



# California Regulatory Notice Register

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**PROPOSED ACTION ON REGULATIONS**

*Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.*

**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**

MULTI-COUNTY: Marin Clean Energy  
Upper Kings Basin  
Integrated Regional Water  
Management Authority

A written comment period has been established commencing on September 14, 2018, and closing on October 29, 2018. Written comments should be directed to the Fair Political Practices Commission, Attention Brienne Kilbane, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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 her 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 her 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 29, 2018. 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 Brienne Kilbane, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, 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 Brianne Kilbane, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

**TITLE 14. FISH AND GAME  
COMMISSION**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 205, 265, 270, 275, 1050, 1053.1, 1055.1, 7380 and 8491 of the Fish and Game Code and to implement, interpret or make specific sections 110, 200, 205, 255, 265, 270, 275, 713, 1050, 1053.1, 1055.1, 7149.8, 7380, 7381 and 7382 of said Code, proposes to Amend Sections 1.53, 1.74 and 5.00, Title 14, California Code of Regulations, relating to Freshwater Sport Fishing Amendments and Sport Fishing Report Card Requirements — Sport Fishing.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

Sections 1.53 & 5.00, Title 14, CCR

This California Department of Fish and Wildlife (Department) proposal combines Department and public requests for changes to Title 14, California Code of Regulations (CCR), for the Annual Sport Fishing Regulations review cycle. This proposal will clarify that inland waters do not include bays, increase fishing opportunities for black bass in Perris Lake, and make needed corrections to existing regulations. The proposed regulatory changes are needed to reduce public confusion and improve regulatory enforcement.

**Inland Waters Definition**

The current definition of inland waters can be confusing to anglers who want to fish two rods in a bay but are not sure if a second rod validation is required. A second-rod validation is only required in inland waters. However, the current definition of Inland Waters (Title 14, Section 1.53) is not clear if inland waters include or exclude bays. The definition reads, "Inland waters exclude the waters of San Francisco Bay and the waters of Elkhorn Slough. . ." The definition only excludes San Francisco Bay. Title 14, Section 27.00, Definition of the Ocean and San Francisco Bay District reads, "The ocean is. . . the waters of open or enclosed bays contiguous to the ocean." This definition clearly states that

all bays are considered waters of the ocean. To be consistent and clear, the definition of inland waters should state that all bays are excluded, not just San Francisco Bay. Amending the definition will clarify that inland waters do not include bays and, therefore, a second rod validation is not required in a bay.

**Lake Perris Largemouth Bass Size and Bag Limit**

The current regulations were changed in 2009 to protect the fishery when the lake was drawn down by 43% to repair the dam. DFW placed 1,484 brush habitat structures into the remnant lake from 2008-2016 and built 109 rock reefs with approximately 109,000 square feet of gravel/cobble rock areas. The dam repair has been completed and the water is restored to an 80% pool. DFW proposes to re-establish the bass regulations to the statewide standard of 5 fish at 12 inches.

**Updates to Authority and Reference Citations Based on Recent Legislation**

Senate Bill 1473 (Stats. 2016, Ch. 546) made organizational changes to the Fish and Game Code that became effective January 1, 2017. The changes included moving the Commission's exemptions from specified Administrative Procedure Act time frames from Section 202 to Section 265 of the Fish and Game Code, moving the Commission's effective date procedures from Section 215 to Section 270 of the Fish and Game Code, moving the Commission's effective period procedures from Section 220 to Section 275 of the Fish and Game Code, and moving the Commission's authority to adopt emergency regulations from Section 240 to Section 399 of the Fish and Game Code. In accordance with these changes to the Fish and Game Code, sections 202, 215, and 220 are removed from, and sections 265, 270, and 275 are added to, the authority and reference citations for this rulemaking.

**Goals and Benefits of the above Proposed Regulation**

It is the policy of this state to encourage the conservation, maintenance, and utilization of the living resources of the ocean and inland waters under the jurisdiction and influence of the state for the benefit of all the citizens of the State. In addition, it is the policy of this state to promote the development of local California fisheries in harmony with federal law respecting fishing and the conservation of the living resources of the ocean and inland waters under the jurisdiction and influence of the State. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence and the maintenance of a sufficient resource to support a reasonable sport use. Adoption of scientifically-based trout and salmon seasons, size limits, and bag and possession limits provide for the maintenance of sufficient populations of trout and salmon to ensure their continued existence.

The benefits of the proposed regulations are in concurrence with Federal law, sustainable management of California's trout and salmon resources, and promotion of businesses that rely on recreational sport fishing in California.

INFORMATIVE DIGEST/POLICY STATEMENT  
Section 1.74, Title 14, CCR

This proposal will update the sport fishing report card requirements and make needed corrections to existing regulations. The proposed regulatory changes are needed to reduce public confusion and improve regulatory enforcement.

Sport Fishing Report Card Requirements

Section 1.74 establishes guidelines for report card regulations including reporting harvest authorized by a report card; however, this section does not include a mechanism for confirmation that data from a report card has been reported. This proposal requires report card holders who submit data online to write the provided confirmation number on their report card and retain the report card until 90 days after the reporting deadline.

When a report card is lost, a licensee may wish to obtain a replacement report card or may simply need to fulfill the harvest reporting requirement before the reporting deadline. Section 1.74 does not currently provide guidelines for licensees who have lost their report card and need to report their harvest, but do not need to obtain a replacement report card. This proposal updates procedures regarding lost report cards to provide guidelines for obtaining a replacement report card, and for reporting harvest from a lost report card without obtaining a replacement report card.

Goals and Benefits of this Proposed Regulation

It is the policy of this state to encourage the conservation, maintenance, and utilization of the living resources of the ocean and inland waters under the jurisdiction and influence of the state for the benefit of all the citizens of the State. In addition, it is the policy of this state to promote the development of local California fisheries in harmony with federal law respecting fishing and the conservation of the living resources of the ocean and inland waters under the jurisdiction and influence of the State. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence and the maintenance of a sufficient resource to support a reasonable sport use. Adoption of scientifically-based trout and salmon seasons, size limits, and bag and possession limits provide for the maintenance of sufficient populations of trout and salmon to ensure their continued existence.

The benefits of this proposed regulation are concurrence with Federal law, sustainable management of California's trout and salmon resources, and promotion of businesses that rely on recreational sport fishing in California.

Consistency and Compatibility with State Regulations

The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Commission has searched the California Code of Regulations and finds no other State agency regulations pertaining to fresh and marine sport fisheries as well as the establishment of guidelines for reporting harvest.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Radisson Fresno Conference Center, 1055 Van Ness Avenue, Fresno, California, on Thursday, October 18, 2018, at 8:00 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in QLN Conference Center, 1938 Avenida del Oro, Oceanside, California, on Thursday, December 13, 2018, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before 5:00 p.m. on November 29, 2018, at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed (to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090), or emailed to the Commission office, must be received before 12:00 noon on December 7, 2018. All comments must be received no later than December 13, 2018, at the hearing in Oceana, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

It is requested, but not required, that written comments be submitted on or before 5:00 p.m. on October 4, 2018, at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed (to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090), or emailed to the Commission office, must be received before 12:00 noon on October 12, 2018. All comments must be received no later than October 17, 2018, at the hearing in Fresno, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

Availability of Documents

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at [www.fgc.ca.gov](http://www.fgc.ca.gov). The regulations as well as all related documents upon which the

proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, P.O. Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Jon Snellstrom at the preceding address or phone number. **Kevin Shaffer, Chief, Fisheries Division, (916) 327-8841**, has been designated to respond to questions on the substance of the proposed sport fishing regulations. Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout can be accessed through our website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Assessment

The Department assessed the potential for significant statewide adverse economic impacts that might result from the proposed regulatory action, and made the following initial determinations relative to the required statutory categories:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action is not anticipated to have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the expected impact of the proposed regulations on the amount of fishing activity is anticipated to be minimal relative to recreational angling effort statewide.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The expected impact of the proposed regulations on the amount of fishing activity is anticipated to be minimal relative to recreational angling effort statewide. Therefore, the Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing business or the expansion of businesses in California.

The Commission anticipates benefits to the health and welfare of California residents. Sport fishing contributes to increased mental health of its practitioners as fishing is a hobby and form of relaxation for many. Sport fishing also provides opportunities for multi-generational family activities and promotes respect for California's environment by younger generations, the future stewards of California's natural resources.

The Commission anticipates benefits to the environment by the sustainable management of California's sport fishing resources.

- (c) Cost Impacts on a Representative Private Person or Business:

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

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, 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



tive in implementing the statutory policy or other provision of law.

**TITLE 17. DEPARTMENT OF DEVELOPMENTAL SERVICES**

**Early Intervention Services**

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

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the contact listed below.

The written comment period closes at 5:00 p.m. on November 1, 2018.

The Department will consider only comments received by the Department by that time.

**CONTACT:** Sharon DeRego  
Monitoring and Family Services  
Branch  
Department of Developmental  
Services  
1600 9th Street, Room 320,  
MS 3-11  
Sacramento, CA 95814  
**FACSIMILE:** (916) 654-1605  
**EMAIL:** [Sharon.DeRego@dds.ca.gov](mailto:Sharon.DeRego@dds.ca.gov)

**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.

Copies of the express terms of the proposed regulation and the Initial Statement of Reasons or other information upon which the rulemaking is based, are available from Ms. DeRego at the contact information listed above. This notice, the Initial Statement of Reasons and the text of the proposed regulations are also available on the Internet at <http://www.dds.ca.gov/ProposedRegs>. Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed above once it is prepared.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Currently, California Code of Regulations, Title 17 does not include certain definitions and is in need of clarifying a few definitions for the early intervention services and the evaluation and assessment of the infants and toddlers whom are referred for determination of eligibility for these services.

The Department proposes to amend California Code of Regulations (CCR), Title 17 to more accurately align with Part C of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1431 et seq.).

The failure to amend Title 17 regulations in conformity with Part C federal rules would negatively affect the Department receiving the full Part C grant for the Early Intervention Services.

*Anticipated Benefits*

The proposed amendment will indirectly impact the health and welfare of the infants and toddlers in the Early Start program as the proposed amendments ensure the continuity of the federal grant which sustains these services.

After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern the service providers in relation to the early intervention services for infants and toddlers in California. As these are the only regulations dealing with this subject matter for infants and toddlers with developmental disabilities, the Department finds that the proposed regulations are compatible and consistent with existing state statute and regulations.

**LOCAL MANDATE STATEMENT**

These regulations do not constitute a mandate on local agencies or school districts.

**FISCAL IMPACT**

The Department has made the following initial assessments:

Cost or savings to any state agency: Cost of less than \$10 million per year.

Cost to any local agency or school district that 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.

Cost impacts on a representative private person or business: None. 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.

**SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT DIRECTLY  
AFFECTING BUSINESS**

The Department has made an initial determination that the proposed regulations 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.

**SMALL BUSINESS IMPACT STATEMENT**

The Department has determined that there may be minimal impact on small business as a result of filing of these regulations. These proposed amendments to the regulation do not create a burden on business.

**STATEMENT OF RESULTS OF ECONOMIC  
IMPACT ASSESSMENT**

The proposed amendments do not represent any policy shift in administrating the Early Start program for the state. Therefore, the Department forecasts no economic impact and concludes that it is: (1) unlikely that the proposal will eliminate any jobs for the Early Start program service providers, (2) unlikely that the proposal will create an unknown number of jobs for service providers, (3) unlikely that the proposal will create an unknown number of new businesses providing services in the Early Start program, (4) unlikely that the proposal will eliminate any existing businesses, and (5) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

The proposed amendment will indirectly impact the health and welfare of the infants and toddlers in the Early Start program as the proposed amendments ensure the continuity of the federal grant which sustains these services.

**STATEMENT OF EFFECT ON HOUSING COSTS**

The proposed regulatory action will have no effect on housing costs.

**STATEMENT OF ALTERNATIVES CONSIDERED**

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department has determined that there is no reasonable alternative to be considered or that has otherwise been identified and brought to the attention of the Department that would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less bur-

densome 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.

**AUTHORITY AND REFERENCE**

Authority: Welfare and Institutions Code sections 4405; and Government Code Section 11152

Reference: Welfare and Institutions Code sections 4631; 4648(a); and 4691

**CONTACT PERSON REGARDING THE  
RULEMAKING PROCESS OF THE  
PROPOSED REGULATIONS**

Contact Person: Sharon DeRego  
(916) 654-1605

Backup: Azadeh M-Fares  
(916) 654-2262

**TITLE 22. DEPARTMENT OF SOCIAL  
SERVICES (CDSS)**

ORD #1017-22

ITEM #1 Temporary Management of Adult Community Care Facilities and Residential Care Facilities for the Elderly

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held on October 30, 2018, at the following address:

Office Building # 8  
744 P St., Room 103  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify CDSS at least two weeks prior to the hearing.

Statements or arguments related to the proposals may also be submitted in writing, e-mail or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on October 30, 2018.

Following the public hearing, CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at [CDSS Public Hearings for Proposed Regulations \(http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information\)](http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information). Additionally, all the information which CDSS considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading at the address listed below. Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below:

Office of Regulations Development  
California Department of Social Services  
744 P Street, MS 8-4-192  
Sacramento, California 95814

TELEPHONE: (916) 657-2586  
FACSIMILE: (916) 654-3286  
E-MAIL: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

## CHAPTERS

Title 22, Division 6, Chapter 10 (Temporary Management of Adult Community Care Facilities and Residential Care Facilities for the Elderly), Sections 89600 (General), 89601 (Definitions), 89632 (Temporary Manager Candidate List), 89633 (Temporary Manager Appointment), 89637 (Facility Improvement Plan), 89662 (Finances), and 89667 (Temporary Manager Qualifications).

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In October 2013, 19 frail seniors were abandoned at a community care facility in Castro Valley by the licensee after CDSS began license revocation proceedings due to the facility's numerous violations that threatened the

health and safety of the residents. The licensee abandoned the facility and left the country, leaving the residents and staff to their own resources. This tragic event led to numerous reform bills and prompted the Legislature to adopt Senate Bill 855, Chapter 29, Statutes of 2014 (SB 855).

Current regulations for adult community care facilities and Residential Care Facilities for the Elderly do not provide the needed specific provisions for the selection process and requirements of a temporary manager. The CDSS has determined that these proposed regulations will affect adult community care facilities and Residential Care Facilities for the Elderly. These regulations will be adopted to implement SB 855 that established the role of a Temporary Manager.

For adult community care facilities and Residential Care Facilities for the Elderly, a temporary manager means the person, corporation, or other entity appointed temporarily by the CDSS as a substitute facility licensee or administrator with authority to hire, terminate, reassign staff, obligate facility funds, alter facility procedures, and manage the facility to correct deficiencies identified in the facility's operation. The temporary manager assumes all responsibility for the facility and its clients and directs the daily operation of the facility and care and supervision activities of any person associated with the facility, including superseding the authority of the licensee and the administrator.

The CDSS has a crucial role in the oversight, licensure and enforcement of regulations for the temporary management of adult community care facilities and Residential Care Facilities for the Elderly. The regulations in this package are written to specify the requirements for the qualifications, selection and appointment of a temporary manager, the duties of the temporary manager as outlined in the facility improvement plan and the limitations on expenditures and encumbrances by the temporary manager.

Due to the imminent risk to health and safety that predicates the need to place a temporary manager appointment, this regulations package shall be processed as emergency regulations with the Office of Administrative Law (OAL). This is necessary in order to maintain immediate preservation of public peace, health and safety as well as the general welfare of the population that will be served when there is a need for a temporary manager appointment. It is the intent of CDSS to promulgate these emergency regulations to ensure the needs and services of the client population served by adult community care facilities and Residential Care Facilities for the Elderly are met.

The Department considered other possible related regulations in this area, and we find that these are the only regulations dealing in this subject area (Licensing of temporary managers for adult community care facili-

ties and Residential Care Facilities for the Elderly), and therefore, the Department finds that these proposed regulations are compatible and consistent with the intent of the Legislature in adopting SB 855, Section 11 (Health and Safety Code section 1546.1) and Section 24 (Health and Safety Code section 1569.481), as well as with existing state regulations.

The following forms are incorporated by reference:  
LIC 200TM (6/18)  
LIC 215TM (6/18)  
LIC 216TM (6/18)

#### COST ESTIMATE

1. Costs or Savings to State Agencies: Since 2013, the CDSS has executed two contracts for temporary managers and anticipates this trend to continue. Therefore, the fiscal impact of this regulation is expected to be minimal and absorbable within the existing budget.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500–17630: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: None.

#### LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies. There are no state-mandated local costs in this order that require reimbursement under the laws of California. Implementation of the regulations only impact adult residential community care facilities or Residential Care Facilities for the Elderly with the applicable circumstances in Health and Safety Code section 1546.1(c) or 1569.481(c).

#### STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination that the proposed regulations 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. This determination was made based on the proposed regulatory action, which was designed to impact only the facilities in which the applicable circumstances in Health and Safety Code section 1546.1(c) or 1569.481(c) exist. These regulations do not compel other licensees to take any action. The facilities of other licensees will not be

eliminated or expanded, and new facilities will not be created.

#### STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

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

#### SMALL BUSINESS IMPACT STATEMENT

The CDSS has determined there is no impact on small businesses as a result of filing these regulations. These regulations only impact individuals and entities that make the business decision to pursue the role of a Temporary Manager.

#### STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

No economic impact is anticipated for the CDSS or for adult community care facilities and Residential Care Facilities for the Elderly licensees by this regulatory activity as determined by the economic impact assessment. The adoption of the proposed amendments 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. This regulatory action will help support the health and safety of residents in adult residential community care facilities and Residential Care Facilities for the Elderly and will help facilitate the appointment of a temporary manager.

#### STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

#### STATEMENT OF ALTERNATIVES CONSIDERED

In developing the regulatory action, CDSS did not consider any other alternatives because the Legislature, through the above-mentioned bill, mandates the Department's oversight of temporary managers and no alternatives were proposed.

The CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are 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 provision of law.

**AUTHORITY AND REFERENCE CITATIONS**

The CDSS adopts these regulations under the authority granted in Sections 1530, 1546.1, 1569.30 and 1569.481, Health and Safety Code. Subject regulations implement and make specific Sections 1546.1, 1550, 1550.5, 1556, 1569.19, 1569.481, 1569.482, 1569.50, 1569.525 and 1569.682, Health and Safety Code.

**CDSS REPRESENTATIVE REGARDING THE  
RULEMAKING PROCESS OF THE  
PROPOSED REGULATION**

Contact Person: Everardo Vaca  
(916) 657-2586

Backup: Sylvester Okeke  
(916) 657-2586

**EMERGENCY STATEMENT**

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code section 11346.4.

**TITLE 24. BUILDING STANDARDS  
COMMISSION**

**NOTICE OF PROPOSED ACTION TO  
BUILDING STANDARDS OF THE DIVISION  
OF THE STATE ARCHITECT —  
STRUCTURAL SAFETY  
(DSA-SS AND DSA-SS/CC)  
REGARDING THE 2019 CALIFORNIA  
ADMINISTRATIVE CODE CALIFORNIA  
CODE OF REGULATIONS, TITLE 24, PART 1**

**(DSA-SS/CC 01/18)**

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Division of the State Architect (DSA) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 1. The DSA is proposing building standards related to the administrative regulations for the structural design of public elementary and secondary schools and community colleges.

**PUBLIC COMMENT PERIOD**

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14, until 5:00 p.m. on October 29, 2018.**

Please address your comments to:

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

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

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

Reference: Government Code Section 11346.5(a)(18).

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

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

AUTHORITY AND REFERENCE

Reference: Government Code Section 11346.5(a)(2).

The CBSC proposes to adopt these building standards under the authority granted by by Health and Safety Code (H&SC) Sections 18930, 18944 and 18949.1. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health & Safety Code Sections 16000–16023, and Education Code (EC) Sections 17280–17317, 81130–81147 and 81052–81053.

The DSA is proposing this regulatory action based on H&SC Section 16022, and EC Sections 17310, 81142, and 81053.

INFORMATIVE DIGEST

Reference: Government Code Section 11346.5(a)(3).

Summary of Existing Laws

Section 16022 of the H&SC authorizes the State Architect to establish building standards for state–owned and state–leased essential services buildings.

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

Sections 81052 and 81053 of the EC 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 Section 81142.

Section 18929 of the H&SC requires the DSA to forward administrative regulations implementing or enforcing building standards to the Building Standards Commission.

Section 18930 of the H&SC requires that any building standard proposed or adopted by state agencies be submitted to and approved or adopted by the Building Standards Commission, prior to codification.

Summary of Existing Regulations

Existing administrative standards and requirements for building design and construction of state–owned or state–leased essential services buildings, public elementary and secondary schools, and community colleges are contained in Title 24, Part 1.

Summary of Effect

The proposed action would carry forward, make clarifications and editorial changes to existing provisions within Title 24, Part 1. The significant effects of the regulation changes include the following:

- Alignment with the 2017 Budget Bill, which was effective June 27, 2017, resulting in fee schedule increases affecting public school construction projects.
- Increases in candidates for DSA certified project inspectors due to modifications to the eligibility criteria.

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 as well as increasing the number of DSA certified project inspectors.

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

Reference: 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

Reference: Government Code Section 11346.5(a)(5).

DSA has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. The proposed regulations incorporate that DSA may charge fees to recover costs for specific services as currently allowed in the EC. These fees for services do not mandate a new program or a higher level of service as defined in the California Constitution, Article XIII B and regulated in the California Government Code, Part 7 commencing with Section 17500 of Division 4. The proposed regulations do increase fees DSA may charge to recover costs for services as allowed in the EC; however, this increase provides alignment with the 2017 Budget Bill, which was effective June 27, 2017.

ESTIMATE OF COST OR SAVINGS

Reference: Government Code Section 11346.5(a)(6).

An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- 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: **YES**.
- E. Cost or savings in federal funding to the state: **NO**.

Estimate: \$27 million per year total for school and community college districts and \$9,948 per year for state schools. Refer to the Economic and Fiscal Impact Statement (Form 399) for additional information.

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

Reference: Government Code Section 11346.5(a)(8).

If the agency makes an initial determination that the adoption/amendment/peal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

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

**DECLARATION OF EVIDENCE**

Reference: Government Code Section 11346.5(a)(8).

In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

Through economic assessment of the proposed regulations, the DSA determined no significant, adverse economic impact will directly affect businesses in the manner described by GC Section 11346.5 subdivision (a)(8). No other record of facts, evidence, testimony, or other evidence has been relied upon by the Division of the State Architect to support the initial determination of no effect.

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

Reference: Government Code Section 11346.5(a)(11).

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

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**

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

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**

Reference: Government Code Section 11346.5(a)(10).

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

**A. The creation or elimination of jobs within the State of California.**

The DSA has determined that this proposed action has no effect.

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

The DSA has determined that this proposed action has no effect.

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

The DSA has determined that this proposed action has no effect.

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

The DSA has determined the health and welfare of California residents, public school children in particular, benefit from the proposed regulations as evidenced from past administration of similar administrative regulations.

**ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING**

Reference: Government Code Section 11346.5(a)(12).

The DSA has determined that this proposed action has no effect on housing.

**CONSIDERATION OF ALTERNATIVES**

Reference: Government Code Section 11346.5(a)(13).

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 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**

Reference: Government Code Sections 11346.5(a)(16) 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 be accessed from the CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(19).

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 CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(21).

DSA shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

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

Reference: Government Code Section 11346.5(a)(14).

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  
Phone: (916) 263-0916  
[Michael.Nearman@dgs.ca.gov](mailto:Michael.Nearman@dgs.ca.gov)

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

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

James P. Hackett  
Principal Structural Engineer  
Division of the State Architect  
916-322-4699  
[jim.hackett@dgs.ca.gov](mailto:jim.hackett@dgs.ca.gov)

Ryan P. Huxley  
Supervising Structural Engineer  
Division of the State Architect  
916-323-9877  
[ryan.huxley@dgs.ca.gov](mailto:ryan.huxley@dgs.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 AND DSA-SS/CC) REGARDING THE 2019 CALIFORNIA BUILDING CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2**

**(DSA-SS/CC 02/18)**

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Division of the State Architect (DSA) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 2. The DSA is proposing building standards related to the structural design of public elementary and secondary schools, community colleges, and state-owned or state-leased essential services buildings.

