1, 3172.1,  
3173.2, 3315, 3323  
05/10/12 ADOPT: 3375.6 AMEND: 3000, 3375  
04/11/12 AMEND: 3187, 3188  
04/09/12 AMEND: 3172.2  
04/05/12 AMEND: 3341.5, 3375.2, 3377.1  
04/02/12 ADOPT: 3571, 3582, 3590, 3590.1,  
3590.2, 3590.3 AMEND: 3000  
03/28/12 ADOPT: 3352.3 AMEND: 3350.1, 3352,  
3352.1, 3352.2, 3354, 3354.2, 3355.1,  
3358

**Title 16**

08/20/12 ADOPT: 1333, 1333.1, 1333.2, 1333.3  
07/23/12 ADOPT: 1397.2 AMEND: 1380.4  
07/17/12 ADOPT: 1399.23, 1399.24 AMEND:  
1398.4  
07/10/12 ADOPT: 3394.25, 3394.26, 3394.27  
06/18/12 ADOPT: 1727.2 AMEND: 1728

06/18/12 AMEND: 443  
06/14/12 ADOPT: 302.5  
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  
05/17/12 ADOPT: 4544, 4600, 4602, 4604, 4606,  
4608, 4610, 4620, 4622 AMEND: 4422,  
4440, 4446, 4470  
05/14/12 AMEND: 932  
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

**Title 22**

08/20/12 AMEND: 87224

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08/13/12	AMEND: 100104, 100106, 100106.1, 100113, 100115, 100119, 100120, 100121, 100123, 100127	07/30/12	ADOPT: 2923
07/12/12	AMEND: 66263.18, 66263.41, 66263.43, 66263.44, 66263.45, 66263.46	07/11/12	ADOPT: 597, 597.1, 597.2, 597.3, 597.4
07/12/12	AMEND: 66268.40, 66268.48	07/05/12	AMEND: 570, 571, 572, 573, 574, 575, 576
07/09/12	AMEND: 4416	04/23/12	ADOPT: 3979.4
07/03/12	AMEND: 51516.1	04/10/12	AMEND: 2631
06/28/12	AMEND: 91477	04/09/12	ADOPT: 3969.1
06/21/12	AMEND: 50195, 50197, 50256, 50258, 50258.1, 50262, 50268, 50815, 51000.53	04/05/12	AMEND: 645
06/12/12	AMEND: 66261.32	<b>Title 25</b>	
05/24/12	AMEND: 90417	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
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	06/07/12	ADOPT: 4326, 4328 AMEND: 4004, 4200, 4204, 4208
05/17/12	AMEND: 51240, 51305, 51476	<b>Title 27</b>	
05/04/12	AMEND: 123000	07/12/12	AMEND: 25305, 25701, 25705, 25801
04/11/12	AMEND: 97174	06/18/12	AMEND: 25705
<b>Title 23</b>		<b>Title MPP</b>	
08/08/12	ADOPT: 3969.2	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
		04/11/12	AMEND: 47-230, 47-240, 47-401