**PUBLIC COMMENT PERIOD**

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14, until 5:00 p.m. on October 29, 2018.**

Please address your comments to:

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

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

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be

conducted by the California Building Standards Commission to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

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

Reference: Government Code Section 11346.5(a)(18).

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

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

**AUTHORITY AND REFERENCE**

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 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**

Reference: 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 16022 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 stan-

dards for public elementary and secondary schools, and community colleges.

Sections 81052 and 81053 of 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 the 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 adopt Title 24, Part 2, by adopting the most recent edition of the selected model building code (*International Building Code*, 2018 edition). In addition to editorial updates, the proposed action will:

- 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**

Reference: 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**

Reference: Government Code Section 11346.5(a)(5).  
DSA has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

**ESTIMATE OF COST OR SAVINGS**

Reference: Government Code Section 11346.5(a)(6).  
An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district. Provide a copy of the "Economic and Fiscal Impact Statement" (Form 399).

- 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: N/A

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

Reference: Government Code Section 11346.5(a)(8).  
If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

DSA 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**

Reference: Government Code Section 11346.5(a)(8).  
In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

Through economic assessment of the proposed regulations, the DSA determined no significant, adverse

economic impact will directly affect businesses in the manner described by GC Section 11346.5 subdivision (a)(8). 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

Reference: Government Code Section 11346.5(a)(11).

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

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 public's health, safety or welfare.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Reference: Government Code Section 11346.5(a)(9).

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

Reference: Government Code Section 11346.5(a)(10).

The Division of the State Architect has assessed whether or not and to what extent this proposal will affect the following:

**A. 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.

**B. 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.

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

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

**D. 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.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).

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

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).

DSA has 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 affected private persons and equally effective in implementing the statutory policy or other provisions of law.

AVAILABILITY OF RULEMAKING DOCUMENTS

Reference: Government Code Sections 11346.5(a)(16) 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 be accessed from the CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(19).

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 CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(21).

DSA shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which

effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

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

Reference: Government Code Section 11346.5(a)(14).

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

Gary Fabian, Associate Architect  
California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Phone: (916) 263-0916  
[Gary.Fabian@dgs.ca.gov](mailto:Gary.Fabian@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:

James P. Hackett, Principal Structural Engineer  
Division of the State Architect  
Ph. 916-322-4699  
[jim.hackett@dgs.ca.gov](mailto:jim.hackett@dgs.ca.gov)

Diane C. Gould, Supervising Structural Engineer  
Division of the State Architect  
Ph. 916-324-6959  
[diane.gould@dgs.ca.gov](mailto:diane.gould@dgs.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 AND DSA-SS/CC) REGARDING THE 2019 CALIFORNIA ELECTRICAL CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 3**

**(DSA-SS 01/17)**

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Division of the State Architect (DSA) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 3. DSA is proposing building standards related to the 2019 California Electrical Code.

**PUBLIC COMMENT PERIOD**

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14, until 5:00 p.m. on October 29, 2018.**

Please address your comments to:

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

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

POST-HEARING MODIFICATIONS TO THE  
TEXT OF THE REGULATIONS

Reference: Government Code Section 11346.5(a)(18).

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

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

AUTHORITY AND REFERENCE

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 (HSC) Sections 18930 and 18949.1. The purpose of these building standards is to implement, interpret, or make specific the provisions of HSC Sections 16000-16023, and Education Code (EDC) Sections 17280-17317, 81130-81147, and 81052-81053.

The Division of the State Architect is proposing this regulatory action based on HSC Section 16022 and EDC Sections 17310, 81142, and 81053.

INFORMATIVE DIGEST

Reference: Government Code Section 11346.5(a)(3).

**Summary of Existing Laws**

HSC Section 16022 authorizes DSA to establish building standards for state-owned and state-leased essential services buildings.

EDC Sections 17310 and 81142 authorize DSA to establish building standards for public elementary and secondary schools, and community colleges.

EDC Sections 81052 and 81053 authorize DSA to establish building standards which a community college may elect to use in lieu of those standards promulgated in accordance with EDC Section 81142.

HSC Section 18930 requires that any building standard proposed or adopted by state agencies be submitted to and approved or adopted by the Building Standards Commission, prior to codification.

HSC Section 18938 requires the filing of standards with the Secretary of State by CBSC only after they

have been approved by the commissioners. It requires that the administrative regulations become effective 30 days after filing with the Secretary of State, and that they be published in Title 24.

**Summary of Existing Regulations**

Existing building standards which prescribe the electrical design and construction of public elementary and secondary schools, community colleges and state-owned or state-leased essential services buildings, are promulgated by the Division of the State Architect. These regulations are contained in Title 24, Part 3, California Electrical Code.

**Summary of Effect**

The proposed action would update Title 24, Part 3, by repealing the adoption of the 2014 edition National Electrical Code and adopting the most recent edition of the selected model electrical code (National Electrical Code, 2017 edition). The proposed action will also integrate currently adopted electrical safety amendments into the updated Title 24, Part 3 and 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 current edition of the model electrical code and nationally-recognized electrical 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

Reference: 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

Reference: Government Code Section 11346.5(a)(5).

DSA has determined that the proposed regulatory action WOULD NOT impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

Reference: Government Code Section 11346.5(a)(6).

An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- 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**

Reference: Government Code Section 11346.5(a)(8).  
 If the agency makes an initial determination that the adoption/amendment/peal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

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

**DECLARATION OF EVIDENCE**

Reference: Government Code Section 11346.5(a)(8).  
 In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

No facts, evidence, documents, testimony or other evidence has been relied upon by the Division of the State Architect to support the initial determination of no effect.

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

Reference: Government Code Section 11346.5(a)(11).  
 Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is

necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

N/A

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

Reference: Government Code Section 11346.5(a)(9).  
 Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

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**

Reference: Government Code Section 11346.5(a)(10).

The Division of the State Architect has assessed whether or not and to what extent this proposal will affect the following:

- A. The creation or elimination of jobs within the State of California.**  
 DSA has determined that this proposed action has no effect.
- B. The creation of new businesses or the elimination of existing businesses within the State of California.**  
 DSA has determined that this proposed action has no effect.
- C. The expansion of businesses currently doing business within the State of California.**  
 DSA has determined that this proposed action has no effect.
- D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.**  
 DSA 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.

**ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING**

Reference: Government Code Section 11346.5(a)(12).  
 DSA has determined that this proposed action has no effect on housing.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section  
11346.5(a)(13).

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 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

Reference: Government Code Sections  
11346.5(a)(16) 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 be accessed from the CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section  
11346.5(a)(19).

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 CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section  
11346.5(a)(21).

DSA shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL  
AND ADMINISTRATIVE QUESTIONS

Reference: Government Code Section  
11346.5(a)(14).

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

Enrique Rodriguez, Associate Construction Analyst  
California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Phone: (916) 263-0916  
[Enrique.Rodriguez@dgs.ca.gov](mailto:Enrique.Rodriguez@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:

James P. Hackett, Principal Structural Engineer  
Department of General Services  
Division of the State Architect  
(916) 322-4699  
[jim.hackett@dgs.ca.gov](mailto:jim.hackett@dgs.ca.gov)

James Gibbons, Construction Supervisor II  
Department of General Services  
Division of the State Architect  
(916) 322-2250  
[james.gibbons@dgs.ca.gov](mailto:james.gibbons@dgs.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 AND DSA-SS/CC)  
REGARDING THE 2019 CALIFORNIA  
MECHANICAL CODE CALIFORNIA CODE OF  
REGULATIONS, TITLE 24, PART 4**

**(DSA-SS 03/18)**

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Division of the State Architect (DSA) proposes to adopt, approve, codify, and publish changes to building stan-

dards contained in the California Code of Regulations (CCR), Title 24, Part 4. DSA is proposing building standards related to the 2019 California Mechanical Code.

**PUBLIC COMMENT PERIOD**

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14, until 5:00 p.m. on October 29, 2018.**

Please address your comments to:

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

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

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

Reference: Government Code Section 11346.5(a)(18).

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

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

**AUTHORITY AND REFERENCE**

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 (HSC) Sections 18930 and 18949.1. The purpose of these building standards is to implement, interpret, or make specific the provisions of HSC Sections 16000–16023, and Education Code (EDC) Sections 17280–17317, 81130–81147, and 81052–81053.

The Division of the State Architect is proposing this regulatory action based on HSC Section 16022 and EDC Sections 17310, 81142, and 81053.

**INFORMATIVE DIGEST**

Reference: Government Code Section 11346.5(a)(3).

**Summary of Existing Laws**

EDC Sections 17310 and 81142 authorize DSA to establish building standards for public elementary and secondary schools, and community colleges.

EDC Sections 81052 and 81053 authorize DSA to establish building standards which a community college may elect to use in lieu of those standards promulgated in accordance with EDC Section 81142.

HSC Section 16022 authorizes DSA to establish building standards for state-owned and state-leased essential services buildings.

HSC Section 18930 requires that any building standard proposed or adopted by state agencies be submitted to and approved or adopted by the Building Standards Commission, prior to codification.

HSC Section 18938 requires the filing of standards with the Secretary of State by CBSC only after they have been approved by the commissioners. It requires that the administrative regulations become effective 30 days after filing with the Secretary of State, and that they be published in Title 24.

**Summary of Existing Regulations**

Existing building standards which prescribe the mechanical design and construction of public elementary and secondary schools, community colleges and state-owned or state-leased essential services buildings, are promulgated by the Division of the State Architect. These regulations are contained in Title 24, Part 4, California Mechanical Code.

**Summary of Effect**

The proposed action would update Title 24, Part 4, by repealing the adoption of the 2015 edition Uniform Mechanical Code and adopting the most recent edition of the selected model mechanical code (Uniform Mechanical Code, 2018 edition). The proposed action will also integrate currently adopted mechanical safety amendments into the updated Title 24, Part 4, make editorial changes to currently adopted amendments to improve clarity or intent, and update the MERV air filter requirements to align with the 2019 California Green Code (CalGreen) and the 2019 California Energy Code.



**Comparable Federal Statute or Regulations**

There are no comparable federal regulations or statutes.

**Policy Statement Overview**

The broad objective of the proposed action is to maintain building regulations in conformance with current state law by adopting the current edition of the model mechanical code and nationally-recognized mechanical 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

Reference: 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

Reference: Government Code Section 11346.5(a)(5).

DSA has determined that the proposed regulatory action **WOULD NOT** impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

Reference: Government Code Section 11346.5(a)(6).

An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

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

Estimate: The effect on local government (K-12 school and community college districts) will be an increase in air filter/grill costs of \$138,070 for new construction and \$12,234 for modernization. The effect on state government will be \$138,070 for new construction,

\$18,352 for modernization and \$688 for essential services buildings.

INITIAL DETERMINATION OF NO  
SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT ON BUSINESSES

Reference: Government Code Section 11346.5(a)(8).

If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

DSA 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 businesses in other states.

DECLARATION OF EVIDENCE

Reference: Government Code Section 11346.5(a)(8).

In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

DSA has used cost information provided by the California Energy Commission in determining the fiscal impact to state and local governments. No other facts, evidence, documents or testimony has been relied upon by the Division of the State Architect to support the initial determination of no effect.

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

Reference: Government Code Section 11346.5(a)(11).

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

N/A

COST IMPACT ON REPRESENTATIVE PRIVATE  
PERSON OR BUSINESS

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

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

Reference: Government Code Section  
11346.5(a)(10).

The Division of the State Architect has assessed whether or not and to what extent this proposal will affect the following:

**A. The creation or elimination of jobs within the State of California.**

DSA has determined that this proposed action has no effect.

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

DSA has determined that this proposed action has no effect.

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

DSA has determined that this proposed action has no effect.

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

DSA has determined that proposed regulatory action would have a positive effect on the health and welfare of California residents, worker safety, and the state’s environment by ensuring cleaner air inhabitable environments.

ESTIMATED COST OF COMPLIANCE OF  
STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section  
11346.5(a)(12).

DSA has determined that this proposed action has no effect on housing under DSA’s authority, which covers public schools, community colleges and essential services buildings.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section  
11346.5(a)(13).

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 and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected pri-

vate persons and equally effective in implementing the statutory policy or other provisions of law.

AVAILABILITY OF  
RULEMAKING DOCUMENTS

Reference: Government Code Sections  
11346.5(a)(16) 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 be accessed from the CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section  
11346.5(a)(19).

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 CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section  
11346.5(a)(21).

DSA shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL  
AND ADMINISTRATIVE QUESTIONS

Reference: Government Code Section  
11346.5(a)(14).

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

Enrique Rodriguez, Associate Construction Analyst  
California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Phone: (916) 263-0916  
[Enrique.Rodriguez@dgs.ca.gov](mailto:Enrique.Rodriguez@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:

James P. Hackett, Principal Structural Engineer  
 Department of General Services  
 Division of the State Architect  
 (916) 322-4699  
[jim.hackett@dgs.ca.gov](mailto:jim.hackett@dgs.ca.gov)

James Gibbons, Construction Supervisor II  
 Department of General Services  
 Division of the State Architect  
 (916) 322-2250  
[james.gibbons@dgs.ca.gov](mailto:james.gibbons@dgs.ca.gov)

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

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

**TITLE 24. BUILDING STANDARDS COMMISSION**

**NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE DIVISION OF THE STATE ARCHITECT — STRUCTURAL SAFETY (DSA-SS AND DSA-SS/CC) REGARDING THE 2019 CALIFORNIA PLUMBING CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5**

**(DSA-SS/CC 04/18)**

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Division of the State Architect (DSA) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. DSA is proposing building standards related to the 2019 California Plumbing Code.

**PUBLIC COMMENT PERIOD**

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14, until 5:00 p.m. on October 29, 2018.**

Please address your comments to:

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

Reference: Government Code Section 11346.5(a)(18).

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

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

**AUTHORITY AND REFERENCE**

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 (HSC) Sections 18930, 18934.5, 18938, 18944 and 18949.1 and Education Code (EDC) Sections 17280-17317, 81130-81147, 81052 and 81053. The purpose of these building standards is to implement, interpret, or make specific the provisions of those same sections.

The Division of the State Architect is proposing this regulatory action based on HSC Section 16022 and EDC Sections 17310, 81142, and 81053.

INFORMATIVE DIGEST

Reference: Government Code Section 11346.5(a)(3).

**Summary of Existing Laws**

EDC Sections 17310 and 81142 authorize DSA to establish building standards for public elementary and secondary schools, and community colleges.

EDC Sections 81052 and 81053 authorize DSA to establish building standards which a community college may elect to use in lieu of those standards promulgated in accordance with EDC Section 81142.

HSC Section 16022 authorizes DSA to establish building standards for state-owned and state-leased essential services buildings.

HSC Section 18930 requires that any building standard proposed or adopted by state agencies be submitted to and approved or adopted by the Building Standards Commission, prior to codification.

HSC Section 18938 requires the filing of standards with the Secretary of State by CBSC only after they have been approved by the commissioners. It requires that the administrative regulations become effective 30 days after filing with the Secretary of State, and that they be published in Title 24.

**Summary of Existing Regulations**

Existing building standards which prescribe the plumbing system design and construction of public elementary and secondary schools, community colleges and state-owned or state-leased essential services buildings, are promulgated by the Division of the State Architect. These regulations are contained in Title 24, Part 5, California Plumbing Code.

**Summary of Effect**

The proposed action would update Title 24, Part 5, by repealing the adoption of the 2015 edition Uniform Plumbing Code and adopting the most recent edition of the selected model plumbing code (Uniform Plumbing Code, 2018 edition). The proposed action will also integrate currently adopted plumbing safety amendments into the updated Title 24, Part 5, 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 current edition of the model plumbing code and nationally-recognized plumbing 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

Reference: 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

Reference: Government Code Section 11346.5(a)(5).

DSA has determined that the proposed regulatory action WOULD NOT impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

Reference: Government Code Section 11346.5(a)(6).

An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- 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

Reference: Government Code Section 11346.5(a)(8).

If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

DSA 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 businesses in other states.

DECLARATION OF EVIDENCE

Reference: Government Code Section 11346.5(a)(8).

In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

No facts, evidence, documents, testimony or other evidence has been relied upon by the Division of the State Architect to support the initial determination of no effect.

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

Reference: Government Code Section 11346.5(a)(11).

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

N/A

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

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

Reference: Government Code Section 11346.5(a)(10).

The Division of the State Architect has assessed whether or not and to what extent this proposal will affect the following:

**A. The creation or elimination of jobs within the State of California.**

DSA has determined that this proposed action has no effect.

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

DSA has determined that this proposed action has no effect.

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

DSA has determined that this proposed action has no effect.

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

DSA 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.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).

DSA has determined that this proposed action has no effect on housing under DSA's authority, which covers public schools, community colleges and essential services buildings.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).

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 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

Reference: Government Code Sections 11346.5(a)(16) 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 be accessed from the CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(19).

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 [CBSC website: www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(21).

DSA shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

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

Reference: Government Code Section 11346.5(a)(14).

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  
Phone: (916) 263-0916  
[Michael.Nearman@dgs.ca.gov](mailto:Michael.Nearman@dgs.ca.gov)  
Telephone: (916) 263-0916

**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:

James P. Hackett, Principal Structural Engineer  
Department of General Services  
Division of the State Architect  
(916) 322-4699  
[jim.hackett@dgs.ca.gov](mailto:jim.hackett@dgs.ca.gov)

James Gibbons, Construction Supervisor II  
Department of General Services  
Division of the State Architect  
(916) 322-2250  
[james.gibbons@dgs.ca.gov](mailto:james.gibbons@dgs.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 AND DSA-SS/CC) REGARDING THE 2019 CALIFORNIA EXISTING BUILDING CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10**

**(DSA-SS/CC 05/18)**

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Division of the State Architect (DSA) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 10. The DSA is proposing building standards related to the structural design of public elementary and secondary schools, community colleges, and state-owned or state-leased essential services buildings.

**PUBLIC COMMENT PERIOD**

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14, until 5:00 p.m. on October 29, 2018.**

Please address your comments to:

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

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be

conducted by the CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

POST-HEARING MODIFICATIONS TO THE  
TEXT OF THE REGULATIONS

Reference: Government Code Section 11346.5(a)(18).

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

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

AUTHORITY AND REFERENCE

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 Section 18930 and 18949.1. The purpose of these building standards is to implement, interpret, or 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

Reference: Government Code Section 11346.5(a)(3).

**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 the design and construction requirements for the repair, alteration, addition, and change of occupancy to existing 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 10, California Existing Building Code.

**Summary of Effect**

The proposed action would adopt Title 24, Part 10, by adopting the most recent edition of the selected model building code (International Existing Building Code, 2018 edition). In addition to editorial updates, the proposed action will:

- Adopt a new non-structural performance level that was adopted into the standard ASCE 41-17: Seismic Evaluation and Retrofit of Existing Buildings.
- Relocate Chapter 4: Prescriptive Compliance Method into Chapter 5: Provisions for all Compliance Methods as was adopted into the 2018 International Existing Buildings Code.
- Not adopt the new Chapter 4: Repairs in the 2018 International Existing Buildings Code since DSA regulations for repair of damaged elements are contained in California Administrative Code, 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 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

Reference: 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

Reference: Government Code Section 11346.5(a)(5).  
DSA has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

Reference: Government Code Section 11346.5(a)(6).  
An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- 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

Reference: Government Code Section 11346.5(a)(8).  
If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

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

DECLARATION OF EVIDENCE

Reference: Government Code Section 11346.5(a)(8).  
In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or

other evidence that the agency relies upon to support its initial determination of no effect.

No facts, evidence, documents, testimony or other evidence has been relied upon by the Division of the State Architect to support the initial determination of no effect. 2018 CEBC regulations have been carried over, and new amendments are adoption of 2018 IEBC model code provisions. All revisions to existing amendments are clarifications with no fiscal or economic impact.

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

Reference: Government Code Section 11346.5(a)(11).

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

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 public's health, safety or welfare.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

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

Reference: Government Code Section 11346.5(a)(10).

The Division of the State Architect has assessed whether or not and to what extent this proposal will affect the following:

- A. **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.
- B. **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.



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

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

**D. 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.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).

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

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).

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 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

Reference: Government Code Sections 11346.5(a)(16) 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 be accessed from the CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(19).

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 CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(21).

DSA shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

CBCS CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

Reference: Government Code Section 11346.5(a)(14).

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

Gary Fabian, Associate Architect  
California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Phone: (916) 263-0916  
[Gary.Fabian@dgs.ca.gov](mailto:Gary.Fabian@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:

James P. Hackett, Principal Structural Engineer  
Division of the State Architect  
Ph. 916-322-4699  
[jim.hackett@dgs.ca.gov](mailto:jim.hackett@dgs.ca.gov)

Diane C. Gould, Supervising Structural Engineer  
Division of the State Architect  
Ph. 916-324-6959  
[diane.gould@dgs.ca.gov](mailto:diane.gould@dgs.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 AND DSA-SS/CC) REGARDING THE 2019 CALIFORNIA REFERENCED STANDARDS CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 12**

**(DSA-SS/CC 06/18)**

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Division of the State Architect (DSA) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 12. DSA is proposing building standards related to the 2019 California Referenced Standards Code.

**PUBLIC COMMENT PERIOD**

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14, until 5:00 p.m. on October 29, 2018.**

Please address your comments to:

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

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the CBSC to be scheduled at a date near

the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

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

Reference: Government Code Section 11346.5(a)(18).

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

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

**AUTHORITY AND REFERENCE**

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 (HSC) Sections 18930, 18934.5, 18938, 18944 and 18949.1 and Education Code (EDC) Sections 17280-17317, 81130-81147, 81052 and 81053. The purpose of these building standards is to implement, interpret, or make specific the provisions of those same sections.

The Division of the State Architect is proposing this regulatory action based on HSC Section 16022 and EDC Sections 17310, 81142, and 81053.

**INFORMATIVE DIGEST**

Reference: Government Code Section 11346.5(a)(3).  
**Summary of Existing Laws**

EDC Sections 17310 and 81142 authorize DSA to establish building standards for public elementary and secondary schools, and community colleges.

EDC Sections 81052 and 81053 authorize DSA to establish building standards which a community college may elect to use in lieu of those standards promulgated in accordance with EDC Section 81142.

HSC Section 16022 authorizes the DSA to establish building standards for state-owned and state-leased essential services buildings.

HSC Section 18929 requires DSA to forward administrative regulations implementing or enforcing building standards to the Building Standards Commission.

HSC Section 18930 requires that any building standard proposed or adopted by state agencies be submitted to and approved or adopted by the Building Standards Commission, prior to codification.

HSC Section 18938 requires the filing of standards with the Secretary of State by CBSC only after they have been approved by the commissioners. It requires that the administrative regulations become effective 30 days after filing with the Secretary of State, and that they be published in Title 24.

HSC Section 19182 requires and authorizes DSA to establish building standards governing seismic gas shutoff devices for installation in buildings. Section 19181 of HSC establishes that the governing body of any city, county, or city and county may enact an ordinance requiring the installation of earthquake sensitive gas shutoff devices in buildings open to the public. Any ordinance adopted pursuant to this section shall conform to standards adopted by DSA pursuant to HSC Section 19182.

**Summary of Existing Regulations**

Existing building standards which prescribe the design and construction requirements for earthquake- and excess flow actuated automatic gas shutoff valves of public elementary and secondary schools, community colleges and state-owned or state-leased essential services buildings, are promulgated by the Division of the State Architect. These regulations are contained in Title 24, Part 12, California Referenced Standards Code.

**Summary of Effect**

The proposed action would modify existing provisions to update the previous earthquake-actuated automatic gas shutoff valve standards to the current industry standards. The proposed action will also 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 current edition of the nationally-recognized industry standards for earthquake-actuated automatic gas shutoff valves.

**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**

Reference: 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**

Reference: Government Code Section 11346.5(a)(5). DSA has determined that the proposed regulatory action **WOULD NOT** impose a mandate on local agencies or school districts.

**ESTIMATE OF COST OR SAVINGS**

Reference: Government Code Section 11346.5(a)(6). An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- 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**

Reference: Government Code Section 11346.5(a)(8). If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

DSA 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 businesses in other states.

DECLARATION OF EVIDENCE

Reference: Government Code Section 11346.5(a)(8).

In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

No facts, evidence, documents, testimony or other evidence has been relied upon by the Division of the State Architect to support the initial determination of no effect.

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

Reference: Government Code Section 11346.5(a)(11).

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

N/A

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

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

Reference: Government Code Section 11346.5(a)(10).

The Division of the State Architect has assessed whether or not and to what extent this proposal will affect the following:

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

DSA has determined that this proposed action has no effect.

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

DSA has determined that this proposed action has no effect.

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

DSA has determined that this proposed action has no effect.

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

DSA 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.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).

DSA has determined that this proposed action has no effect on housing.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).

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 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

Reference: Government Code Sections 11346.5(a)(16) 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 be accessed from the CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(19).

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 CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(21).

DSA shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

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

Reference: Government Code Section 11346.5(a)(14).

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

Gary Fabian, Associate Architect  
California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Phone: (916) 263-0916  
[Gary.Fabian@dgs.ca.gov](mailto:Gary.Fabian@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:

James P. Hackett, Principal Structural Engineer  
Department of General Services  
Division of the State Architect  
(916) 322-4699  
[jim.hackett@dgs.ca.gov](mailto:jim.hackett@dgs.ca.gov)

James Gibbons, Construction Supervisor II  
Department of General Services  
Division of the State Architect  
(916) 322-2250  
[james.gibbons@dgs.ca.gov](mailto:james.gibbons@dgs.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 2018 CALIFORNIA GREEN BUILDING STANDARDS CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11**

**(DSASS-CC 07/18)**

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

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 11. The DSA-SS is proposing building standards related to the 2018 California Green Building Standards Code (CALGreen Code).

**PUBLIC COMMENT PERIOD**

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14, 2018 until 5:00 p.m. on October 29, 2018.**

Please address your comments to:

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

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the CBSC to be scheduled at a date near

the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

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

Reference: Government Code Section 11346.5(a)(18).

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

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

#### AUTHORITY AND REFERENCE

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 Section 18928. The purpose of these building standards is to implement, interpret, or make specific the provisions of Education Code Sections 17280 through 17317, and 81130 through 81147 and Health and Safety Code Section 16000–16023.

The DSA-SS is proposing this regulatory action based on Education Code Section 17310 and 81142, and Health and Safety Code 16022.

#### INFORMATIVE DIGEST

Reference: Government Code Section 11346.5(a)(3).

##### **Summary of Existing Laws**

Section 16022 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 4, California Mechanical Code, which prescribe the design and construction requirements for mechanical systems of public elementary and secondary schools, community colleges and state-owned or state-leased essential services buildings

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, and nonresidential 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.

B-48-18, January 26, 2018, further sets a goal of 5 million zero-emission vehicles (ZEV) by 2030 and directs the expansion of vehicle charging infrastructure in California with the goal to install of 200 hydrogen fueling stations and 250,000 zero-emission vehicle chargers, including 10,000 direct current fast chargers, by 2025.

**Summary of Effect**

These proposed regulations will amend the 2016 edition of the California Green Building Standards Code (CALGreen Code) for application by DSA-SS to public elementary and secondary schools, and community colleges. The proposed action would update Part 11 of Title 24 by:

- Incorporating amendments to DSA mandatory measures which were promulgated by the California Buildings Standards Commission for non-residential buildings during the 2015 Intervening Rulemaking Cycle.
- Co-adopting amendments made by the California Building Standards Commission to mandatory measures already adopted by DSA-SS.
- Amending to the DSA-SS application and scope requirements for public schools and community colleges.
- Adopting the mandatory measure, electrical vehicle (EV) charging infrastructure, promulgated by the California Buildings Standards Commission for non-residential buildings during the 2012 Rulemaking Cycle.
- Adopting a new mandatory measure unique to the DSA-SS for shade trees at public schools and community colleges.
- Update the MERV air filter requirements to align with the 2019 California Green Code (CalGreen) and the 2019 California Energy Code.

**Comparable Federal Statute or Regulations**

There are no comparable federal statutes or regulations.

**Policy Statement Overview**

The broad objective of the proposed action is to maintain green building standards in conformance with current state law, by updating the 2016 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**

Reference: 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**

Reference: Government Code Section 11346.5(a)(5).  
DSA-SS has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. The proposed regulatory action would impose a mandate on school districts; however, does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code.

**ESTIMATE OF COST OR SAVINGS**

- Reference: Government Code Section 11346.5(a)(6).  
An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.
- A. Cost or Savings to any state agency: **YES**.
  - B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**.
  - C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**.
  - D. Other nondiscretionary cost or savings imposed on local agencies: **YES**.
  - E. Cost or savings in federal funding to the state: **NO**.

Estimate: The effect on local government (K-12 school and community college districts) will be an increase in air filter/grill costs of \$138,070 for new construction and \$12,234 for modernization. The effect on state government will be \$138,070 for new construction, \$18,352 for modernization and \$688 for essential services buildings.

**INITIAL DETERMINATION OF SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES**

Reference: Government Code Section 11346.5(a)(7).

If the agency makes an initial determination that the adoption/amendment/repeal of this regulation may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The determination shall include the following:

DSA–SS 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.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

Reference: Government Code Section 11346.5(a)(8).

If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business; including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

DSA–SS 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 businesses in other states.

DECLARATION OF EVIDENCE

Reference: Government Code Section 11346.5(a)(8).

In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

DSA has used cost information provided by the California Energy Commission in determining the fiscal impact to state and local governments. No other facts, evidence, documents or testimony has been relied upon by the Division of the State Architect to support the initial determination of no effect.

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

Reference: Government Code Section 11346.5(a)(11).

Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is

necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

N/A

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

DSA–SS 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

Reference: Government Code Section 11346.5(a)(10).

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

**A. The creation or elimination of jobs within the State of California.**

DSA has determined that this proposed action has no effect.

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

DSA has determined that this proposed action has no effect.

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

DSA has determined that this proposed action has no effect.

**D. 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 proposed action of shade tree plantings would benefit the health and welfare of students, staff, teachers and surrounding neighborhoods, and reduce the negative impact of CO2 emissions on the environment and reduce the impact of heat island effects on the environment. In addition, DSA has determined that proposed regulatory action would have a positive effect on the health and welfare of California residents, worker safety, and the state’s environment by ensuring cleaner air inhabitable environments.



**ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING**

Reference: Government Code Section 11346.5(a)(12).

DSA-SS has determined that this proposal would not have a significant effect on housing costs.

**CONSIDERATION OF ALTERNATIVES**

Reference: Government Code Section 11346.5(a)(13).

DSA-SS has determined that no reasonable alternative considered by DSA-SS or that has otherwise been identified and brought to the attention of DSA-SS 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**

Reference: Government Code Sections 11346.5(a)(16) 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 be accessed from the CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(19).

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 CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(21).

DSA-SS shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

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

Reference: Government Code Section 11346.5(a)(14).

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

Enrique Rodriguez, Associate Construction Analyst  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone No.: (916) 263-0916

**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:

Ida A. Clair, Principal Architect  
Division of the State Architect Headquarters  
1102 Q Street, Suite 5100  
(916) 322-2490  
[Ida.Clair@dgs.ca.gov](mailto:Ida.Clair@dgs.ca.gov)

**TITLE 24. BUILDING STANDARDS COMMISSION**

**NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE CALIFORNIA BUILDING STANDARDS COMMISSION THE 2019 CALIFORNIA ELECTRICAL CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 3**

**(BSC 01/17)**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of itself proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 3. CBSC is proposing building standards related to the 2019 California Electrical Code.

**PUBLIC COMMENT PERIOD**

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14, until 5:00 p.m. on October 29, 2018.**

Please address your comments to:

**California Building Standards Commission**

Attention: Mia Marvelli, Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the California Building Standards Commission to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

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

Reference: Government Code Section 11346.5(a)(18).

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

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

**AUTHORITY AND REFERENCE**

Reference: Government Code Section 11346.5(a)(2).

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code (H&SC) Sections 18928, 18934.5 and 18940.5 and Government Code (GC) Section 14617. The purpose of these building standards is to implement, interpret, or make specific the provisions of H&SC Section 18928, 18928.1, 18934.5, 18938 and 18940.5.

The California Building Standards Commission is proposing this regulatory action based on H&SC Section 18928.

**INFORMATIVE DIGEST**

Reference: Government Code Section 11346.5(a)(3).

**Summary of Existing Laws**

H&SC §18928. States that each state agency adopting or proposing adoption of a model code, national standard, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications, and requires that state agencies propose the adoption within one year of publication of a model code.

H&SC §18928.1. 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. 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. 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 18940.5. Mandates that state agencies proposing green building standards reference or reprint the green building standards in other relevant portions of Part 2, 2.5, 3, 4, 5, and 6 of Title 24 of the California Code of Regulations.

**Summary of Existing Regulations**

The 2016 California Electrical Code, Part 3 of Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, adopted by reference the 2014 National Electrical Code (NEC) of the National Fire Protection Association, with California amendments, effective on January 1, 2017. The purpose of the California Electrical Code (CEC) is to establish 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.

**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 2017 NEC of NFPA with necessary state amendments for occupancies pursuant to H&SC §18934.5, 180 days after publication of the next triennial edition of the CEC. This proposed action will also:

Repeal the 2014 NEC and adopt the 2017 NEC;

Relocate from the 2016 CEC, administrative and scoping provisions for occupancies under the authority of state agencies in California;

Correlate references to model codes that California does not adopt with those that California proposes for adoption;

Include references to the California Green Building Standards Code, Part 11, Title 24 in accordance with H&SC 18940.5;

Carry forward existing amendments from the 2016 CEC to the 2019 CEC.

A thorough description of the amendment effects may be found in the Initial Statement of Reasons.

**Comparable Federal Statutes 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 2017 NEC, makes applicable to state-owned building projects and projects permitted by local agencies, the most current edition of the NEC by reference through CCR, Title 24, Part 3. It defines administrative regulations for state agencies, and makes available by adoption by local jurisdictions the administrative provisions. It correlates model code references within the 2017 NEC, which will eliminate conflict and provide internal consistency among model codes adopted by reference in CCR Title 24.

**Evaluation of Consistency**

CBSC 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**

Reference: Government Code Section 11346.5(a)(4).

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**

Reference: Government Code Section 11346.5(a)(5).

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

plicable the most current edition of the model electrical code to all occupancies throughout the State of California as prescribed.

**ESTIMATE OF COST OR SAVINGS**

Reference: Government Code Section 11346.5(a)(6).

An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- 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: Any additional expenditure resulting from this proposed action will be minimal and will be absorbed within the existing budget and resources.

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

Reference: Government Code Section 11346.5(a)(8).

If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

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.

**DECLARATION OF EVIDENCE**

Reference: Government Code Section 11346.5(a)(8).

The declaration the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

CBSC affirms that the rulemaking action complies with the mandates set forth by the Health & Safety Code, Sections 18928 and 18934.5. Therefore, CBSC's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses

in other states does not require any additional evidence, documents or other evidence to support this action.

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

Reference: Government Code Section 11346.5(a)(11).

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

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

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

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

Reference: Government Code Section 11346.5(a)(10).

The California Building Standards commission has assessed whether or not and to what extent this proposal will affect the following:

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

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

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

These regulations will not affect the creation of new businesses or the elimination of existing businesses within the State.

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

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

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

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

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).

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

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).

CBSC has determined that no reasonable alternative considered by CBSC or that has otherwise been identified and brought to the attention of CBSC 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

Reference: Government Code Sections 11346.5(a)(16) 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 be accessed from the CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(19).

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 CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(21).

CBSC shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which

effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

Reference: Government Code Section 11346.5(a)(14).

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

**Michael L. Nearman, Deputy Executive Director**  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone: (916) 263-0916  
[Michael.Nearman@dgs.ca.gov](mailto:Michael.Nearman@dgs.ca.gov)

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

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

Enrique M. Rodriguez, Associate Construction Analyst  
California Building Standards Commission  
Telephone: (916) 263-0916  
[Enrique.Rodriguez@dgs.ca.gov](mailto:Enrique.Rodriguez@dgs.ca.gov)

Back-up:

Michael L. Nearman, Deputy Executive Director  
California Building Standards Commission  
Telephone: (916) 263-0916  
[Michael.Nearman@dgs.ca.gov](mailto:Michael.Nearman@dgs.ca.gov)

**TITLE 24. BUILDING STANDARDS COMMISSION**

**NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE CALIFORNIA BUILDING STANDARDS COMMISSION THE 2019 CALIFORNIA MECHANICAL CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4**

(BSC 03/18)

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of itself proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 4. CBSC is proposing building standards related to the 2019 California Mechanical Code.

PUBLIC COMMENT PERIOD

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14, until 5:00 p.m. on October 29, 2018.**

Please address your comments to:

**California Building Standards Commission**  
Attention: Mia Marvelli, Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramneto, CA 95833

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the California Building Standards Commission to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Reference: Government Code Section 11346.5(a)(18).

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

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

#### AUTHORITY AND REFERENCE

Reference: Government Code Section 11346.5(a)(2).

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code (H&SC) Sections 18928, 18934.5 and 18940.5 and Government Code (GC) Section 14617. The purpose of these building standards is to implement, interpret, or make specific the provisions of H&SC Section 18928, 18928.1, 18934.5, 18938 and 18940.5.

The California Building Standards Commission is proposing this regulatory action based on H&SC Section 18928.

#### INFORMATIVE DIGEST

Reference: Government Code Section 11346.5(a)(3).

##### Summary of Existing Laws

Health & Safety Code Section 18928(b) sets forth that each state agency adopting or proposing adoption of a model code, national standard, or specification shall adopt or propose adoption of the most recent edition of the model code, as amended or proposed to be amended by the adopting agency, within one (1) year after the date of publication of the model code, national standard, or specification.

Health & Safety Code Section 18934.5 sets forth that where no state agency has the authority to adopt building standards applicable to state buildings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings.

##### Summary of Existing Regulations

The existing 2016 California Mechanical Code is a part of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code and incorporates, by adoption, by the California Build-

ing Standards Commission, the 2015 UMC of the International Association of Plumbing and Mechanical Officials (IAPMO) without amendments for state owned buildings & buildings constructed by the University of California and California State Universities.

##### Summary of Effect

This proposed action will make effective the 2018 UMC of IAPMO with necessary amendments to state owned buildings and to all occupancies identified pursuant to H&SC 18938, 180 days after the publication of the next triennial edition of the California Mechanical Code (CMC). This proposed action by the California Building Standards Commission will also make the 2016 CMC, inoperative for state owned buildings, and for persons applying for a building permit upon the effective date of the next triennial edition of the CMC.

##### Comparable Federal Statutes or Regulations

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

##### Policy Statement Overview

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

##### Evaluation of Consistency

CBSC 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

Reference: Government Code Section 11346.5(a)(4).

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

Reference: Government Code Section 11346.5(a)(5).

CBSC has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. BSC does not have authority to impose building standards or regulations on school districts.

ESTIMATE OF COST OR SAVINGS

Reference: Government Code Section 11346.5(a)(6).  
An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- 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

Reference: Government Code Section 11346.5(a)(8).  
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

Reference: Government Code Section 11346.5(a)(8).  
The BSC affirms that the rulemaking action complies with the mandates set forth by the H&SC Sections 18928 and 18934.5.

Therefore, the BSC'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

Reference: Government Code Section 11346.5(a)(11).

The BSC 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

Reference: Government Code Section 11346.5(a)(9).  
The BSC 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

Reference: Government Code Section 11346.5(a)(10).

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

- A. **The creation or elimination of jobs within the State of California.**  
These regulations will not affect the creation or elimination of jobs within the State.
- B. **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.
- C. **The expansion of businesses currently doing business within the State of California.**  
These regulations will not affect the expansion of businesses currently doing business with the State.
- D. **The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.**  
These regulations will not affect the expansion of businesses currently doing business within the State of California.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).

The BSC has made an initial determination that this proposal would not have a significant effect on housing costs. BSC does not have the authority to impose building standards or regulations affecting housing.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).

The BSC 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

Reference: Government Code Sections 11346.5(a)(16) 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 be accessed from the CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(19).

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 CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(21).

CBSC shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

Reference: Government Code Section 11346.5(a)(14).

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

**Michael L. Nearman, Deputy Executive Director**  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone: (916) 263-0916  
[Michael.Nearman@dgs.ca.gov](mailto:Michael.Nearman@dgs.ca.gov)

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

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

Brandon Estes, Associate Construction Analyst  
California Building Standards Commission  
Telephone: (916) 263-0916  
[Brandon.Estes@dgs.ca.gov](mailto:Brandon.Estes@dgs.ca.gov)

Back-up:

Kevin Day, Staff Services Manager I  
California Building Standards Commission  
Telephone No.: (916) 263-0916  
[Kevin.Day@dgs.ca.gov](mailto:Kevin.Day@dgs.ca.gov)

TITLE 24. BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE CALIFORNIA BUILDING STANDARDS COMMISSION THE 2019 CALIFORNIA PLUMBING CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5

(BSC 04/18)

Notice is hereby given that the California Building Standards Commission (BSC) proposes to repeal the 2015 UPC and adopt, approve, codify, and publish changes to building standards contained in the 2018 UPC for use as the 2019 California Plumbing Code, Part 5, Title 24, California Code of Regulations.

PUBLIC COMMENT PERIOD

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14, 2018, until 5:00 p.m. on October 29, 2018.** Please address your comments to:

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



Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the California Building Standards Commission to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Reference: Government Code Section 11346.5(a)(18).

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

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

AUTHORITY AND REFERENCE

Reference: Government Code Section 11346.5(a)(2).

The California Building Standards Commission (BSC) proposes to adopt these building standards under the authority granted by Health and Safety Code (HSC) §§18928, 18928(b), 18928.1, 18930.5, 18934.5, 18940.5, 18941.8, and 18949.6; and Water Code Section 14877.1.

The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code (HSC) §§18928, 18928(b), 18928.1, 18930.5, 18934.5, 18940.5, 18941.8, and 18949.6; and Water Code Section 14877.1.

INFORMATIVE DIGEST

Reference: Government Code Section 11346.5(a)(3).

Summary of Existing Laws

Health & Safety Code (HSC) Section 18928 authorizes BSC to adopt the most recent edition of the Uniform Plumbing Code.

HSC Section 18928(b) 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.

HSC Section 18928.1 specifies that building standards adopted or approved by the commission shall incorporate the text of the model codes, applicable national specifications, or published standards, in whole or in part, only by reference, with appropriate additions or deletions therefrom.

HSC Section 18930.5 states that 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.

HSC 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.

HSC Section 18940.5 authorizes BSC and other state agencies that propose green building standards for inclusion in Part 11 of Title 24 of the California Code of Regulations to the extent that it is feasible, reference or reprint the green building standards in other relevant portions of Part 2, 2.5, 3, 4, 5, or 6 of Title 24 of the California Code of Regulations.

HSC Section 18941.8 authorizes BSC to adopt building standards for the construction, installation, and alteration of graywater systems for indoor and outdoor uses in nonresidential occupancies.

HSC Section 18949.6 requires BSC to adopt regulations setting forth the procedure for the adoption of building standards and administrative regulations that apply directly to the implementation or enforcement of building standards.

Water Code Section 14877.1 specifies that the authority of the Department of Water Resources to adopt standards for nonresidential occupancies shall terminate upon the adoption of standards by the California Building Standards Commission pursuant to Section 18941.8 of the Health and Safety Code.

Summary of Existing Regulations

The existing 2016 California Plumbing Code (CPC) is Part 5 of the California Code of Regulations, Title 24, also referred to as the California Building Standards

Code. The 2016 CPC incorporates, by adoption by the California Building Standards Commission, the 2015 UPC of the International Association of Plumbing and Mechanical Officials (IAPMO), with amendments for state buildings and buildings constructed by the University of California and California State Universities.

Additional BSC amendments reference and/or re-print green building standards into the 2016 CPC, as appropriate, pursuant to HSC §18940.5. This notice of proposed action reflects BSC's repeal of the 2016 CPC and adoption by reference the 2018 UPC, with California amendments, effective January 1, 2020.

**Summary of Effect**

This proposed action will make effective the 2018 UPC of IAPMO with necessary amendments to state buildings and to all occupancies identified pursuant to HSC §18938, 180 days after the publication of the next triennial edition of the California Plumbing Code (CPC). This includes amendments applicable to gray-water and recycled water systems for nonresidential construction, including green building standards reprinted in the CPC pursuant to HSC 18940.5. This proposed action by BSC will also make the 2016 CPC inoperative for state buildings, and for persons applying for a building permit upon the effective date of the next triennial edition of the CPC. The Initial Statement of Reasons (ISOR) provides a complete description of the proposed building standards effect.

**Comparable Federal Statute or Regulations**

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

**Policy Statement Overview**

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

**Evaluation of Consistency**

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

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

Reference: Government Code Section 11346.5(a)(4).

BSC 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**

Reference: Government Code Section 11346.5(a)(5). BSC has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. BSC does not have authority to impose building standards or regulations on school districts.

**ESTIMATE OF COST OR SAVINGS**

Reference: Government Code Section 11346.5(a)(6). An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- 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: Any additional expenditure resulting from this proposed action would be minor and absorbable within the existing budget and resources of BSC.

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

Reference: Government Code Section 11346.5(a)(8). BSC 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**

Reference: Government Code Section 11346.5(a)(8). The declaration the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

BSC affirms that the rulemaking action complies with the mandates set forth by Health & Safety Code

§§ 18928 and 18934.5. No additional facts, evidence, documents, testimony, or other evidence has been identified for this rulemaking action, which proposes adoption of the latest edition of the model code (as required by statute) and makes editorial modifications with no intended change in regulatory effect.

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

Reference: Government Code Section 11346.5(a)(11).

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

The provision of Government Code Section 11346.3(d) is not applicable. No report is required for the adoption/amendment/repeal of these proposed building standard regulations.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

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

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

Reference: Government Code Section 11346.5(a)(10).

BSC has assessed to what extent this proposal will affect the following:

**A. The creation or elimination of jobs within the State of California.**

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

**B. 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.

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

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

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

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

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).

BSC has determined that this proposal would not have a significant effect on housing costs. BSC does not have authority to impose building standards affecting housing.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).

BSC has determined that no reasonable alternative considered by BSC or that has otherwise been identified and brought to the attention of BSC would be more effective in carrying out the purpose for which this 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

Reference: Government Code Sections 11346.5(a)(16) 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 be accessed from the CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(19).

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 CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(21).

CBSC shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

Reference: Government Code Section 11346.5(a)(14).

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

Michael L. Nearman, Deputy Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone: (916) 263-0916  
[Michael.Nearman@dgs.ca.gov](mailto:Michael.Nearman@dgs.ca.gov)

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

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

Kevin Day, Staff Services Manager I  
California Building Standards Commission  
Telephone: (916) 263-0916  
[Kevin.Day@dgs.ca.gov](mailto:Kevin.Day@dgs.ca.gov)

Back-up:

Enrique M. Rodriguez, Associate Construction Analyst  
California Building Standards Commission  
Telephone: (916) 263-0916  
[Enrique.Rodriguez@dgs.ca.gov](mailto:Enrique.Rodriguez@dgs.ca.gov)

TITLE 24. BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE CALIFORNIA BUILDING STANDARDS COMMISSION THE 2019 CALIFORNIA EXISTING BUILDING CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10

(BSC 05/18)

Notice is hereby given that the California Building Standards Commission (CBSC) proposes to repeal the 2015 IEBC and adopt, approve, codify, and publish changes to building standards contained in the 2018 IEBC for use as the 2019 California Existing Building Code, Part 10, Title 24, CCR.

PUBLIC COMMENT PERIOD

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14, until 5:00 p.m. on October 29, 2018.**

Please address your comments to:

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

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the California Building Standards Commission to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Reference: Government Code Section 11346.5(a)(18).

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

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

#### AUTHORITY AND REFERENCE

Reference: Government Code Section 11346.5(a)(2). The California Building Standards Commission (CBSC) proposes to adopt these building standards under the authority granted by Health and Safety Code (HSC) §§18928, 18934.5 and 18934.7. The purpose of these building standards is to implement, interpret, and make specific the provisions of HSC §§ 18928 and 18928.1. CBSC is proposing this regulatory action based on HSC §18928.

#### INFORMATIVE DIGEST

Reference: Government Code Section 11346.5(a)(3).

#### Summary of Existing Laws

Health & Safety Code Section 18928 and 18934.7 authorizes CBSC to adopt the most recent edition of the International Existing Building Code.

Health & Safety Code Section 18928(b) sets forth that each state agency adopting or proposing adoption of a model code, national standard, or specification shall adopt or propose adoption of the most recent edition of the model code, as amended or proposed to be amended by the adopting agency, within one (1) year after the date of publication of the model code, national standard, or specification.

Health & Safety Code Section 18934.5 sets forth that where no state agency has the authority to adopt building standards applicable to state buildings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings.

#### Summary of Existing Regulations

The existing 2016 California Existing Building Code (CEBC) is Part 10 of the California Code of Regula-

tions, Title 24, also referred to as the California Building Standards Code. The 2016 CEBC incorporates, by adoption by the California Building Standards Commission, the 2015 IEBC of the International Code Council (ICC), with amendments for state-owned buildings and buildings constructed by the University of California and California State Universities. Additional CBSC amendments reference and/or reprint green building standards into the 2016 CEBC, as appropriate, pursuant to HSC §18940.5. This notice of proposed action reflects CBSC's repeal of the 2016 CEBC and adoption by reference the 2018 IEBC, with California amendments, effective January 1, 2020.

#### Summary of Effect

This proposed action will make effective the 2018 IEBC of ICC, with necessary amendments to state-owned buildings and to all occupancies identified pursuant to HSC §18938, 180 days after the publication of the next triennial edition of the California Existing Building Code (CEBC). This proposed action by CBSC will also make the 2016 CEBC inoperative for state-owned buildings, and for persons applying for a building permit upon the effective date of the next triennial edition of the CEBC.

#### Comparable Federal Statutes or Regulations

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

#### Policy Statement Overview

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

#### Evaluation of Consistency

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

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

Reference: Government Code Section 11346.5(a)(4). 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**

Reference: Government Code Section 11346.5(a)(5).

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. HSC §18928 requires CBSC to adopt the most current edition of the model codes. HSC §18938(b) makes applicable the most current edition of the model plumbing code to all occupancies throughout the State of California, as prescribed.

CBSC does not have authority to impose building standards or regulations on school districts. Further, the proposed regulatory actions are administrative in nature and would not enact a mandate on local agencies or school districts.

**ESTIMATE OF COST OR SAVINGS**

Reference: Government Code Section 11346.5(a)(6).

An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- 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: **N/A**

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

Reference: Government Code Section 11346.5(a)(8).

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**

Reference: Government Code Section 11346.5(a)(8).

CBSC affirms that the rulemaking action complies with the mandates set forth by Health & Safety Code §§ 18928 and 18934.5. Therefore, CBSC’s initial determination of no significant, statewide adverse economic impact directly affecting businesses 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**

Reference: Government Code Section 11346.5(a)(11).

CBSC 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**

Reference: Government Code Section 11346.5(a)(9).

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**

Reference: Government Code Section 11346.5(a)(10).

BSC has assessed to what extent this proposal will affect the following:

- A. **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.
- B. **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.
- C. **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.

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

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

**ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING**

Reference: Government Code Section 11346.5(a)(12).

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

**CONSIDERATION OF ALTERNATIVES**

Reference: Government Code Section 11346.5(a)(13).

CBSC has determined that no reasonable alternative considered by CBSC or that has otherwise been identified and brought to the attention of CBSC would be more effective in carrying out the purpose for which this 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**

Reference: Government Code Sections 11346.5(a)(16) 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 be accessed from the CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(19).

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 CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(21).

CBSC shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

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

Reference: Government Code Section 11346.5(a)(14).

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

Michael L. Nearman, Deputy Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone: (916) 263-0916  
[Michael.Nearman@dgs.ca.gov](mailto:Michael.Nearman@dgs.ca.gov)

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

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

Gary Fabian, Associate Architect  
California Building Standards Commission  
Telephone No.: (916) 263-0916  
[gary.fabian@dgs.ca.gov](mailto:gary.fabian@dgs.ca.gov)

Or

Michael L. Nearman, Deputy Executive Director  
California Building Standards Commission  
Telephone No.: (916) 263-0916  
[michael.nearman@dgs.ca.gov](mailto:michael.nearman@dgs.ca.gov)

**TITLE 24. BUILDING STANDARDS  
COMMISSION**

**NOTICE OF PROPOSED ACTION TO  
BUILDING STANDARDS OF THE  
CALIFORNIA BUILDING  
STANDARDS COMMISSION  
THE 2019 CALIFORNIA GREEN BUILDING  
STANDARDS CODE  
CALIFORNIA CODE OF REGULATIONS,  
TITLE 24, PART 11**

**(BSC 06/18)**

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 11. The CBSC is proposing building standards related to CALGreen editorial and non-substantive code updates.

**PUBLIC COMMENT PERIOD**

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14 until 5:00 p.m. on October 29, 2018.**

Please address your comments to:

**California Building Standards Commission**

Attention: Mia Marvelli, Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento CA 95833

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the California Building Standards Commission to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

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

Reference: Government Code Section 11346.5(a)(18).

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

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

**AUTHORITY AND REFERENCE**

Reference: Government Code Section 11346.5(a)(2).

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Sections (H&SC) 18928, 18929.1, 18930.5, 18931.7(b), 18934.5, and 18940.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Section 18930.5. The California Building Standards Commission is proposing this regulatory action based on Health and Safety Code Section (H&SC) 18930.5, and 18934.5.

**INFORMATIVE DIGEST**

Reference: Government Code Section 11346.5(a)(3).

**Summary of Existing Laws**

Health & Safety Code Section 18928 and 18934.7 authorizes CBSC to adopt the most recent edition of the International Existing Building Code.

H&SC 18928 states that each state agency adopting or proposing adoption of a model code, national standard, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

H&SC 18929.1 states that CBSC shall receive proposed building standards from state agencies for consideration in an 18-month code adoption cycle. The commission shall develop regulations setting forth the procedures for the 18-month adoption cycle.

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, to adopt, approve, codify, update, and publish green building standards for those occupancies.



H&SC 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 18931.7(b) states that CBSC can utilize the Building Standards Administration Special Revolving Fund for the updating of verification guidelines for Tier 1 or Tier 2 green building standards.

H&SC 18940.5 requires agencies that propose green building standards for inclusion in Part 11 of Title 24 of the California Code of Regulations shall, to the extent feasible, reference or reprint the green building standards in other relevant portions of Part 2, 2.5, 3, 4, 5, or 6 of Title 24 of the CCR. For purposes of compliance with this section, the republication of the provisions of Part 11 of Title 24 of the California Code of Regulations in other parts of Title 24 of the California Code of Regulations shall not be considered duplication in violation of paragraph (1) of subdivision (a) of Section 18930.

**Summary of Existing Regulations**

The California Green Building Standards Code, Part 11 of Title 24 of the California Code of Regulations (CCR), also known as the CALGreen Code, is amended for inclusion into the 2019 CALGreen Code effective January 1, 2020.

The CALGreen Code contains the green building standards for various mandatory and voluntary regulations that will be amended as necessary based on the proposed code changes.

**Summary of Effect**

This proposed action will implement the proposed modifications to the California Green Building Standards Code for buildings within CBSC authority. The proposed amendments are mostly editorial and non-substantive with no intended change in regulatory effect. Once filed with Secretary of State, the standards will be codified and published by July 1, 2019, and will become effective January 1, 2020.

**Comparable Federal Statute or Regulations**

There are no federal statutes or regulations that are comparable to the proposed editorial updates to the CALGreen Code.

**Policy Statement Overview**

CBSC is responsible for the development of green building standards for nonresidential occupancies for which no other state agency has authority or expertise.

**Evaluation of Consistency**

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

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

Reference: Government Code Section 11346.5(a)(4).

There are no other matters prescribed by statutes applicable to the specific state agency or to any specific regulation or class of regulations. The proposed amendments are mostly editorial in nature and there is not intended change in regulatory effect.

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

Reference: Government Code Section 11346.5(a)(5).

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

CBSC does not have authority to impose building standards or regulations on school districts.

**ESTIMATE OF COST OR SAVINGS**

Reference: Government Code Section 11346.5(a)(6).

An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- 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**

Reference: Government Code Section 11346.5(a)(8).

If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

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.

DECLARATION OF EVIDENCE

Reference: Government Code Section 11346.5(a)(8).

The declaration the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

CBSC has determined that there are no obtainable facts, evidence, documents, testimony, or other evidence upon which CBSC relied to support its initial determination of no effect pursuant to Government Code Section 11346.5(a)(8).

The public may submit information, facts, or documents either supporting CBSC’s initial determination or finding to the contrary.

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

Reference: Government Code Section 11346.5(a)(11).

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

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

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact provide the following statement:

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

Reference: Government Code Section 11346.5(a)(10).

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

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

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

B. 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.

C. 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.

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

The proposed editorial amendments to the regulations will have a positive benefit to Californian residents as they will add clarity to the design and implementation of sustainable codes.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).

CBSC has determined that this proposal would not have a significant effect on housing costs. CBSC does not have authority to impose building standards or regulations affecting housing.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).

CBSC has determine that no reasonable alternative considered by CBSC or that has otherwise been identified and brought to the attention of CBSC 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

Reference: Government Code Sections 11346.5(a)(16) 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 be accessed from the CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(19).

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 CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(21).

CBSC shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

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

Reference: Government Code Section 11346.5(a)(14).

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

Michael L. Nearman, Deputy Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone: (916) 263-0916  
[Michael.Nearman@dgs.ca.gov](mailto:Michael.Nearman@dgs.ca.gov)

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

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be 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: (916) 263-0916  
[enrique.rodriguez@dgs.ca.gov](mailto:enrique.rodriguez@dgs.ca.gov)

Designated Back-Up Contact Person:

Gary Fabian, Associate Architect  
California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone: (916) 263-0916  
[gary.fabian@dgs.ca.gov](mailto:gary.fabian@dgs.ca.gov)

**TITLE 24. BUILDING STANDARDS COMMISSION**

**NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE OFFICE OF THE STATE FIRE MARSHAL REGARDING THE 2019 CALIFORNIA ELECTRICAL CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 3**

**2018 TRIENNIAL RULEMAKING CYCLE**

**(SFM 01/17)**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of The Office of the State Fire Marshal (OSFM) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 3. The OSFM is proposing building standards related to 2018 Triennial Rulemaking and Code Adoption Cycle.

**PUBLIC COMMENT PERIOD**

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14, until 5:00 p.m. on October 29, 2018.**

Please address your comments to:

**California Building Standards Commission**

Attention: Mia Marvelli, Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed

action on building standards at a public meeting to be conducted by the CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Reference: Government Code Section 11346.5(a)(18).

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

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

AUTHORITY AND REFERENCE

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 (HSC) Section 18949.2. The purpose of these building standards is to implement, interpret, or make specific the provisions of HSC Section 18928.

The Office of the State Fire Marshal is proposing this regulatory action based on HSC 13108, 13211, 13113, 13113.5, 13114, 13132.7, 13133, 13135, 13143, 13143.1, 13143.6, 13143.9, 13146, 17921 and 18897.3 and Government Code (GOV) Section 11152.5.

INFORMATIVE DIGEST

Reference: Government Code Section 11346.5(a)(3).

Summary of Existing Laws

**HSC 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.

**HSC 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.

**HSC 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.

**HSC Section 13114(a)** The State Fire Marshal shall adopt regulations and standards to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and that no person shall market, distribute, offer for sale, or sell any fire alarm system or fire alarm device in this state unless the system or device has been approved and listed by the State Fire Marshal.

**HSC 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.

**HSC Section 13132.7** Mandates fire retardant roof coverings in fire hazard severity zones.

**HSC 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.

**HSC 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 non-ambulatory.

**HSC 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, enter-

tainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education.

**HSC 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.

**HSC 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 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.

**HSC 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.

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

**HSC 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.

**HSC 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.

**HSC 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.

**HSC Section 18949.2(b)** The State Fire Marshal shall remain the state agency responsible for develop-

ing 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.

**HSC Section 18949.2(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 OSFM currently adopts by reference the California Code of Regulations, Title 24, Part 3, 2016 California Electrical Code with OSFM 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 existing buildings or structures 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 adopt and codify a new edition of the California Electrical Code (California Code of Regulations, Title 24, Part 3) based upon a model code. This proposed action:

Adopt by reference the 2017 National Electrical Code for application and effectiveness in the 2019 California Electrical Code.

Adopt new building standards or necessary amendments to the 2017 National Electrical Code that address inadequacies of the 2017 National Electrical Code as they pertain to California laws.

Bring forward previously existing California building standards or amendments, which represent no change in their effect from the 2016 California Electrical Code.

#### Comparable Federal Statute or Regulations

The OSFM 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 are to specifically comply with HSC Section 18928 that requires each proposing state agency to act on the model code within one year after its publication.

The intent of this proposed action is to adopt by reference the 2017 National Electrical Code and amend said document with new and existing 2019 OSFM amendments. The OSFM further proposes to offer new amendments where necessary to ensure that the regulations of the 2019 California Electrical Code, establish

and or maintain minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above in the summary of existing laws.

**Evaluation of Consistency**

The OSFM 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**

Reference: Government Code Section 11346.5(a)(4).  
The OSFM has determined that there are no other prescribed statutes or to any specific regulation or class of regulation applicable to the adoption by reference and the amendments relating to the 2017 National Electrical Code.

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

Reference: Government Code Section 11346.5(a)(5).  
OSFM has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

**ESTIMATE OF COST OR SAVINGS**

Reference: Government Code Section 11346.5(a)(6).  
An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- 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: N/A

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

Reference: Government Code Section 11346.5(a)(8).

If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

OSFM 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 businesses in other states.

**DECLARATION OF EVIDENCE**

Reference: Government Code Section 11346.5(a)(8).

In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

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

Therefore, the OSFM'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**

Reference: Government Code Section 11346.5(a)(11).

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

N/A

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

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

OSFM 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

Reference: Government Code Section 11346.5(a)(10).

The Office of The State Fire Marshal has assessed whether or not and to what extent this proposal will affect the following:

- A. **The creation or elimination of jobs within the State of California.**  
N/A
- B. **The creation of new businesses or the elimination of existing businesses within the State of California.**  
N/A
- C. **The expansion of businesses currently doing business within the State of California.**  
N/A
- D. **The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.**  
N/A

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).

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

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).

OSFM has determined that no reasonable alternative considered by OSFM or that has otherwise been identified and brought to the attention of OSFM 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

Reference: Government Code Sections 11346.5(a)(16) 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 be accessed from the CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(19).

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 CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(21).

OSFM shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

Reference: Government Code Section 11346.5(a)(14).

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

Michael Nearman, Deputy Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone: (916) 263-0916

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:

Greg Andersen, Division Chief  
Office of the State Fire Marshal  
Code Development and Analysis Division  
(916) 327-4998  
[Greg.andersen@fire.ca.gov](mailto:Greg.andersen@fire.ca.gov)  
(916) 445-8459 FAX

Crystal Sujeski, Senior Deputy State Fire Marshal  
Office of the State Fire Marshal  
Code Development and Analysis Division  
(916) 568-2916  
[Crystal.sujeski@fire.ca.gov](mailto:Crystal.sujeski@fire.ca.gov)  
(916) 568-3807 FAX

**TITLE 24. BUILDING STANDARDS  
COMMISSION**

**NOTICE OF PROPOSED ACTION TO  
BUILDING STANDARDS OF THE OFFICE OF  
THE STATE FIRE MARSHAL  
REGARDING THE 2019 CALIFORNIA  
MECHANICAL CODE  
CALIFORNIA CODE OF REGULATIONS,  
TITLE 24, PART 4**

**2018 TRIENNIAL RULEMAKING CYCLE**

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Office of the State Fire Marshal (OSFM) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 4. The OSFM is proposing building standards related to 2018 Triennial Rulemaking and Code Adoption Cycle.

**PUBLIC COMMENT PERIOD**

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14, until 5:00 p.m. on October 29, 2018.**

Please address your comments to:

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

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

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

Reference: Government Code Section 11346.5(a)(18).

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

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

**AUTHORITY AND REFERENCE**

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 (HSC) Section 18949.2. The purpose of these building standards is to implement, interpret, or make specific the provisions of HSC Section 18928.

The Office of the Fire Marshal is proposing this regulatory action based on HSC 13108, 13211, 13113, 13113.5, 13114, 13132.7, 13133, 13135, 13143, 13143.1, 13143.6, 13143.9, 13146, 17921 and 18897.3 and Government Code (GOV) Section 11152.5.

**INFORMATIVE DIGEST**

Reference: Government Code Section 11346.5(a)(3).

**Summary of Existing Laws**

**HSC 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.

**HSC Section 13113** A automatic sprinkler system shall be installed in all 24-hour institutional type occu-



pancies, and homes for the care of aged or senile persons.

**HSC 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.

**HSC Section 13114(a)** The State Fire Marshal shall adopt regulations and standards to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and that no person shall market, distribute, offer for sale, or sell any fire alarm system or fire alarm device in this state unless the system or device has been approved and listed by the State Fire Marshal.

**HSC 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.

**HSC Section 13132.7** Mandates fire retardant roof coverings in fire hazard severity zones.

**HSC 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.

**HSC 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 non-ambulatory.

**HSC 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.

**HSC 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.

**HSC 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 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.

**HSC 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.

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

**HSC 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.

**HSC 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.

**HSC 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.

**HSC 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.

**HSC Section 18949.2(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 OSFM currently adopts by reference the California Code of Regulations, Title 24, Part 4, 2016 California Mechanical Code with OSFM 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 existing buildings or structures 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 adopt and codify a new edition of the California Mechanical Code (California Code of Regulations, Title 24, Part 4) based upon a model code. This proposed action:

Adopt by reference the 2018 Uniform Mechanical Code for application and effectiveness in the 2019 California Mechanical Code.

Adopt new building standards or necessary amendments to the 2018 California Mechanical Code that address inadequacies of the 2018 Uniform Mechanical Code as they pertain to California laws.

Bring forward previously existing California building standards or amendments, which represent no change in their effect from the 2016 California Mechanical Code.

**Comparable Federal Statute or Regulations**

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

**Policy Statement Overview**

The broad objectives of these proposed regulations are to specifically comply with HSC Section 18928 that requires each proposing state agency to act on the model code within one year after its publication.

The intent of this proposed action is to adopt by reference the 2018 Uniform Mechanical Code and amend said document with new and existing 2019 OSFM

amendments. The OSFM further proposes to offer new amendments where necessary to ensure that the regulations of the 2019 California Mechanical Code, establish and or maintain minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above in the summary of existing laws.

**Evaluation of Consistency**

The OSFM 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**

Reference: Government Code Section 11346.5(a)(4).

The OSFM has determined that there are no other prescribed statutes or to any specific regulation or class of regulation applicable to the adoption by reference and the amendments relating to the 2018 Uniform Mechanical Code.

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

Reference: Government Code Section 11346.5(a)(5).

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

**ESTIMATE OF COST OR SAVINGS**

Reference: Government Code Section 11346.5(a)(6).

An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- 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: N/A

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

Reference: Government Code Section 11346.5(a)(8).

If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

OSFM 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 businesses in other states.

DECLARATION OF EVIDENCE

Reference: Government Code Section 11346.5(a)(8).

In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

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

Therefore, the OSFM'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

Reference: Government Code Section 11346.5(a)(11).

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

N/A

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reason-

able compliance with the proposed action. If no cost impact, provide the following statement:

OSFM 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

Reference: Government Code Section 11346.5(a)(10).

The Office of the State Fire Marshal has assessed whether or not and to what extent this proposal will affect the following:

- A. The creation or elimination of jobs within the State of California.**  
N/A
- B. The creation of new businesses or the elimination of existing businesses within the State of California.**  
N/A
- C. The expansion of businesses currently doing business within the State of California.**  
N/A
- D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.**  
N/A

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).

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

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).

OSFM has determined that no reasonable alternative considered by OSFM or that has otherwise been identified and brought to the attention of OSFM 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

Reference: Government Code Sections  
11346.5(a)(16) 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 be accessed from the CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section  
11346.5(a)(19).

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 CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section  
11346.5(a)(21).

OSFM shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL  
AND ADMINISTRATIVE QUESTIONS

Reference: Government Code Section  
11346.5(a)(14).

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

Michael Nearman, Deputy Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone: (916) 263-0916

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:

Greg Andersen, Division Chief  
Office of the State Fire Marshal  
Code Development and Analysis Division  
(916) 327-4998  
[Greg.andersen@fire.ca.gov](mailto:Greg.andersen@fire.ca.gov)  
(916) 445-8459 FAX

Crystal Sujeski, Senior Deputy State Fire Marshal  
Office of the State Fire Marshal  
Code Development and Analysis Division  
(916) 568-2916  
[Crystal.sujeski@fire.ca.gov](mailto:Crystal.sujeski@fire.ca.gov)  
(916) 568-3807 FAX

**TITLE 24. BUILDING STANDARDS  
COMMISSION**

**NOTICE OF PROPOSED ACTION TO  
BUILDING STANDARDS OF THE OFFICE OF  
THE STATE FIRE MARSHAL  
REGARDING THE 2019 CALIFORNIA  
PLUMBING CODE  
CALIFORNIA CODE OF REGULATIONS,  
TITLE 24, PART 5**

**2018 TRIENNIAL RULEMAKING CYCLE**

**(SFM 05/18)**

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Office of the State Fire Marshal (OSFM) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. The OSFM is proposing building standards related to 2018 Triennial Rulemaking and Code Adoption Cycle.

**PUBLIC COMMENT PERIOD**

Reference: Government Code Section  
11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from September 14, 2018, until 5:00 p.m. on October 29, 2018.

Please address your comments to:

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

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Reference: Government Code Section 11346.5(a)(18).

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

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

AUTHORITY AND REFERENCE

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 (HSC) Section 18949.2. The purpose of these building standards is to implement, interpret, or make specific the provisions of HSC Section 18928.

The Office of the State Fire Marshal is proposing this regulatory action based on HSC 13108, 13211, 13113, 13113.5, 13114, 13132.7, 13133, 13135, 13143, 13143.1, 13143.6, 13143.9, 13146, 17921 and 18897.3 and Government Code (GOV) Section 11152.5.

INFORMATIVE DIGEST

Reference: Government Code Section 11346.5(a)(3).

Summary of Existing laws

**HSC 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.

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

**HSC 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.

**HSC Section 13114(a)** The State Fire Marshal shall adopt regulations and standards to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and that no person shall market, distribute, offer for sale, or sell any fire alarm system or fire alarm device in this state unless the system or device has been approved and listed by the State Fire Marshal.

**HSC 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 non-ambulatory 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.

**HSC Section 13132.7** Mandates fire retardant roof coverings in fire hazard severity zones.

**HSC 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.

**HSC 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 non-ambulatory.

**HSC 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.

**HSC 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.

**HSC 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.

**HSC 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.

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

**HSC 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.

**HSC 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.

**HSC 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.

**HSC 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.

**HSC Section 18949.2(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 OSFM currently adopts by reference the California Code of Regulations, Title 24, Part 5, 2019 California Plumbing Code with OSFM 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 existing buildings or structures 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 adopt and codify a new edition of the California Plumbing Code (California Code of Regulations, Title 24, Part 5) based upon a model code. This proposed action:

Adopt by reference the 2018 Uniform Plumbing Code for application and effectiveness in the 2019 California Plumbing Code.

Adopt new building standards or necessary amendments to the 2018 Plumbing Code that address inadequacies of the 2018 Plumbing Code as they pertain to California laws.

Bring forward previously existing California building standards or amendments, which represent no

change in their effect from the 2016 California Plumbing Code.

**Comparable Federal Statute or Regulations**

The OSFM 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 are to specifically comply with HSC Section 18928 that requires each proposing state agency to act on the model code within one year after its publication.

The intent of this proposed action is to adopt by reference the 2018 Uniform Plumbing Code and amend said document with new and existing 2019 OSFM amendments. The OSFM further proposes to offer new amendments where necessary to ensure that the regulations of the 2019 California Plumbing Code, establish and/or maintain minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above in the summary of existing laws.

**Evaluation of Consistency**

The OSFM 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

Reference: Government Code Section 11346.5(a)(4).

The OSFM has determined that there are no other prescribed statutes or to any specific regulation or class of regulation applicable to the adoption by reference and the amendments relating to the 2018 Uniform Plumbing Code.

MANDATE ON LOCAL AGENCIES OR  
SCHOOL DISTRICTS

Reference: Government Code Section 11346.5(a)(5).

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

ESTIMATE OF COST OR SAVINGS

Reference: Government Code Section 11346.5(a)(6).

An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- 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: N/A

INITIAL DETERMINATION OF NO  
SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT ON BUSINESSES

Reference: Government Code Section 11346.5(a)(8).

If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

OSFM 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 businesses in other states.

DECLARATION OF EVIDENCE

Reference: Government Code Section 11346.5(a)(8).

In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

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

Therefore, the OSFM'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**

Reference: Government Code Section 11346.5(a)(11).

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

The OSFM has assessed 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**

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

OSFM 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**

Reference: Government Code Section 11346.5(a)(10).

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

- A. The creation or elimination of jobs within the State of California.**  
N/A
- B. The creation of new businesses or the elimination of existing businesses within the State of California.**  
N/A
- C. The expansion of businesses currently doing business within the State of California.**  
N/A
- D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.**  
N/A

**ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING**

Reference: Government Code Section 11346.5(a)(12).

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

**CONSIDERATION OF ALTERNATIVES**

Reference: Government Code Section 11346.5(a)(13).

OSFM has determined that no reasonable alternative considered by OSFM or that has otherwise been identified and brought to the attention of OSFM 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**

Reference: Government Code Sections 11346.5(a)(16) 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 be accessed from the CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(19).

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 CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(21).

OSFM shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

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

Reference: Government Code Section 11346.5(a)(14).



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

Michael L. Nearman, Deputy Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone: (916) 263-0916

**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:

Greg Andersen, Division Chief  
Office of the State Fire Marshal  
Code Development and Analysis Division  
(916) 327-4998  
[Greg.andersen@fire.ca.gov](mailto:Greg.andersen@fire.ca.gov)  
(916) 445-8459 FAX

Crystal Sujeski, Senior Deputy State Fire Marshal  
Office of the State Fire Marshal  
Code Development and Analysis Division  
(916) 568-2916  
[Crystal.sujeski@fire.ca.gov](mailto:Crystal.sujeski@fire.ca.gov)  
(916) 568-3807 FAX

**TITLE 24. BUILDING STANDARDS  
COMMISSION**

**NOTICE OF PROPOSED ACTION TO  
BUILDING STANDARDS OF THE  
DEPARTMENT OF HOUSING AND  
COMMUNITY DEVELOPMENT (HCD)  
REGARDING THE 2019 CALIFORNIA  
ELECTRICAL CODE  
CALIFORNIA CODE OF REGULATIONS,  
TITLE 24, PART 3**

**(HCD 01/17)**

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Housing and Community Development (HCD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 3. HCD is proposing building standards related to the adoption of the 2017 National Electrical Code (NEC).

**PUBLIC COMMENT PERIOD**

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14, 2018, until 5:00 p.m. on October 29, 2018.**

Please address your comments to:

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

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

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

Reference: Government Code Section 11346.5(a)(18).

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

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

AUTHORITY AND REFERENCE

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 Section 18949.5. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Sections 17000–17062.5, 17910–17995.5, 18200–18700, 18860–18874, and 19960–19997; Civil Code Sections 1101.4 and 1101.5; 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, 17921.5, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17922.14, 17927, 17928, 18300, 18552, 18554, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1, 18873.2, 18873.3, 18873.4, 18873.5, 18938.3, 18944.11, and 19990; and Government Code Section 12955.1.

INFORMATIVE DIGEST

Reference: Government Code Section 11346.5(a)(3).

**Summary of Existing Laws**

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

Health and Safety Code Section 17922 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.

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

**Summary of Existing Regulations**

The 2016 California Electrical Code (CEC), Part 3 of Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, adopted by reference the 2014 NEC with California amendments, effective on January 1, 2017.

**Summary of Effect**

HCD proposes to adopt by reference the 2017 edition of the NEC, with California amendments, into the 2019 CEC, Title 24, Part 3, of the California Code of Regulations for the following programs:

- (a) State Housing Law Program: 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 Program: 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 Programs: 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 Program: relative to residential buildings, dwellings or portions thereof, or building component, 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 conditions unique to California. In addition, the amendments 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**

There are no comparable federal statutes or regulations.

**Policy Statement Overview**

The proposed regulations as part of the update to the 2016 California Building Standards Code, 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. In addition, providing for use of the most recent building technology, methods and materials and applying those building standards on a statewide basis, as required by statute, results in uniformity in residential construction 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

Reference: Government Code Section 11346.5(a)(4).  
None.

MANDATE ON LOCAL AGENCIES OR  
SCHOOL DISTRICTS

Reference: 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. HCD’s proposal 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

Reference: Government Code Section 11346.5(a)(6).  
See HCD’s “Economic and Fiscal Impact Statement” (Form 399).

- A. Cost or Savings to any state agency: **NO**.  
Health and Safety Code Section 17921 requires HCD to propose the adoption, amendment or repeal of building standards to CBSC 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: **NO**.  
Health and Safety Code Section 17951 provides that local enforcement agencies may prescribe fees to defray the costs of enforcement of the State Housing Law including compliance with these regulations.
- 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: 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.  
Pursuant to Government Code Section 11346.2(b)(5)(B)(ii) adoption of the model codes is exempt from identification of the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates in the Initial Statement of Reasons.

INITIAL DETERMINATION OF NO  
SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT ON BUSINESSES

Reference: Government Code Section 11346.5(a)(8).  
HCD has made an initial determination that the adoption/amendment/repeal of these regulations will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

Reference: Government Code Section 11346.5(a)(8).

In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

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

Reference: Government Code Section 11346.5(a)(11).

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

N/A. 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

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

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.

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

Reference: Government Code Section 11346.5(a)(10).

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

A. 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.

B. 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.

C. 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

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

These regulations will update and improve building standards related to the construction and maintenance of residential structures.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: 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

Reference: Government Code Section 11346.5(a)(13).

HCD has determined 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 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

Reference: Government Code Sections 11346.5(a)(16) 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 be accessed from the CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

In addition, rulemaking documents will be posted on HCD's website: <http://www.hcd.ca.gov/building-standards/building-code/index.shtml>.

Reference: Government Code Section 11346.5(a)(19).

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 CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(21).

HCD shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

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

Reference: Government Code Section 11346.5(a)(14).

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

Michael L. Nearman, Deputy Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone: (916) 263-0916

**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, Codes and Standards Administrator I  
Department of Housing and Community Development  
Division of Codes and Standards  
Telephone: (916) 263-4715  
Email: [Stoyan.Bumbalov@hcd.ca.gov](mailto:Stoyan.Bumbalov@hcd.ca.gov)  
Fax: (916) 327-4712

Emily Withers, Codes and Standards Administrator II  
Department of Housing and Community Development  
Division of Codes and Standards  
Telephone: (916) 263-2998  
Email: [Emily.Withers@hcd.ca.gov](mailto:Emily.Withers@hcd.ca.gov)  
Fax: (916) 327-4712

**TITLE 24. BUILDING STANDARDS COMMISSION**

**NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) REGARDING THE 2019 CALIFORNIA MECHANICAL CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4**

**(HCD 01/18)**

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Housing and Community Development (HCD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 4. HCD is proposing building standards related to the adoption of the 2018 Uniform Mechanical Code (UMC).

**PUBLIC COMMENT PERIOD**

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14, 2018, until 5:00 p.m. on October 29, 2018.**

Please address your comments to:

**California Building Standards Commission**

Attention: Mia Marvelli, Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

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

Reference: Government Code Section 11346.5(a)(18).

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

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

**AUTHORITY AND REFERENCE**

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 Section 18949.5. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Sections 17000–17062.5, 17910–17995.5, 18200–18700, 18860–18874, and 19960–19997; Civil Code Sections

1101.4 and 1101.5; 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, 17921.5, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17922.14, 17927, 17928, 18300, 18552, 18554, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1, 18873.2, 18873.3, 18873.4, 18873.5, 18938.3, 18944.11, and 19990; and Government Code Section 12955.1.

**INFORMATIVE DIGEST**

Reference: Government Code Section 11346.5(a)(3).

**Summary of Existing Laws**

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

Health and Safety Code Section 17922 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.

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

**Summary of Existing Regulations**

The 2016 California Mechanical Code (CMC), Part 4 of Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, adopted by reference the 2015 UMC with California amendments, effective on January 1, 2017.

**Summary of Effect**

HCD proposes to adopt by reference the 2018 edition of the UMC, with California amendments, into the 2019 CMC, Title 24, Part 4, of the California Code of Regulations for the following programs:

- (a) State Housing Law Program: 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 Program: 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 Programs: 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 Program: relative to residential buildings, dwellings or portions thereof, or building component, 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 conditions unique to California. In addition, the amendments 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**

There are no comparable federal statutes or regulations.

**Policy Statement Overview**

The proposed regulations as part of the update to the 2016 California Building Standards Code, 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. In addition, providing for use of the most recent building technology, methods and materials and applying those building standards on a statewide basis, as required by statute, results in uniformity in residential construction 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**

Reference: Government Code Section 11346.5(a)(4).  
None.

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

Reference: 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. HCD's proposal 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**

Reference: Government Code Section 11346.5(a)(6).  
See HCD's "Economic and Fiscal Impact Statement" (Form 399).

- A. Cost or Savings to any state agency: **NO**.  
Health and Safety Code Section 17921 requires HCD to propose the adoption, amendment or repeal of building standards to CBSC 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: **NO**.  
Health and Safety Code Section 17951 provides that local enforcement agencies may prescribe fees to defray the costs of enforcement of the State Housing Law including compliance with these regulations.
- 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: 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.

Pursuant to Government Code Section 11346.2(b)(5)(B)(ii) adoption of the model codes is exempt from identification of the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates in the Initial Statement of Reasons.

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

Reference: Government Code Section 11346.5(a)(8). HCD has made an initial determination that the adoption/amendment/repeal of these regulations will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

**DECLARATION OF EVIDENCE**

Reference: Government Code Section 11346.5(a)(8). In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

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**

Reference: Government Code Section 11346.5(a)(11).

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

**N/A.** 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**

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

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.

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

Reference: Government Code Section 11346.5(a)(10).

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

- A. 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.
- B. 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.
- C. 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.
- D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.**  
These regulations will update and improve building standards related to the construction and maintenance of residential structures.

**ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING**

Reference: 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

Reference: Government Code Section 11346.5(a)(13).

HCD has determined 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 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

Reference: Government Code Sections 11346.5(a)(16) 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 be accessed from the CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

In addition, rulemaking documents will be posted on HCD's website: <http://www.hcd.ca.gov/building-standards/buiding-code/index.shtml>.

Reference: Government Code Section 11346.5(a)(19).

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 CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(21).

HCD shall provide, upon request, a description of proposed changes included in the proposed action, in

the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

Reference: Government Code Section 11346.5(a)(14).

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

Michael L. Nearman, Deputy Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone: (916) 263-0916

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, Codes and Standards Administrator I  
Department of Housing and Community Development  
Division of Codes and Standards  
Telephone: (916) 263-4715  
Email: [Stoyan.Bumbalov@hcd.ca.gov](mailto:Stoyan.Bumbalov@hcd.ca.gov)  
Fax: (916) 327-4712

Emily Withers, Codes and Standards Administrator II  
Department of Housing and Community Development  
Division of Codes and Standards  
Telephone: (916) 263-2998  
Email: [Emily.Withers@hcd.ca.gov](mailto:Emily.Withers@hcd.ca.gov)  
Fax: (916) 327-4712

**TITLE 24. BUILDING STANDARDS  
COMMISSION**

**NOTICE OF PROPOSED ACTION TO  
BUILDING STANDARDS OF THE  
DEPARTMENT OF HOUSING AND  
COMMUNITY DEVELOPMENT  
REGARDING THE 2019 CALIFORNIA  
PLUMBING CODE  
CALIFORNIA CODE OF REGULATIONS,  
TITLE 24, PART 5**

**(HCD 02/18)**

(Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et seq. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.)

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 5. HCD is proposing building standards related to the adoption of the 2018 Uniform Plumbing Code (UPC).

**PUBLIC COMMENT PERIOD**

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14, 2018, until 5:00 p.m. on October 29, 2018.**

Please address your comments to:

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

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice

will be issued announcing the date, time and location of the public meeting.

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

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

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

**AUTHORITY AND REFERENCE**

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 Section 18949.5. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Sections 17000–17062.5, 17910–17995.5, 18200–18700, 18860–18874, and 19960–19997; Civil Code Sections 1101.4 and 1101.5; 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, 17921.5, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17922.14, 17927, 17928, 18300, 18552, 18554, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1 through 18873.5, 18938.3, 18944.11, and 19990; and Government Code Section 12955.1.

**INFORMATIVE DIGEST**

Reference: Government Code Section 11346.5(a)(3).

**Summary of Existing Laws**

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

Health and Safety Code Section 17922 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.

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

**Summary of Existing Regulations**

The 2016 California Plumbing Code (CPC), Part 5 of Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, adopted by reference the 2015 UPC with California amendments, effective on January 1, 2017.

**Summary of Effect**

HCD proposes to adopt by reference the 2018 edition of the UPC, with California amendments, into the 2019 CPC, Title 24, Part 5, of the California Code of Regulations for the following programs:

- (a) State Housing Law Program: relative to residential occupancies, buildings or structures accessory thereto and as provided in Health and Safety Code Section 17921.2.
- (b) Employee Housing Program: relative to any building or structure or outdoors on premises or property in accordance with Health and Safety Code Section 17040.
- (c) Mobilehome Parks and Special Occupancy Parks Programs: 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 Program: relative to residential buildings, dwellings or portions thereof, or building component, 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 conditions unique to California. In addition, the amendments provide clarity and specificity, and give direction for the code user. A discussion of the effect of the regu-

lations may be found in the Initial Statement of Reasons.

**Comparable Federal Statute or Regulations**

There are no comparable federal statutes or regulations.

**Policy Statement Overview**

The proposed regulations, as part of the update to the 2016 California Building Standards Code, 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. In addition, providing for use of the most recent building technology, methods and materials and applying those building standards on a statewide basis, as required by statute, results in uniformity in residential construction 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

Reference: Government Code Section 11346.5(a)(4).  
None.

MANDATE ON LOCAL AGENCIES OR  
SCHOOL DISTRICTS

Reference: 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. HCD’s proposal 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

Reference: Government Code Section 11346.5(a)(6).  
An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- A. Cost or Savings to any state agency: **NO.**  
Health and Safety Code Section 17921 requires HCD to propose the adoption, amendment or repeal of building standards to CBSC 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: **NO.**  
Health and Safety Code Section 17951 provides that local enforcement agencies may prescribe fees to defray the costs of enforcement of the State Housing Law including compliance with these regulations.
- 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: 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.

Pursuant to Government Code Section 11346.2(b)(5)(B)(ii) adoption of the model codes is exempt from identification of the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates in the Initial Statement of Reasons.

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

Reference: Government Code Section 11346.5(a)(8).  
HCD 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 businesses in other states.

**DECLARATION OF EVIDENCE**

Reference: Government Code Section 11346.5(a)(8).  
In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

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**

Reference: Government Code Section 11346.5(a)(11).

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

**N/A.** 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**

Reference: Government Code Section 11346.5(a)(9).  
Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

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.

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

Reference: Government Code Section 11346.5(a)(10).

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

- A. 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.

**B. 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.

**C. 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.

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

These regulations will update and improve building standards related to the installation and maintenance of heating, ventilating, cooling, and refrigeration systems.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: 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

Reference: Government Code Section 11346.5(a)(13).

HCD has determined 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 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

Reference: Government Code Sections 11346.5(a)(16) 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 be accessed from the CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

In addition, rulemaking documents will be posted on HCD's website: <http://www.hcd.ca.gov/building-standards/building-code/index.shtml>.

Reference: Government Code Section 11346.5(a)(19).

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 CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(21).

HCD shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

Reference: Government Code Section 11346.5(a)(14).

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

Michael L. Nearman, Deputy Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone: (916) 263-0916

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, Codes and Standards  
Administrator I  
Department of Housing and Community  
Development  
Division of Codes and Standards  
Telephone: (916) 263-4715  
Email: [Stoyan.Bumbalov@hcd.ca.gov](mailto:Stoyan.Bumbalov@hcd.ca.gov)  
Fax: (916) 327-4712

Emily Withers, Code and Standards  
Administrator II  
Department of Housing and Community  
Development  
Division of Codes and Standards  
Telephone: (916) 263-2998  
Email: [Emily.Withers@hcd.ca.gov](mailto:Emily.Withers@hcd.ca.gov)  
Fax: (916) 327-4712

**TITLE 24. BUILDING STANDARDS  
COMMISSION**

**NOTICE OF PROPOSED ACTION TO  
BUILDING STANDARDS OF THE  
DEPARTMENT OF HOUSING AND  
COMMUNITY DEVELOPMENT  
REGARDING THE 2019 CALIFORNIA  
EXISTING BUILDING CODE  
CALIFORNIA CODE OF REGULATIONS,  
TITLE 24, PART 10**

**(HCD 05/18)**

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Department of Housing and Community Development 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**

Reference: Government Code Section  
11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14, 2018, until 5:00 p.m. on October 29, 2018.**

Please address your comments to:

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

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

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

Reference: Government Code Section  
11346.5(a)(18).

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

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

**AUTHORITY AND REFERENCE**

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 Section 18949.5. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Sections 17000-17062.5, 17910-17995.5, 18200-18700, 18860-18874, and 19960-19997; Civil Code Sections 1101.4 and 1101.5; and Government Code Sections 12955.1 and 12955.1.1.

The HCD is proposing this regulatory action based on Health and Safety Code Sections 17040, 17050, 17920.9, 17921, 17921.5, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17922.14, 17927, 17928, 18300, 18552, 18554, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1, through 18873.5, 18938.3, 18944.11, and 19990, and Government Code Section 12955.1.

INFORMATIVE DIGEST

Reference: Government Code Section 11346.5(a)(3).

**Summary of Existing Laws**

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

Health and Safety Code Section 17922 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 international codes referred to in the section shall be considered to be adopted one year after the date of publication of the international 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.

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

**Summary of Existing Regulations**

The 2016 California Existing Building Code (CEBC), Part 10 of Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, adopted by reference the 2015 IEBC with California amendments, effective on January 1, 2017.

**Summary of Effect**

HCD proposes to adopt by reference the 2018 edition of the IEBC, with California amendments, into the 2019 CEBC, Title 24, Part 10 of the California Code of Regulations for the following programs:

- (a) State Housing Law Program: 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 Program: 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 Programs: 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 Program: relative to residential buildings, dwellings or portions thereof, or building component, 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 conditions unique to California. In addition, the amendments 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**

There are no comparable federal statutes or regulations.

**Policy Statement Overview**

The proposed regulations as part of the update to the 2016 California Building Standards Code, 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. In addition, providing for use of the most recent building technology, methods and materials and applying those building standards on a statewide basis, as required by statute, results in uniformity in residential construction 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**

Reference: Government Code Section 11346.5(a)(4).  
None.

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

Reference: 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. HCD's proposal 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**

Reference: Government Code Section 11346.5(a)(6).  
An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- A. Cost or Savings to any state agency: **NO**.  
Health and Safety Code Section 17921 requires HCD to propose the adoption, amendment or repeal of building standards to CBSC 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: **NO**.  
Health and Safety Code Section 17951 provides that local enforcement agencies may prescribe fees to defray the costs of enforcement of the State Housing Law including compliance with these regulations.

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

Pursuant to Government Code Section 11346.2(b)(5)(B)(ii) adoption of the model codes is exempt from identification of the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates in the Initial Statement of Reasons.

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

Reference: Government Code Section 11346.5(a)(8).  
If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

HCD 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 businesses in other states.

**DECLARATION OF EVIDENCE**

Reference: Government Code Section 11346.5(a)(8).  
In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

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

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

Reference: Government Code Section 11346.5(a)(11).  
Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is



necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

N/A. 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

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

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.

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

Reference: Government Code Section 11346.5(a)(10).

The Department of Housing and Community Development has assessed whether or not and to what extent this proposal will affect the following:

**A. 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.

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

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

**C. 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.

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

These regulations will update and improve building standards related to the construction and maintenance of residential structures.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: 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

Reference: Government Code Section 11346.5(a)(13).

HCD has determined 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 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

Reference: Government Code Sections 11346.5(a)(16) 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 be accessed from the CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

In addition, rulemaking documents will be posted on HCD's website: <http://www.hcd.ca.gov/building-standards/building-code/index.shtml>.

Reference: Government Code Section 11346.5(a)(19).

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 CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(21).

HCD shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which

effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

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

Reference: Government Code Section  
11346.5(a)(14).

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

Michael L. Nearman, Deputy Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone: (916) 263-0916

**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:

Beth Maynard, District Representative II  
Department of Housing and Community  
Development  
Division of Codes and Standards  
Telephone: (916) 263-5451  
E-mail: [Beth.Maynard@hcd.ca.gov](mailto:Beth.Maynard@hcd.ca.gov)  
Fax: (916) 263-4713

Stoyan Bumbalov, Codes and Standards  
Administrator I  
Department of Housing and Community  
Development  
Division of Codes and Standards  
Telephone: (916) 263-4715  
E-mail: [Stoyan.Bumbalov@hcd.ca.gov](mailto:Stoyan.Bumbalov@hcd.ca.gov)  
Fax: (916) 327-4712

**TITLE 24. BUILDING STANDARDS  
COMMISSION**

**NOTICE OF PROPOSED ACTION TO  
BUILDING STANDARDS OF THE  
DEPARTMENT OF HOUSING AND  
COMMUNITY DEVELOPMENT  
REGARDING THE 2019 CALIFORNIA GREEN  
BUILDING STANDARDS CODE  
CALIFORNIA CODE OF REGULATIONS,  
TITLE 24, PART 11**

**(HCD 06/18)**

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the 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 building standards related to 2019 California Green Building Standards Code.

**PUBLIC COMMENT PERIOD**

Reference: Government Code Section  
11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14, 2018, until 5:00 p.m. on October 29, 2018.**

Please address your comments to:

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

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

POST-HEARING MODIFICATIONS TO THE  
TEXT OF THE REGULATIONS

Reference: Government Code Section 11346.5(a)(18).

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

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

AUTHORITY AND REFERENCE

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. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Sections 17000–17062.5, 17910–17995.5, 18200–18700, 18860–18874, and 19960–19998; and Government Code Sections 12955.1 and 12955.1.1.

The Department of Housing and Community Development is proposing this regulatory action based on Health and Safety Code Sections 17040, 17921, 17922, 18300, 18670, 18865, 18873.2 and 19990; and Government Code Section 12955.1.

INFORMATIVE DIGEST

Reference: 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 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.

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

**Summary of Existing Regulations**

The 2016 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, 2017.

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 2019 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 Program: relative to residential occupancies, buildings or structures accessory thereto.
- b) Employee Housing Program: relative to the occupancy of any buildings or structures on the property in accordance with Health and Safety Code Section 17040.
- c) Mobilehome Parks and Special Occupancy Parks Programs: 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 Program: 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**

Reference: Government Code Section 11346.5(a)(4).  
None.

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

Reference: 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**

Reference: Government Code Section 11346.5(a)(6).  
An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- 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: **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: 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**

Reference: 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 businesses in other states.

**DECLARATION OF EVIDENCE**

Reference: Government Code Section 11346.5(a)(8).  
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

Reference: Government Code Section 11346.5(a)(11).

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

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

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.

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

Reference: Government Code Section 11346.5(a)(10).

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

- A. 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.
- B. 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.
- C. 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.
- D. The benefits of the regulation 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.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: 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 designed 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

Reference: Government Code Section 11346.5(a)(13).

HCD has determined 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 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

Reference: Government Code Sections 11346.5(a)(16) 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 be accessed from the CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(19).

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 CBSC website: [ww.bsc.ca.gov](http://www.bsc.ca.gov).

In addition, the rulemaking documents will be posted on HCD's website: <http://www.hcd.ca.gov/building-standards/building-code/index.shtml>.

Reference: Government Code Section 11346.5(a)(21).

HCD shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which

effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL  
AND ADMINISTRATIVE QUESTIONS

Reference: Government Code Section  
11346.5(a)(14).

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

Michael L. Nearman, Deputy Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone: (916) 263-0916

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:

Tom Martin, District Representative II  
Department of Housing and Community  
Development  
Division of Codes and Standards  
Telephone: (916) 263-3272  
E-mail: [Thomas.G.Martin@hcd.ca.gov](mailto:Thomas.G.Martin@hcd.ca.gov)  
Fax: (916) 263-4713

Stoyan Bumbalov, Codes and Standards  
Administrator I  
Department of Housing and Community  
Development  
Division of Codes and Standards  
Telephone: (916) 263-4715  
E-mail: [Stoyan.Bumbalov@hcd.ca.gov](mailto:Stoyan.Bumbalov@hcd.ca.gov)  
Fax: (916) 327-4712

TITLE 24. BUILDING STANDARDS  
COMMISSION

NOTICE OF PROPOSED ACTION TO  
BUILDING STANDARDS OF THE OFFICE OF  
STATEWIDE HEALTH PLANNING  
AND DEVELOPMENT  
REGARDING THE 2019 CALIFORNIA  
ADMINISTRATIVE CODE  
CALIFORNIA CODE OF REGULATIONS,  
TITLE 24, PART 1

(OSHPD 01/18)

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Office of Statewide Health Planning and Development (OSHPD) to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 1. The OSHPD is proposing building standards related to the adoption of the 2019 California Administrative Code and the adoption of the 2018 International Building Code for incorporation into the 2019 California Building Code.

PUBLIC COMMENT PERIOD

Reference: Government Code Section  
11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14, 2018, until 5:00 p.m. on October 29, 2018.**

Please address your comments to:

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

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the CBSC to be scheduled at a date near

the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

POST-HEARING MODIFICATIONS TO THE  
TEXT OF THE REGULATIONS

Reference: Government Code Section 11346.5(a)(18).

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

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

AUTHORITY AND REFERENCE

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 18949.3. The purpose of these building standards is to implement, interpret, or 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

Reference: Government Code Section 11346.5(a)(3).

**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, 2016 California Administrative Code (CAC). 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 2016 CBC.

**Summary of Effect**

The purpose of this proposed action is to make technical amendments to Title 24, Part 1 to make it consistent with Title 24 Part 2, and carry forward existing California amendments related to the structural design of health facilities and propose new amendments. The proposed amendments will make technical and substantive amendments and minor editorial changes for consistency with 2016 Title 24, Part 2, CBC.

**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, for health facility construction, pursuant to Health and Safety Code Section 18928. OSHPD is responsible for the development of regulations regarding the physical plant for hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers.

**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**

Reference: Government Code Section 11346.5(a)(4). There are no other matters to identify.

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

Reference: Government Code Section 11346.5(a)(5). 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**

Reference: Government Code Section 11346.5(a)(6). An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- 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**

Reference: Government Code Section 11346.5(a)(8).

If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

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 businesses in other states.

**DECLARATION OF EVIDENCE**

Reference: Government Code Section 11346.5(a)(8).

In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

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 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 2016 California Building Code.

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

Reference: Government Code Section 11346.5(a)(11).

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

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

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

Reference: Government Code Section 11346.5(a)(9). Describe all cost impacts that a representative private person or business would necessarily incur in reason-



able compliance with the proposed action. If no cost impact, provide the following statement:

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

Reference: Government Code Section 11346.5(a)(10).

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

- A. The creation or elimination of jobs within the State of California.**  
There will be no adverse impact.
- B. The creation of new businesses or the elimination of existing businesses within the State of California.**  
There will be no significant adverse impact.
- C. The expansion of businesses currently doing business within the State of California.**  
There will be no adverse impact.
- D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.**  
There will be no significant adverse impact.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).

Proposal does not impact housing cost, since regulations does not cover housing. Housing is outside OSHPD jurisdiction.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).

OSHPD has determined that no reasonable alternative considered by OSHPD or that has otherwise been identified and brought to the attention of OSHPD 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 affect-

ed private persons and equally effective in implementing the statutory policy or other provisions of law.

AVAILABILITY OF RULEMAKING DOCUMENTS

Reference: Government Code Sections 11346.5(a)(16) 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 be accessed from the CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(19).

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 CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(21).

OSHPD shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

Reference: Government Code Section 11346.5(a)(14).

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

Michael L. Nearman, Deputy Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone: (916) 263-0916

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:

Diana Scaturro, Supervisor, Building Standards Unit  
Office of Statewide Health Planning and Development  
Facilities Development Division  
(916) 440-8300  
FAX (916) 324-9187  
[regsunit@oshpd.ca.gov](mailto:regsunit@oshpd.ca.gov)

**TITLE 24. BUILDING STANDARDS COMMISSION**

**NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT REGARDING THE CALIFORNIA BUILDING CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2, VOLUME 1**

**(OSHPD 02/18)**

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Office of Statewide Health Planning and Development (OSHPD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 2, Volume 1. OSHPD is proposing building standards related to the construction of hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers.

**PUBLIC COMMENT PERIOD**

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14, 2018, until 5:00 p.m. on October 29, 2018.**

Please address your comments to:

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

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

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

Reference: Government Code Section 11346.5(a)(18).

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

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

**AUTHORITY AND REFERENCE**

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 Section 18949.3. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Section 1226, 1275, 129790 & 129850.

The Office of Statewide Health Planning and Development (OSHPD) is proposing this regulatory action based on Health and Safety Code Sections 1226, 1275, 18928, 129790 & 129850 and Governmental Code Section 11152.5.

**INFORMATIVE DIGEST**

Reference: Government Code Section 11346.5(a)(3).  
**Summary of Existing Laws**

Health and Safety Code Section 1226 authorizes the Office to prescribe, in consultation with the Communi-

ty Clinics Advisory Committee, minimum building standards for the physical plant of clinics, for adoption in the California Buildings 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 18949.3 mandates that the responsibilities of the Office to adopt building standards, including but not limited to, the responsibilities specified under the Alfred E. Alquist Hospital Facilities Seismic Safety Act (commencing with Section 129765) be transferred to the California Building Standards Commission.

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

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

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

**Summary of Existing Regulations**

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

**Summary of Effect**

The proposed action is to adopt the 2018 International Building Code for incorporation, by reference, into the 2019 California Building Code and to carry forward existing California amendments related to the construction of hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers.

Additionally, the proposal makes minor editorial and technical modifications for clarification; provides consistency within Title 24; provides coordination with Title 22, Licensing and Certification requirements; Health & Safety Code Section 1253.7; and provides modified and reorganized regulations that are consistent with the national standards of 2018 FGI Guidelines for Design and Construction of Health Care Facilities, and US Pharmacopeia Chapters <797> and <800>.

**Comparable Federal Statute or Regulations**

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

**Policy Statement Overview**

OSHPD is responsible for the development of regulations regarding the physical plant for hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers. The intent of this proposal is to adopt the most recent model code requirements for health facility construction, pursuant to Health and Safety Code Section 18928 and propose amendments that will provide editorial and minor technical modifications for clarification and consistency with the code.

**Evaluation of Consistency**

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

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

Reference: Government Code Section 11346.5(a)(4). There are no other matters to identify.

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

Reference: Government Code Section 11346.5(a)(5). OSHPD has determined that the proposed regulatory action **WOULD NOT** impose a mandate on local agencies or school districts.

**ESTIMATE OF COST OR SAVINGS**

Reference: Government Code Section 11346.5(a)(6). An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- 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: N/A

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

Reference: Government Code Section 11346.5(a)(8).

If the agency makes an initial determination that the adoption/amendment/peal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

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

**DECLARATION OF EVIDENCE**

Reference: Government Code Section 11346.5(a)(8).

In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

OSHPD has not relied on any other facts, evidence, documents, testimony or other evidence to make its final determination of no statewide adverse economic impact. The scope of the proposed action is to adopt the most recent model code pursuant to statutory requirements and to carry forward existing California amendments from the 2016 California Building Code and to make necessary technical modifications.

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

Reference: Government Code Section 11346.5(a)(11).

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

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

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

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

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**

Reference: Government Code Section 11346.5(a)(10).

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

**A. 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.

**B. 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.

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

The proposed regulations will not cause expansion of businesses currently doing business with the State of California.

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

The proposed regulations are necessary for the continued preservation of the health, safety, and welfare of California residents through updated amendments associated with the design and construction of health facilities that reflect current construction practice and current practice of medicine. The regulations will not affect worker safety, or the state's environment.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).

These regulations will have not result in any cost of compliance that would impact housing.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).

OSHPD has determined that no reasonable alternative considered by OSHPD or that has otherwise been identified and brought to the attention of OSHPD 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 affect private persons and equally effective in implementing the statutory policy or other provisions of law.

AVAILABILITY OF RULEMAKING DOCUMENTS

Reference: Government Code Sections 11346.5(a)(16) 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 be accessed from the CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(19).

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 CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(21).

OSHPD shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

Reference: Government Code Section 11346.5(a)(14).

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

Michael L. Nearman, Deputy Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone: (916) 263-0916

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:

Diana Scaturro, Supervisor  
Building Standards Unit  
Office of Statewide Health Planning and Development  
Facilities Development Division  
(916) 440-8300  
FAX (916) 324-9187  
[regsunit@oshpd.ca.gov](mailto:regsunit@oshpd.ca.gov)

**TITLE 24. BUILDING STANDARDS COMMISSION**

**NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT REGARDING THE CALIFORNIA BUILDING CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2 — VOLUME 2**

**(OSHPD 03/18)**

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Office of Statewide Health Planning and Development (OSHPD)

proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 2, Volume 2. The OSHPD is proposing building standards related to the adoption of the 2019 California Administrative Code and the adoption of the 2018 International Building Code for incorporation into the 2019 California Building Code.

#### PUBLIC COMMENT PERIOD

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14, 2018, until 5:00 p.m. on October 29, 2018.**

Please address your comments to:

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

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

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

Reference: Government Code Section 11346.5(a)(18).

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

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

#### AUTHORITY AND REFERENCE

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 18949.3. The purpose of these building standards is to implement, interpret, or 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 11152.2.

#### INFORMATIVE DIGEST

Reference: Government Code Section 11346.5(a)(3).

#### 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 2, 2016 California Building Code (CBC), which is based on the 2015 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 2016 CBC.

**Summary of Effect**

The purpose of this proposed action is to adopt the 2018 International Building Code (IBC), by amendments, into the Title 24, Part 2, 2016 CBC, carry forward existing California amendments related to the structural design of health facilities and propose new amendments. The proposed amendments will 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, 26, 35, and Appendix L; repeal redundant, outdated or conflicting requirements, amendments to align structural requirements for OSHPD categories 1R, 2 and 5 buildings with revised definitions in Part 2, Volume 1; provide clarity and provide consistency within the code and Health and Safety Code Sections 129680 and 130005.

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

**Evaluation of Consistency**

The proposed 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**

Reference: Government Code Section 11346.5(a)(4).  
There are no other matters to identify.

**MANDATE ON LOCAL AGENCIES OR  
SCHOOL DISTRICTS**

Reference: Government Code Section 11346.5(a)(5).  
OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

**ESTIMATE OF COST OR SAVINGS**

Reference: Government Code Section 11346.5(a)(6).  
An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- 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**

Reference: Government Code Section 11346.5(a)(8).  
If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

OSHPD has made an initial determination that the adoption/amendment/repeal of these regulations, as proposed, will not have a significant statewide adverse

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

**DECLARATION OF EVIDENCE**

Reference: Government Code Section 11346.5(a)(8).

In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

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 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 2016 California Building Code.

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

Reference: Government Code Section 11346.5(a)(11).

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

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

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

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

The OSHPD is not aware of any negative 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**

Reference: Government Code Section 11346.5(a)(10).

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

- A. The creation or elimination of jobs within the State of California.**  
There will be no adverse impact.
- B. The creation of new businesses or the elimination of existing businesses within the State of California.**  
There will be no significant adverse impact.
- C. The expansion of businesses currently doing business within the State of California.**  
There will be no adverse impact.
- D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.**  
There will be no significant adverse impact.

**ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING**

Reference: Government Code Section 11346.5(a)(12).

Proposal does not impact housing cost, since regulations does not cover housing. Housing is outside OSHPD jurisdiction.

**CONSIDERATION OF ALTERNATIVES**

Reference: Government Code Section 11346.5(a)(13).

OSHPD has determined that no reasonable alternative considered by OSHPD or that has otherwise been identified and brought to the attention of OSHPD 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**

Reference: Government Code Sections 11346.5(a)(16) 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 be accessed from the CBSB website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(19).

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 [CBSC website: www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(21).

OSHPD shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

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

Reference: Government Code Section 11346.5(a)(14).

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

Michael L. Nearman, Deputy Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone: (916) 263-0916

**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:

Diana Scaturro, Supervisor  
Building Standards Unit  
Office of Statewide Health Planning and Development  
Facilities Development Division  
(916) 440-8300  
FAX (916) 324-9187  
[regsunit@oshpd.ca.gov](mailto:regsunit@oshpd.ca.gov)

**TITLE 24. BUILDING STANDARDS COMMISSION**

**NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE OFFICE OF STATEWIDE HEALTH PLANNING & DEVELOPMENT REGARDING THE 2019 CALIFORNIA ELECTRICAL CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 3**

**(OSHPD 01/17)**

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Office of Statewide Health Planning and Development (OSHPD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 3. The OSHPD is proposing building standards related to the adoption of the 2017 National Electrical Code (NEC).

**PUBLIC COMMENT PERIOD**

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14, until 5:00 p.m. on October 29, 2018.**

Please address your comments to:

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

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

POST-HEARING MODIFICATIONS TO THE  
TEXT OF THE REGULATIONS

Reference: Government Code Section 11346.5(a)(18).

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

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

AUTHORITY AND REFERENCE

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 Section 18949.3. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Sections 1226, 1275, and 129790.

The OSHPD is proposing this regulatory action based on Health and Safety Sections 1226, 1275, 18928, 129790 and 129850 and Government Code Section 11152.5.

INFORMATIVE DIGEST

Reference: Government Code Section 11346.5(a)(3).

**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 the model code.

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

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

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

**Summary of Existing Regulations**

Title 24, Part 3, 2016 California Electrical Code (CEC) contains regulations pertaining to electrical system requirements for hospitals, skilled nursing and intermediate care facilities, licensed clinics and correctional treatment centers.

**Summary of Effect**

The OSHPD is adopting the 2017 National Electrical Code which will be the basis for the 2019 California Electrical Code. Amendments are also proposed that will provide clarification and consistency within the code.

**Comparable Federal Statute or Regulations**

There are no comparable federal statutes or regulations related to this proposed action.

**Policy Statement Overview**

The OSHPD develops and promulgates building standards for hospitals, skilled nursing facilities, clinics and correctional treatment centers. The Office's proposed action adopts the most recent model code, as mandated by statute. It also repeals outdated language and requirements that are no longer necessary. Additional amendments are in alignment with the national standards and will provide consistency within the code.

**Evaluation of consistency**

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

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

Reference: Government Code Section 11346.5(a)(4).

There are no other matters prescribed by statute that are applicable to OSHPD, specific regulation or class of regulations.

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

Reference: Government Code Section 11346.5(a)(5).  
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**

Reference: Government Code Section 11346.5(a)(6).  
An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- 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: N/A

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

Reference: Government Code Section 11346.5(a)(8).  
If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

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**

Reference: Government Code Section 11346.5(a)(8).  
In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

The OSHPD 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. This proposal will repeal outdated requirements that are no longer applicable and will amend requirements for clarity within the code.

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

Reference: Government Code Section 11346.5(a)(11).

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

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

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

Reference: Government Code Section 11346.5(a)(9).  
Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

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**

Reference: Government Code Section 11346.5(a)(10).

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

- A. **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.

**B. 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.

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

The proposed regulations will not cause expansion of businesses currently doing business with the State of California.

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

The OSHPD promulgates building standards regarding the design and construction of licensed health facilities to ensure the protection of the public’s health and safety in the facilities. The proposed regulations are necessary for the continued preservation of the health, safety, and welfare of California residents through updated amendments. The regulations will not affect worker safety, or the state’s environment.

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 CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(19).

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 CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(21).

OSHPD shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

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

Reference: Government Code Section 11346.5(a)(14).

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

Michael L. Nearman, Deputy Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone: (916) 263-0916

**ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING**

Reference: Government Code Section 11346.5(a)(12).

The proposed action is specific to health facility construction and will not have a cost impact on housing.

**CONSIDERATION OF ALTERNATIVES**

Reference: Government Code Section 11346.5(a)(13).

OSHPD has determined that no reasonable alternative considered by OSHPD or that has otherwise been identified and brought to the attention of OSHPD 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.

**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:

Diana Scaturro, Supervisor  
Health Facilities Review  
Office of Statewide Health and Development  
Facilities Development Division  
2020 West El Camino Avenue  
Sacramento, CA 95833  
[regsunit@oshpd.ca.gov](mailto:regsunit@oshpd.ca.gov)  
Phone (916) 440-8300  
FAX (916) 324-9187

**AVAILABILITY OF RULEMAKING DOCUMENTS**

Reference: Government Code Sections 11346.5(a)(16) and 11346.5(a)(20).

**TITLE 24. BUILDING STANDARDS COMMISSION**

**NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT REGARDING THE 2019 CALIFORNIA MECHANICAL CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4**

**(OSHPD 04/18)**

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Statewide Health Planning and Development (OSHPD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 4. The OSHPD is proposing building standards related to 2018 Uniform Mechanical Code.

**PUBLIC COMMENT PERIOD**

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14, until 5:00 p.m. on October 29, 2018.**

Please address your comments to:

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

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice

will be issued announcing the date, time and location of the public meeting.

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

Reference: Government Code Section 11346.5(a)(18).

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

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

**AUTHORITY AND REFERENCE**

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 Section 18949.3. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Section 1226, 1275, 129790 & 129850.

The OSHPD is proposing this regulatory action based on Health and Safety Code Sections 1226, 1275, 18928, 129790 & 129850 and Governmental Code Section 11152.5.

**INFORMATIVE DIGEST**

Reference: Government Code Section 11346.5(a)(3).

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

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

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

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

**Summary of Existing Regulations**

Title 24, Part 4, 2016 California Mechanical Code (CMC), is based on the 2015 Uniform Mechanical Code with California amendments. The CMC contains mechanical system requirements for design and construction hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers.

**Summary of Effect**

The proposed action is to adopt the 2018 Uniform Mechanical Code for incorporation, by reference, into the 2019 California Mechanical Code and to carry forward existing California amendments related to the design and construction of hospitals, skilled nursing facilities, licensed clinics, and correctional treatment centers.

Additionally, the proposal makes minor editorial and technical modifications for clarification, repeals outdated unnecessary requirements, and provides consistency within Title 24. During the 2016 Intervening Code Cycle the publisher made errors in the printing of Part 4. The language that was published incorrectly is shown corrected in these express terms in curved under-

line in order to assist the publisher. This language is not part of this rulemaking.

**Comparable Federal Statute or Regulations**

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

**Policy Statement Overview**

OSHPD is responsible for the development of regulations regarding the physical plant for hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers. The intent of this proposal is to adopt the most recent model code requirements for health facility construction, pursuant to Health and Safety Code Section 18928 and propose amendments that will provide editorial and minor technical modifications for clarification and consistency with the code.

**Evaluation of consistency**

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

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

Reference: Government Code Section 11346.5(a)(4).  
There are no other matters to identify.

MANDATE ON LOCAL AGENCIES OR  
SCHOOL DISTRICTS

Reference: Government Code Section 11346.5(a)(5).  
OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

Reference: Government Code Section 11346.5(a)(6).  
An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- 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: N/A

INITIAL DETERMINATION OF SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

Reference: Government Code Section 11346.5(a)(8).  
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

Reference: Government Code Section 11346.5(a)(8).  
In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

OSHPD has not relied on any other facts, evidence, documents, testimony or other evidence to make its final determination of no statewide adverse economic impact. The scope of the proposed action is to make necessary technical modifications to the existing code that are in alignment with health facility licensing requirements, the California Building Code and with national standards.

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

Reference: Government Code Section 11346.5(a)(11).

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

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

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Reference: Government Code Section 11346.5(a)(9).  
Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

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

Reference: Government Code Section 11346.5(a)(10).

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

**A. 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.

**B. 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.

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

The proposed regulations will not cause expansion of businesses currently doing business with the State of California.

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

The proposed regulations are necessary for the continued preservation of the health, safety, and welfare of California residents through updated amendments associated with the design and construction of health facilities that reflect current construction practice and current practice of medicine. The regulations will not affect worker safety, or the state's environment.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).

These regulations will not result in any cost of compliance that would impact housing.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).

OSHPD has determined that no reasonable alternative considered by OSHPD or that has otherwise been

identified and brought to the attention of OSHPD 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 affect private persons and equally effective in implementing the statutory policy or other provisions of law.

AVAILABILITY OF  
RULEMAKING DOCUMENTS

Reference: Government Code Sections  
11346.5(a)(16) 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 be accessed from the CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section  
11346.5(a)(19).

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 CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section  
11346.5(a)(21).

OSHPD shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL  
AND ADMINISTRATIVE QUESTIONS

Reference: Government Code Section  
11346.5(a)(14).

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

Michael L. Nearman, Deputy Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone: (916) 263-0916

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:

Diana Scaturro, Supervisor  
Building Standards Unit  
Office of Statewide Health Planning and  
Development  
Facilities Development Division  
(916) 440-8300  
FAX (916) 324-9187  
[regsunit@oshpd.ca.gov](mailto:regsunit@oshpd.ca.gov)

**TITLE 24. BUILDING STANDARDS  
COMMISSION**

**NOTICE OF PROPOSED ACTION TO  
BUILDING STANDARDS OF THE OFFICE OF  
STATEWIDE HEALTH PLANNING  
AND DEVELOPMENT  
REGARDING THE 2019 CALIFORNIA  
PLUMBING CODE  
CALIFORNIA CODE OF REGULATIONS,  
TITLE 24, PART 5**

**(OSHPD 05/18)**

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Office of Statewide Health Planning and Development (OSHPD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. The OSHPD is proposing building standards related to the adoption of the 2015 Uniform Plumbing Code.

**PUBLIC COMMENT PERIOD**

Reference: Government Code Section  
11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14, until 5:00 p.m. on October 29, 2018.**



Please address your comments to:

INFORMATIVE DIGEST

**California Building Standards Commission**

Attention: Mia Marvelli, Executive Director  
 2525 Natomas Park Drive, Suite 130  
 Sacramento CA 95833

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

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

Reference: Government Code Section 11346.5(a)(18).

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

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

**AUTHORITY AND REFERENCE**

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 Section 18949.3. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Section 1226, 1275.

The OSHPD is proposing this regulatory action based on Health and Safety Code Sections 1226, 1275, 18928, 129790 & 129850 and Governmental Code Section 11152.5.

Reference: Government Code Section 11346.5(a)(3).

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

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

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

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

**Summary of Existing Regulations**

Title 24, Part 5, 2016 California Plumbing Code (CPC), is based on the 2015 Uniform Plumbing Code with California amendments. The CPC contains plumbing system requirements for design and construction hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers.

**Summary of Effect**

The proposed action makes editorial and minor technical modifications to plumbing requirements for hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers. These code changes provide clarification and consistency within the code and are in alignment with national standards. The proposal contains new requirements regarding Observation unit care areas, and compounding rooms. These requirements are in coordination with the California Building Code.

**Comparable Federal Statute or Regulations**

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

**Policy Statement Overview**

OSHPD is responsible for the development of regulations regarding the physical plant for hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers. The intent of this proposal is to adopt the most recent model code requirements for health facility construction, pursuant to Health and Safety Code Section 18928 and propose amendments that will provide editorial and minor technical modifications for clarification and consistency with the code.

**Evaluation of consistency**

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

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

Reference: Government Code Section 11346.5(a)(4). There are no other matters to identify.

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

Reference: Government Code Section 11346.5(a)(5). OSHPD does not have authority to impose building standards or regulations on school districts; the proposed regulatory action will not impose a mandate on local agencies or school districts.

**ESTIMATE OF COST OR SAVINGS**

Reference: Government Code Section 11346.5(a)(6). An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.  
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: N/A

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

Reference: Government Code Section 11346.5(a)(8).

If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

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**

Reference: Government Code Section 11346.5(a)(8).

In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

OSHPD has not relied on any other facts, evidence, documents, testimony or other evidence to make its final determination of no statewide adverse economic impact. The scope of the proposed action is to make necessary editorial and minor technical modifications to the existing code that are in alignment with health facility licensing requirements, the California Building Code and with national standards.

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

Reference: Government Code Section 11346.5(a)(11).

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

OSHPD has determined that no report, pursuant to Government Code Section 11346.3(d), is required for the proposed regulations.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

OSHDP 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

Reference: Government Code Section 11346.5(a)(10).

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

**A. 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.

**B. 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.

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

The proposed regulations will not cause expansion of businesses currently doing business with the State of California.

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

OSHDP promulgates building standards regarding the design and construction of licensed health facilities to ensure the protection of the public's health and safety in the facilities. The proposed regulations are necessary for the continued preservation of the health, safety, and welfare of California residents through updated amendments associated with the design and construction of health facilities that reflect current construction practices and current practices of medicine. Worker safety and the state's environment will not be affected.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).

These regulations will not result in any cost of compliance that would impact housing.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).

OSHDP has determined that no reasonable alternative considered by OSHPD or that has otherwise been identified and brought to the attention of OSHPD 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

Reference: Government Code Sections 11346.5(a)(16) 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 be accessed from the CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(19).

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 CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(21).

OSHDP shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

Reference: Government Code Section 11346.5(a)(14).

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

Michael L. Nearman, Deputy Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone: (916) 263-0916

**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:

Diana Scaturro, Supervisor  
Building Standards Unit  
Office of Statewide Health Planning and  
Development  
Facilities Development Division  
(916) 440-8300  
FAX (916) 324-9187  
[regsunit@oshpd.ca.gov](mailto:regsunit@oshpd.ca.gov)

**TITLE 24. BUILDING STANDARDS  
COMMISSION**

**NOTICE OF PROPOSED ACTION TO  
BUILDING STANDARDS OF THE OFFICE OF  
STATEWIDE HEALTH PLANNING  
AND DEVELOPMENT  
REGARDING THE CALIFORNIA EXISTING  
BUILDING CODE  
CALIFORNIA CODE OF REGULATIONS,  
TITLE 24, PART 10**

**(OSHPD 06/18)**

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Office of Statewide Health Planning and Development (OSHPD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 10. The OSHPD is proposing building standards related to the construction

of hospitals, skilled nursing facilities, licensed clinics, correctional treatment centers and acute psychiatric hospitals.

**PUBLIC COMMENT PERIOD**

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14, until 5:00 p.m. on October 29, 2018.**

Please address your comments to:

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

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

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

Reference: Government Code Section 11346.5(a)(18).

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

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

**AUTHORITY AND REFERENCE**

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 Section 18949.3. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Section 1226, 1275, 129790 and 129850.

The Office of Statewide Health Planning and Development (OSHPD) is proposing this regulatory action based on Health and Safety Code Sections 1226, 1275, 18928, 129790 and 129850 and Governmental Code Section 11152.5.

## INFORMATIVE DIGEST

Reference: Government Code Section 11346.5(a)(3).

### 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 Buildings 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 amended by the agency, within one year of the publication date of that model code.

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

Health and Safety Code Section 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 Of-

fice is also authorized to submit to the California Building Standards Commission for approval and adoption of building standards related to the seismic safety of hospital buildings.

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

### Summary of Existing Regulations

Title 24, Part 10, California Existing Building Code, is based on the 2015 International Existing Building Code with California amendments, and contains building standards for alterations, additions and repairs of existing buildings applicable for the design and construction of single story skilled nursing and acute psychiatric facilities, licensed clinics, and correctional treatment centers. Requirements governing the structural design and construction of other OSHPD regulated health facilities and buildings are currently found in Volumes 1 & 2 of the 2016 CBC.

### Summary of Effect

The proposed action makes editorial and technical modifications to adopt the model code (2018 International Existing Building Code) carry forward existing amendments in Title 24, Part 2, Chapter 34A of the 2016 California building code for alterations, additions and repairs to existing hospitals, skilled nursing facilities, licensed clinics, correctional treatment centers and acute psychiatric hospitals. The proposed amendments will:

- 1) Adopt the model code for all buildings regulated by OSHPD except hospital buildings, identified as OSHPD 1.
- 2) Relocate amendments and definitions in the 2016 CBC for existing buildings applicable to OSHPD 1 buildings to new amendment in chapters 2, 2A, 3A, 4A and 5A in the California Existing Buildings Code.
- 3) Technical amendments to the requirements in various sections of Chapters 2, 2A, 3A, 4A and 5A to align structural requirements for OSHPD 1 buildings with new amendments in Part 1, and Part 2, of the CBSC, and the reference standard for the Seismic Evaluation and Retrofit of Existing Buildings (ASCE 41).
- 4) Technical amendment to the definition of substantial structural damage for hospital building for consistency with the definition in model code.
- 5) Provide clarity and provide consistency within the code and Health and Safety Code Sections 129680 and 130005.

**Comparable Federal Statute or Regulations**

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

**Policy Statement Overview**

OSHDP is responsible for the development of regulations regarding the physical plant for hospitals, skilled nursing facilities, licensed clinics, correctional treatment centers and acute psychiatric hospitals. The intent of this proposal is to adopt the most recent model code requirements for health facility construction, pursuant to Health and Safety Code Section 18928 and propose amendments that will provide editorial and minor technical modifications for clarification and consistency with the code.

**Evaluation of Consistency**

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

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

Reference: Government Code Section 11346.5(a)(4). OSHDP 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**

Reference: Government Code Section 11346.5(a)(5). OSHDP has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

**ESTIMATE OF COST OR SAVINGS**

Reference: Government Code Section 11346.5(a)(6). An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- 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: N/A

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

Reference: Government Code Section 11346.5(a)(8).

If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

OSHDP 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 businesses in other states.

**DECLARATION OF EVIDENCE**

Reference: Government Code Section 11346.5(a)(8).

In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

OSHDP has not relied on any other facts, evidence, documents, testimony or other evidence to make its final determination of no statewide adverse economic impact. The scope of the proposed action is to adopt the most recent model code pursuant to statutory requirements and to carry forward existing California amendments from the 2016 California Building Code and to make necessary technical modifications.

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

Reference: Government Code Section 11346.5(a)(11).

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

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

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

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

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

Reference: Government Code Section 11346.5(a)(10).

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

**A. 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.

**B. 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.

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

The proposed regulations will not adversely impact expansion of businesses currently doing business with the State of California.

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

The proposed regulations are necessary for the continued preservation of the health, safety, and welfare of California residents through updated amendments associated with the design and construction of health facilities that reflect current construction practice and current practice of medicine. The regulations will not affect worker safety, or the state's environment.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).

These regulations will not result in any cost of compliance that would impact housing.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).

OSHPD has determined that no reasonable alternative considered by OSHPD or that has otherwise been identified and brought to the attention of OSHPD 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

Reference: Government Code Sections 11346.5(a)(16) 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 be accessed from the CBCS website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(19).

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 CBCS website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(21).

OSHPD shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

CBCS CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

Reference: Government Code Section 11346.5(a)(14).

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

Michael L. Nearman, Deputy Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone: (916) 263-0916

**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:

Diana Scaturro, Supervisor  
Building Standards Unit  
Office of Statewide Health, Planning and  
Development  
Facilities Development Division  
(916) 440-8300  
FAX (916) 324-9187  
[regsunit@oshpd.ca.gov](mailto:regsunit@oshpd.ca.gov)

**TITLE 24. BUILDING STANDARDS  
COMMISSION**

**NOTICE OF PROPOSED ACTION TO  
BUILDING STANDARDS OF THE  
CALIFORNIA DEPARTMENT OF  
WATER RESOURCES  
REGARDING THE 2016 CALIFORNIA  
PLUMBING CODE  
CALIFORNIA CODE OF REGULATIONS,  
TITLE 24, PART 5**

**(DWR 01/18 (RECYCLED WATER))**

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of California Department of Water Resources (DWR) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. The DWR is proposing building standards related to plumbing design standards for potable and recycled water systems that are within or a part of a building.

**PUBLIC COMMENT PERIOD**

Reference: Government Code Section  
11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14, 2018, until 5:00 p.m. on October 29, 2018.**

Please address your comments to:

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

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

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

Reference: Government Code Section  
11346.5(a)(18).

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

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

**AUTHORITY AND REFERENCE**

Reference: Government Code Section 11346.5(a)(2).  
The DWR proposes to adopt these building standards under the authority granted by Water Code Section 13557. The purpose of these building standards is to implement, interpret, or make specific the provisions of Water Code Sections 13550, 13551, 13552.2, 13552.6, 13552.8, 13553, 13554, 13555.2 and 13555.3.

The Department of Water Resources is proposing this regulatory action based on Water Code Section 13557.



## INFORMATIVE DIGEST

Reference: Government Code Section 11346.5(a)(3).

### Summary of Existing Laws

Assembly Bill 371 (2006) (codified in Water Code, Section 13557) authorized DWR to adopt and submit to the BSC regulations to establish a state version of a plumbing code to provide design standards to safely plumb buildings with both potable and recycled water systems. Such regulations were first adopted by DWR in 2009. The regulations were last adopted by DWR in the 2016 Intervening Code Adoption Cycle, and are codified in Chapter 15 of the 2016 California Plumbing Code (CPC). Water Code Section 13557(b) also authorizes DWR to update these standards as necessary. To accomplish this, DWR must consider other state laws that regulate the various uses and applications of recycled water and regulations stemming from these laws adopted by other state agencies.

Assembly Bill 2282 (2014) (codified in Health and Safety Code Sections 17921.5 and 18940.6) directed BSC and the Department of Housing and Community Development (HCD) to adopt regulations regarding the plumbing of newly constructed commercial buildings, public buildings, and single family and multifamily residential buildings for recycled water. Specifically, BSC and HCD are required to establish provisions for the mandatory installation of recycled water supply systems and the standards for installation in the California Green Building Standards Code and the CPC. These standards for installation of recycled water supply systems overlap to some extent the existing standards adopted by DWR in the CPC. The regulations to mandate installation in newly constructed buildings however, do not overlap DWR authority.

Water Code Sections 13550, 13551, 13552.2, 13552.6, 13552.8, 13553, 13554, 13555.2 and 13555.3 declare that the use of potable water for certain indoor uses in certain structures and in outdoor landscape irrigation is an “unreasonable” use of water if recycled water is available. A general condition of availability is that the use of recycled water from the proposed source will not be detrimental to public health. Section 13553(d)(1)(B) states “That any plumbing modifications in the condominium unit or any physical alteration of the structure will be done in compliance with state and local plumbing codes.” Water Code Section 10951 authorizes use of recycled water for car washes.

Water Code Section 13521 authorizes the State Water Resources Control Board to establish uniform statewide recycling criteria for each varying type of use of recycled water where the use involves the protection of public health. These criteria are contained in Title 22 of the CCR and contain requirements related to plumb-

ing installation and periodic inspection and testing for indoor and outdoor uses.

The agencies that treat and distribute recycled water to users are regulated by permits issued by the State Water Resources Control Board or one of nine Regional Water Quality Control Boards as authorized by Water Code Sections 13523 and 13523.1. The CPC must take into consideration this permitting authority.

Health and Safety Code Section 116375 authorizes the State Water Resources Control Board to adopt requirements for the control of cross-connections between potable and nonpotable water. Section 116800 authorizes local regulation of water users to control cross-connections. Section 116815 designates the use of the color purple for recycled water pipes. Health and Safety Code Sections 8117 and 8118 authorize hose bibs for recycled water in cemeteries. These laws and the regulations stemming from these laws found in the CCR, Titles 17 and 22, must be taken into consideration in the Plumbing Code.

### Summary of Existing Regulations

Regulations adopted by DWR governing recycled water are found in Chapters 1, 2, 6 and 15 of the 2016 California Plumbing Code. One other section relating specifically to recycled water is found in Chapter 16 of the Plumbing Code. At the time DWR last amended its regulations in the 2016 Intervening Code Adoption Cycle, the main provisions for recycled water were in Chapter 15, Section 1503.0. The next version of the CPC is now being reorganized based on the planned adoption by BSC of the 2018 Uniform Plumbing Code as the foundation for the 2019 California Plumbing Code.

Regulations specifying authorized uses of recycled water, use practices, and inspections and cross-connection testing of recycled water systems are found in Title 22, California Code of Regulations, Division 4, Chapter 3, Section 60301.050 et seq. Regulations related to cross-connection control and backflow prevention are found in Title 17, Division 1, Chapter 5, Group 4, Articles 1 and 2, Section 7583 et seq.

### Summary of Effect

The main effect of the proposed amendments by DWR would be to move existing requirements in Chapter 15, Section 1503.0 of the CPC into Chapter 15, Section 1505.0 and harmonize the language to avoid duplication and achieve clarity for users of the CPC. Because BSC and HCD are currently proposing regulations related to recycled water in the Plumbing Code, especially in Chapter 15, amending DWR’s regulations at this time will allow for consistent use of terminology among the three agencies, where possible. There is also a need to update the language describing DWR’s authority in Chapter 1 to more accurately reflect state law and regu-

lations. The adoption of clear and effective regulations facilitates the expanded use of recycled water and its public acceptance. The use of recycled water may offset the cost of more expensive or less environmentally acceptable water supplies to meet the growing water needs of the state. Recycled water is also a more resilient source of water during water shortages and drought.

**Comparable Federal Statute or Regulations**

There are no comparable federal statutes or regulations.

**Policy Statement Overview**

The primary benefit of the proposed amendments is the continuation of design standards which facilitate of the safe use of recycled water. A secondary benefit is that by updating and harmonizing the plumbing code language with regard to recycled water, the regulations are clear, understandable, and implementable and thereby facilitate the expanded use of recycled water. Having consistent design standards which are easy to follow can improve the public acceptance of the use of recycled water. The use of recycled water may offset the cost of more expensive or less environmentally acceptable water supplies to meet the growing water needs of the state. Recycled water is also a more resilient source of water during water shortages and drought.

**Evaluation of Consistency**

The Department of Water Resources has determined that the proposed amendments 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**

Reference: Government Code Section 11346.5(a)(4).  
None.

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

Reference: Government Code Section 11346.5(a)(5).  
DWR has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

**ESTIMATE OF COST OR SAVINGS**

Reference: Government Code Section 11346.5(a)(6).  
An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- 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

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

Reference: Government Code Section 11346.5(a)(8).  
DWR has made an initial determination that the amendment of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

**DECLARATION OF EVIDENCE**

Reference: Government Code Section 11346.5(a)(8).  
The proposed amendments of the CPC primarily migrate existing standards on how to design, construct, maintain, and test a dual plumbed building from Chapter 15, Section 1503.0 to Chapter 15, Section 1505.0 of the 2019 CPC, and redesignate such sections appropriately. The proposed amendments by DWR do not require any business or individual to install recycled water systems in a building. The authority for DWR’s proposed amendments is in California Water Code Section 13557. DWR’s proposed amendments are based on the 2016 CPC and the reorganized 2018 Uniform Plumbing Code.

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

Reference: Government Code Section 11346.5(a)(11).  
The Legislature declared in Water Code Section 13510 “that the people of the state have a primary interest in the development of facilities to recycle water containing waste to supplement existing surface and underground water supplies and to assist in meeting the future water requirements of the state.” Because the source of recycled water is municipal wastewater, there is concern that the use of recycled water may be unsafe if not adequately treated for the intended use or not properly managed. The proposed amendments to the CPC, pro-

mulgated under the authority of Water Code Section 13557, carry forward existing standards from the 2016 CPC which provides design standards to safely plumb buildings with both potable and recycled water systems. The existing standards incorporate protections to comply with the requirements of the State Water Resources Control Board, which are designed to protect public health, safety, and welfare

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Reference: Government Code Section 11346.5(a)(9).  
DWR 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

Reference: Government Code Section 11346.5(a)(10).

The Department of Water Resources has assessed whether or not and to what extent this proposal will affect the following:

- A. The creation or elimination of jobs within the State of California.**  
The proposed amendments will not create or eliminate jobs.
- B. The creation of new businesses or the elimination of existing businesses within the State of California.**  
The proposed amendments will not create or eliminate businesses.
- C. The expansion of businesses currently doing business within the State of California.**  
The proposed amendments will not affect the expansion of businesses currently doing business with the State of California. The CPC as currently in effect and as changed by the proposed amendments facilitates the use of recycled water, and thereby could allow business to expand in areas that are constrained by water availability.
- D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.**  
The proposed amendments will update and improve the clarity of CPC standards for the safe use of recycled water in buildings and surrounding landscape with both potable and recycled water.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).

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

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).

DWR has determined that no reasonable alternative considered by DWR or that has otherwise been identified and brought to the attention of DWR 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

Reference: Government Code Sections 11346.5(a)(16) 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 be accessed from the CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(19).

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 CBSC website: [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(21).

DWR shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

Reference: Government Code Section 11346.5(a)(14).

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

Michael L. Nearman, Deputy Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone: (916) 263-0916

**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 Mills, Chief  
Water Recycling and Desalination Section  
California Department of Water Resources  
(916) 651-0715  
[Richard.Mills@water.ca.gov](mailto:Richard.Mills@water.ca.gov)

or

Nancy King, Engineer, Water Resources  
Water Recycling and Desalination Section  
California Department of Water Resources  
(916) 651-7200  
[Nancy.King@water.ca.gov](mailto:Nancy.King@water.ca.gov)

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF FISH AND  
WILDLIFE**

**CESA CONSISTENCY DETERMINATION  
REQUEST FOR**

Laguna County Sanitation District Facilities  
Construction, Operation, and Maintenance Project  
2080-2018-009-05  
Santa Barbara County

The California Department of Fish and Wildlife (CDFW) received a notice on September 4, 2018 that the Laguna County Sanitation District proposes to rely on a federal take authorization and Habitat Conservation Plan (HCP) to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves phased expansion of the existing wastewater treatment facilities, removal of an existing soil stockpile, expansion of an existing storage reservoir, burial

of a supply pipeline, construction of two new water pipelines, replacement of a segment of existing pipeline, and operation and maintenance activities. The proposed project will occur northwest of Orcutt and southwest of the city of Santa Maria in Santa Barbara County, California.

The U.S. Fish and Wildlife Service (Service) issued an Incidental Take Permit (Service Permit No. TE 16913C-0) (ITP) for the Laguna County Sanitation District Facilities Construction, Operation, and Maintenance HCP to the Laguna County Sanitation District on August 22, 2017, which considered the effects of the proposed project on the state threatened and federally endangered California tiger salamander (*Ambystoma californiense*).

Pursuant to California Fish and Game Code section 2080.1, the Laguna County Sanitation District, is requesting a determination that the ITP and associated HCP are consistent with CESA for purposes of the proposed project. If CDFW determines the ITP and associated HCP are consistent with CESA for the proposed project, the Laguna County Sanitation District will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

**DEPARTMENT OF FISH AND  
WILDLIFE**

**FISH AND GAME CODE SECTION 1653  
CONSISTENCY DETERMINATION  
REQUEST FOR  
EFM Patterson Creek Accelerated Wood  
Recruitment Project  
(Tracking Number: 1653-2018-027-001-R1)  
Siskiyou County**

California Department of Fish and Wildlife (CDFW) received a Request to Approve on August 29, 2018 that the Scott River Watershed Council proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves improving spawning and rearing conditions and providing complex refugia for juvenile salmonids by placing large and small pieces of wood along a 2.2 kilometer reach of a creek. The proposed project will be carried out on Patterson Creek, a tributary of the Scott River located within the Scott Valley Hydrologic Unit 105.42 in Siskiyou County, California.

On June 6, 2018, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat

Restoration Projects (General 401 Order) for the EFM Patterson Creek Accelerated Wood Recruitment Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID No. 1A18012WNSI; ECM PIN No. CW-850416) for coverage under the General 401 Order on August 24, 2018.

The Scott River Watershed Council is requesting a determination that the project and associated documents are complete pursuant to Fish and Game Code section 1653 subdivision (d). If CDFW determines the project is complete, the District will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) or a Lake or Streambed Alteration Agreement under Fish and Game Code section 1605 for the proposed project.

In accordance with Fish and Game Code section 1653 subdivision (e), if CDFW determines during the review, based on substantial evidence, that the request is not complete, the Scott River Watershed Council will have the opportunity to submit under Fish and Game Code section 1652.

## FISH AND GAME COMMISSION

### NOTICE OF FINDINGS

Coast Yellow Leptosiphon  
(*Leptosiphon croceus*)

**NOTICE IS HEREBY GIVEN** that the California Fish and Game Commission (Commission), at a meeting in Ventura, California on April 19, 2018, found pursuant to Fish and Game Code Section 2075.5, that the information contained in the petition to list coast yellow leptosiphon (*Leptosiphon croceus*) and other information in the record before the Commission, warrants adding coast yellow leptosiphon to the list of endangered species under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See also Cal. Code Regs., tit. 14, § 670.1, subs. (i).)

**NOTICE IS ALSO GIVEN** that, at its August 23, 2018 meeting in Fortuna, California, the Commission adopted the following findings outlining the reasons for its determination.

#### I. Background and Procedural History

##### *Petition History*

On May 25, 2016, the Commission received a petition (Petition) from Ms. Toni Corelli, co-sponsored by

the California Native Plant Society (CNPS), to list coast yellow leptosiphon as an endangered species pursuant to CESA (Fish & G. Code, § 2050 et seq.).

On May 27, 2016, the Commission referred the Petition to the California Department of Fish and Wildlife (Department) for evaluation.

On June 10, 2016, as required by Fish and Game Code Section 2073.3, the Commission published notice of receipt of the Petition in the California Regulatory Notice Register (Cal. Reg. Notice Register 2016, No. 24-Z, p.1002). The Department on July 25, 2016, pursuant to Fish and Game Code Section 2073.5, requested a 30-day extension of time to complete its evaluation report. The Commission approved the extension at its August 24–25, 2016 meeting in Folsom, California.

On September 26, 2016, the Department provided the Commission with a report, “Evaluation of the Petition from Ms. Toni Corelli and the California Native Plant Society to List Coast Yellow Leptosiphon (*Leptosiphon croceus*) as an Endangered Species under the California Endangered Species Act” (Evaluation). Based upon the information contained in the Petition, the Department concluded, pursuant to Fish and Game Code, Section 2073.5, subsection (a), that sufficient information exists to indicate that the petitioned action may be warranted, and recommended to the Commission that the Petition should be accepted and considered.

On December 8, 2016, at its scheduled public meeting in San Diego, California, the Commission considered the Petition, the Department’s Evaluation and recommendation, and comments received. The Commission found that sufficient information existed to indicate the petitioned action may be warranted and accepted the Petition for consideration.

Subsequently, on December 23, 2016, the Commission published its Notice of Findings for coast yellow leptosiphon in the California Regulatory Notice Register, designating coast yellow leptosiphon as a candidate species (Cal. Reg. Notice Register 2016, No. 52-Z, p. 2197).

##### *Department Review*

The Commission’s action designating coast yellow leptosiphon as a candidate species triggered the Department’s process for conducting a status review to inform the Commission’s decision on whether to list the species. The Commission received the Department’s status review report at its February 7–8, 2018 meeting in Sacramento, California. On April 19, 2018, in Ventura, California, the Commission found that the information contained in the petition and the other information in the record before the Commission warrants listing coast yellow leptosiphon as an endangered species under the CESA.

*Species Description*

Coast yellow leptosiphon is a low-growing annual plant in the Phlox family (Polemoniaceae) that was first described in 1904. It is known from only one small population that occupies approximately 167 square meters (1,800 square feet), located on Vallemar Bluff in Moss Beach, San Mateo County, California. This population is located in coastal prairie habitat atop a sea bluff at the edge of the coastline.

**II. Statutory and Legal Framework**

The Commission, as established by the California Constitution, has exclusive statutory authority under California law to designate endangered, threatened, and candidate species under CESA. (Cal. Const., art. IV, § 20, subd. (b); Fish & G. Code, § 2070.) The CESA listing process for coast yellow leptosiphon began in the present case with the Petitioners’ submittal of the Petition to the Commission on May 25, 2016. The regulatory and legal process that ensued is described in some detail in the preceding section above, along with related references to the Fish and Game Code and controlling regulation. The CESA listing process generally is also described in some detail in published appellate case law in California, including:

- *Mountain Lion Foundation v. California Fish and Game Commission* (1997) 16 Cal.4th 105, 114–116;
- *California Forestry Association v. California Fish and Game Commission* (2007) 156 Cal.App.4th 1535, 1541–1542;
- *Center for Biological Diversity v. California Fish and Game Commission* (2008) 166 Cal.App.4th 597, 600; and
- *Natural Resources Defense Council v. California Fish and Game Commission* (1994) 28 Cal.App.4th 1104, 1111–1116.

The “is warranted” determination at issue here for coast yellow leptosiphon stems from Commission obligations established by Fish and Game Code Section 2075.5. Under this provision, the Commission is required to make one of two findings for a candidate species at the end of the CESA listing process; namely, whether the petitioned action is warranted or is not warranted. Here, with respect to coast yellow leptosiphon, the Commission made the finding under Section 2075.5(e)(2) that the petitioned action is warranted.

The Commission was guided in making its determinations by statutory provisions and other controlling law. The Fish and Game Code, for example, defines an endangered species under CESA as “a native species or subspecies of a bird, mammal, fish, amphibian, reptile or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due

to one or more causes, including loss of habitat, change in habitat, over exploitation, predation, competition, or disease.” (Fish & G. Code, § 2062.) Similarly, the Fish and Game Code defines a threatened species under CESA as “a native species or subspecies of a bird, mammal, fish, amphibian, reptile or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter.” (*Id.*, § 2067.)

The Commission also considered Title 14, Section 670.1, subsection (i)(1)(A), of the California Code of Regulations in making its determination regarding coast yellow leptosiphon. The provision provides, in pertinent part, that a species shall be listed as endangered or threatened under CESA if the Commission determines that the species’ continued existence is in serious danger or is threatened by any one or any combination of the following factors:

1. Present or threatened modification or destruction of its habitat,
2. Overexploitation,
3. Predation,
4. Competition,
5. Disease, or
6. Other natural occurrences or human-related activities.

Fish and Game Code Section 2070 provides similar guidance. The section provides that the Commission shall add or remove species from the list of endangered and threatened species under CESA only upon receipt of sufficient scientific information that the action is warranted. Similarly, CESA provides policy direction not specific to the Commission per se, indicating that all state agencies, boards, and commissions shall seek to conserve endangered and threatened species and shall utilize their authority in furtherance of the purposes of CESA. (Fish & G. Code, § 2055.) This policy direction does not compel a particular determination by the Commission in the CESA listing context. Nevertheless, “[l]aws providing for the conservation of natural resources’ such as the CESA ‘are of great remedial and public importance and thus should be construed liberally.’ ” (*California Forestry Association v. California Fish and Game Commission*, supra, 156 Cal. App.4th at pp. 1545–1546, citing *San Bernardino Valley Audubon Society v. City of Moreno Valley* (1996) 44 Cal.App.4th 593, 601; Fish & G. Code, §§ 2051, 2052.)

Finally in considering these factors, CESA and controlling regulations require the Commission to actively seek and consider related input from the public and any interested party (see, e.g., *Id.*, §§ 2071, 2074.4, 2078; Cal. Code Regs., tit. 14, § 670.1, subs. (h)). The related notice obligations and public hearing opportunities be-

fore the Commission are also considerable (Fish & G. Code, §§ 2073.3, 2074, 2074.2, 2075, 2075.5, 2078; Cal. Code Regs., tit. 14, § 670.1, subs. (c), (e), (g), (i); see also Gov. Code, § 11120 et seq.). All of these obligations are in addition to the requirements prescribed for the Department in the CESA listing process, including an initial evaluation of the petition and a related recommendation regarding candidacy, and a review of the candidate species' status culminating with a report and recommendation to the Commission as to whether listing is warranted based on the best available science (Fish & G. Code, §§ 2073.4, 2073.5, 2074.4, 2074.6; Cal. Code Regs., tit. 14, § 670.1, subs. (d), (f), (h).).

### III. Factual and Scientific Bases for the Commission's Final Determination

The factual and scientific bases for the Commission's determination that designating coast yellow leptosiphon as an endangered species under CESA is warranted are set forth in detail in the Commission's record of proceedings including the Petition, the Department's Evaluation; the Department's status review; written and oral comments received from members of the public, the regulated community, tribal entities, and the scientific community; and other evidence included in the Commission's record of proceedings.

The Commission determines that the continued existence of coast yellow leptosiphon in the state of California is in serious danger or threatened by one or a combination of the following factors as required by the California Code of Regulations, Title 14, Section 670.1, subsection (i)(1)(A):

1. Present or threatened modification or destruction of its habitat,
2. Overexploitation,
3. Predation,
4. Competition,
5. Disease, or
6. Other natural occurrences or human-related activities.

The Commission also determines that the information in the Commission's record constitutes the best scientific information available and establishes that designating the coast yellow leptosiphon as an endangered species under CESA is warranted. Similarly, the Commission determines that coast yellow leptosiphon is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease.

The items highlighted here and detailed in the threats section represent only a portion of the complex issues aired and considered by the Commission during the CESA listing process for coast yellow leptosiphon.

Similarly, the issues addressed in these findings represent some, but not all of the evidence, issues, and considerations affecting the Commission's final determination. Other issues aired before and considered by the Commission are addressed in detail in the record before the Commission, which record is incorporated herein by reference.

#### **Background**

The Commission bases its "is warranted" finding for coast yellow leptosiphon most fundamentally on the rarity of coast yellow leptosiphon in combination with the threats identified in the next section.

#### **Threats**

##### *Present or Threatened Modification or Destruction of Habitat*

Habitat loss is considered the primary cause for species extinctions at local, regional, and global scales (Dirzo and Raven 2003). Most of the coastal prairie habitat, which provides potential habitat for coast yellow leptosiphon, has been destroyed or modified due to urban development, agriculture, and invasion of non-native plant species (Ford and Hayes 2007). Coast yellow leptosiphon was likely present over a larger geographic area prior to the development of the San Mateo coast and conversion of coastal prairie habitat. Most of the habitat surrounding the coast yellow leptosiphon population has been eliminated or altered due to road construction, residential development, and invasion by non-native plant species, particularly the invasive freeway iceplant which covers the coastal bluff adjacent to the coast yellow leptosiphon population (Departmental observation). Installation of hardscape and storm drainage systems related to urban development have altered runoff patterns and hydrology in and around occupied coast yellow leptosiphon habitat. Although it is likely that coast yellow leptosiphon has always been rare and restricted in range, past modification and destruction of habitat has contributed to the limited availability of suitable habitat for this species. These past changes affect the ability of coast yellow leptosiphon to survive and reproduce.

Development or changes in land use could directly destroy plants and living seeds in the seed bank and destroy both occupied and potential habitat. Threats to coast yellow leptosiphon may occur from development and changes in land use near the existing population. A residential development project is proposed on the parcels immediately adjacent to the coast yellow leptosiphon population (County of San Mateo 2017; Mid-coast Community Council 2017). The area proposed for development consists of seven lots, which will be consolidated into four lots for the project. The proposed project will build four, three-story single-family residences, between 4,740 and 4,859 square feet in size, and

is pending design review approval by the San Mateo County Coastsides Design Review Committee (CDRC 2017).

Coast yellow leptosiphon has been buffered from impacts from the adjacent highway by the 1.0–hectare (2.5–acre) undeveloped coastal prairie that provides a natural buffer between Highway 1 and the coast yellow leptosiphon population. Habitat buffers provide protection from edge effects (Saunders et al. 1991; Given 1994), which are changes in community structure that occur at the boundary of two habitats. Habitat buffers also provide extra protection from human activities, allow for a more natural habitat boundary, slow the speed of water runoff, and filter sediments, fertilizers, pesticides, heavy metals, and pathogens from runoff (Given 1994; Godfrey 2015; USDA 2017).

Any change in land use on this adjacent property is expected to result in indirect impacts to the coast yellow leptosiphon population. The proposed development will alter the hydrologic regime of the site. This will involve increased, altered, and unseasonal runoff patterns resulting from addition of hard, impervious surfaces, installation of drainage features such as storm drains and drainage pipes (Mesiti–Miller Engineering, Inc. 2017), and installation and use of landscape irrigation systems. Development often leads to unseasonal summer moisture resulting from watering landscape plants, washing cars, and other human activities. In addition, residential development will lead to an increase in use of fertilizers and nutrients, herbicides, pesticides, and other household chemicals and products which will run off and disperse into habitat occupied by coast yellow leptosiphon and could impact the plants as well as alter the soil chemistry. Increased nutrient load and unseasonal moisture resulting from human activities creates conditions that promote the spread of non–native plant species, which can outcompete the native plants for light, space, nutrients, water and other factors (Smil 1997; Vitousek et al. 1997; Line and White 2007). Furthermore, development will increase the number of human visitors using the area, result in soil disturbance and compaction, increase garbage and pollution, and create conditions that are favorable for the spread of non–native plant species.

Construction of houses on the parcels adjacent to the coast yellow leptosiphon population will lead to an increase in human use of the area. Walking paths exist on the bluff, and one heavily used path exists immediately adjacent to the coast yellow leptosiphon population. Increased human use of the area will increase the impacts to the habitat from foot traffic, will increase the spread of weed seeds and introduce nutrients from dog walking, and will increase the risk of trampling and killing of coast yellow leptosiphon plants. In addition, development of the area will modify the aesthetics and accessi-

bility of the bluff, potentially resulting in alterations of walking patterns in the area. People may create new paths through the remaining portions of the habitat accessible on Vallemar Bluff, potentially through the coast yellow leptosiphon population.

#### *Predation*

The introduction of non–native slugs into the area from neighboring residential landscapes could pose a threat to the coast yellow leptosiphon population (DFW 2017 Status Review). Non–native slugs are generalist herbivores that have been shown to negatively affect seedling survival of a wide range of plant species (Rathcke 1985; Buschmann et al. 2005; Strauss et al. 2009), and could potentially be grazing on coast yellow leptosiphon. Generalist herbivores such as slugs can reduce plant density and biomass, as well as alter species diversity within vegetation communities (Buschmann et al. 2005). The Department does not have any specific information on the impacts of non–native slugs to coast yellow leptosiphon, but it is possible that herbivory from slugs could negatively impact this species' survival.

#### *Impacts from Invasive Species (Competition and other Factors)*

Invading alien species cause major environmental damages and losses and are a significant risk factor leading to extinction of threatened and endangered species (Pimentel et al. 2004; Conser and Conner 2009), second only to habitat loss and fragmentation (Wilcove et al. 1998; Randall and Hoshovsky 2000). Compared to other threats to biodiversity, invasive non–native plants present a complex problem that is difficult to manage and has long–lasting effects. North America has accumulated the largest number of naturalized plants in the world (van Kleunen et al. 2015), and many non–native plant species have established within California, dramatically changing the state's ecological landscape (Conser and Connor 2009). Many studies hypothesize or suggest that competition is the process responsible for observed invasive species impacts to biodiversity; however, invasive species may also impact native ecosystems by altering environmental conditions and resource availability (D'Antonio and Vitousek 1992; Levine et al. 2003). Invasive species may threaten native populations through competition for light, water, or nutrients; allelopathic mechanisms; alteration of soil chemistry; thatch accumulation that inhibits seed germination and seedling recruitment; changes in natural fire frequency; disruptions to pollination or seed–dispersal mutualisms; changes in soil microorganisms; or other mechanisms. The magnitude of invasive species impacts in Mediterranean habitats, such as those in California, largely depends on characteristics of the invading species and the habitat being in-



vaded (Fried et al. 2014). The invader's life form and ability to form very dense stands have an effect on the magnitude of impacts, with creeping plant species such as freeway iceplant having greater effect (Gaertner et al. 2009; Fried et al. 2014). Invasive species may also influence native species colonization rates, and may thus lead to declines in local diversity over longer timescales (Yurkonis and Meiners 2004). Studies have not been conducted on the impact of invasive species on coast yellow leptosiphon specifically; however, negative impacts of plant invasions on Mediterranean ecosystems have been well demonstrated (Gaertner et al. 2009; Fried et al. 2014).

The coast yellow leptosiphon population is threatened by encroachment of non-native invasive plants, especially invasive freeway iceplant that is a highly-rated noxious weed by the California Invasive Plant Council (Cal-IPC 2017). Freeway iceplant is a low-growing, creeping succulent perennial plant that roots at the nodes and often forms deep mats covering large areas. Originating from South Africa, is one of the most widespread, non-native plants in the Mediterranean coastal ecosystems throughout the world, and is considered a severe threat to the native plant communities it invades (Albert 1995; Santoro et al. 2011). In California, it occurs along the coast and on the Channel Islands, especially in areas with a warm winter climate (Cal-IPC 2017). Originally introduced into California in the early 1900s to stabilize soil along railroad tracks, the California Department of Transportation soon began using it widely to line highways. It has also been widely promoted as an ornamental plant for home gardens (Albert 1995, 2000). Because this plant spreads easily by seed and vegetative means, it has spread beyond landscape plantings and has invaded coastal habitats, including the coastal prairie where coast yellow leptosiphon grows. Freeway iceplant forms nearly impenetrable mats that dominate the landscape, and it competes directly with native plant species for light, nutrients, water, and space (D'Antonio and Haubensak 1998). The fleshy fruits often bear more than one thousand small seeds (Bartomeus and Vilà 2009) that are eaten and widely dispersed by several mammals such as rabbits (D'Antonio 1990) and rats (Bourgeois et al. 2005). It competes aggressively with native plant species, achieving high rates of space colonization, which suppresses growth and establishment of other plants (D'Antonio and Mahall 1991; Albert 1995; Suehs et al. 2004; Vilà et al. 2006). Furthermore, it also interacts indirectly with native vegetation by altering soil chemistry by lowering pH (Conser and Connor 2009). Although freeway iceplant was originally used to stabilize soil and control erosion, it can actually contribute to erosion and landslides. It has shallow roots that do not hold soil well, and it absorbs ample water

during rain events, becoming so heavy that it can slump off of steep hillsides and cliffs, pulling soil down with it (Spitzer 2002). Freeway iceplant covers the bluffs in much of the habitat near the coast yellow leptosiphon population, and it is growing on the bluff immediately adjacent to the coast yellow leptosiphon population and is encroaching into the population.

Other non-native plant species, such as rough cat's ear, rye grass, hare barley, and cut-leaved plantain, are also present growing in and around the coast yellow leptosiphon population. These invasive species may threaten the coast yellow leptosiphon population through a variety of mechanisms, including competition for light, water, or nutrients; thatch accumulation that inhibits seed germination and seedling recruitment; disruptions to pollination or seed-dispersal mutualisms; or other mechanisms (D'Antonio and Haubensak 1998).

The coast yellow leptosiphon population will likely continue to experience ongoing and increasing inputs of invasive plant propagules from nearby populations and other sources. The area is frequently used by pedestrians, who can serve as vectors for invasive species into the area. Habitat disturbances resulting from the close proximity of the population to urban development also provides opportunities for invasive species populations to establish and expand. In addition, the proposed development on the adjacent property would likely increase the input of invasive plant species from the spread of landscape plants into the area, and will increase disturbance and habitat modification, providing favorable habitat for invasive species.

#### *Other Natural Events or Human-Related Activities*

**Bluff-Top Erosion and Rising Ocean Levels** — The coast yellow leptosiphon population is located on Vallemar Bluff, approximately 8 meters (27 feet) from the edge of the bluff, and bluff-top erosion and rising ocean levels pose a serious threat to this species. Rainfall and wave splash or spray cause erosion of the bluff face. Additionally, slope instability results in landslides along the coastal bluff face, resulting in landward recession of the top edge of the coastal bluff. Coastal bluff landslides are caused by undermining the base of the bluff or from saturation of the bluff edge or bluff face (Haro, Kasunich & Associates, Inc. 2015). A coastal bluff recession study was prepared by Haro, Kasunich & Associates, Inc., Consulting Geotechnical and Coastal Engineers (2015). Historical satellite photos and maps were reviewed and compared with the bluff edge position as surveyed in 2014. The results indicated that the coastal bluff had receded inland up to 14.6 meters (48 feet) between 1908 and 2014, which is a long term historical bluff recession rate of about 0.14 meter (0.45 foot) per year. Results of the study also indicated that about 3 to 5

meters (10 to 18 feet) of bluff recession occurred between 1986 and 2014, which is a long term historical bluff recession rate of about 0.11 to 0.20 meters (0.36 to 0.64 feet) per year. Future bluff and coastal recession risk was estimated using the long-term historical average annual erosion rates as a minimum. Results suggested that a minimum of 6.9 meters (22.5 feet) of bluff recession will occur at Vallemar Bluff in the next 50 years (by the year 2065). Mean sea level along the California coast is expected to rise between 1.0 to 1.4 meters (3.3 to 4.6 feet) by the year 2100 due to climate change (Heberger et al. 2009), and the accelerating rate of sea level rise will likely result in increased future recession rates compared to average historical rates (Haro, Kasunich & Associates, Inc. 2015). Accelerated future sea level rise is expected to result in an estimated additional 1.7 meters (5.5 feet) of recession over the next 50 years, for a total of 8.6 meters (28 feet) of recession (Haro, Kasunich & Associates, Inc. 2015).

Projected future bluff edge recession was measured from where the bluff is considered stable as determined by Haro, Kasunich & Associates, Inc. (2015). They used the projected stable edge to project future recession and arrived at an estimated 50-year coastal recession setback line for development on Vallemar Bluff using the projected rates of recession described above. The 50-year setback is considered the minimum distance necessary to provide a stable building site of a 50-year lifetime of a proposed structure. The portion of the bluff seaward of the 50-year setback line, which supports a large portion of the coast yellow leptosiphon population, is considered to be vulnerable to erosion over the next 50 years. It is likely that the coast yellow leptosiphon population, which is perched near the bluff edge, has been steadily reduced by cliff erosion. Based on the study conducted by Haro, Kasunich & Associates, Inc., the coast yellow leptosiphon population is located on a portion of the bluff that is highly susceptible to erosion over the next 50 years. If the bluff erodes to the 50-year setback line that accounts for rising sea level, approximately 80 percent of the coast yellow leptosiphon population will be destroyed. Erosion of the bluff presents a significant threat to coast yellow leptosiphon and could lead to the extinction of the species.

Direct physical impacts — The coast yellow leptosiphon population is threatened by other human-related activities, specifically trampling from foot traffic. People commonly walk on the bluff where the coast yellow leptosiphon population occurs, which may damage or kill coast yellow leptosiphon individuals through direct trampling of plants. In addition, there is nothing to prevent people from riding their bicycles on the bluff, which would further impact the coast yellow leptosiphon population. The property is easily accessible to the public, and a foot trail has been worn along the

bluff that passes along the edge of the coast yellow leptosiphon population. A bench is present near the population overlooking the ocean, attracting visitors to cut through the coast yellow leptosiphon population to view the ocean. In addition to direct trampling of plants, human use of the site also increases disturbance and compaction of soil and facilitates the spread of invasive plant species. No barriers exist around the coast yellow leptosiphon population to protect plants from foot traffic and trampling. The proposed development will result in increased human activity in the area, thus increasing the threat to coast yellow leptosiphon from foot traffic and other human impacts.

Climate Change — Warming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia (IPCC 2014). Climate change presents a major challenge to the conservation of California's natural resources, and it will intensify existing threats and create new threats to natural systems. Department staff conducted an assessment of the vulnerability of coast yellow leptosiphon to climate change using the NatureServe Climate Change Vulnerability Index Version 3.02 (NatureServe 2016). Based upon the Department's assessment, coast yellow leptosiphon likely has a climate change vulnerability index value of Highly Vulnerable (HV), indicating that available evidence suggests that abundance and/or range extent within the geographical area of the species is likely to decrease significantly by the year 2050. However, some ecological and life history information used for the climate change vulnerability assessment is not yet known for coast yellow leptosiphon. In particular, the Department does not know the mechanisms or species required for effective pollination of coast yellow leptosiphon, the mechanisms used by coast yellow leptosiphon for seed dispersal, or coast yellow leptosiphon's seed dispersal distance. Furthermore, the Department does not know whether or to what extent competing plant species such as freeway iceplant will be favored by projected future climates. Despite the lack of information about some of the ecological and life history information for coast yellow leptosiphon, the confidence in the vulnerability index score is very high based on the results of the Monte Carlo simulation used in the index (Young et al. 2015).

Vulnerability of Small Populations — Coast yellow leptosiphon has an exceptionally limited distribution, with only one population that occupies a very small area. The Department recognizes that species with small numbers of populations and small population sizes are highly vulnerable to extinction due to stochastic (chance) demographic, environmental, and genetic events (Shaffer 1981, 1987; Dirzo and Raven 2003; Groom et al. 2006; Primack 2006). Chance events such as a landslide at the bluff edge could result in the loss of

all or a significant part of the coast yellow leptosiphon population. Species with small numbers of populations or small populations may also be subject to increased genetic drift and inbreeding, which can affect population viability (Menges 1991; Ellstrand and Elam 1993). Due to the vulnerability and rarity of coast yellow leptosiphon, the loss of any portion of the population would represent the loss of a significant portion of this species' genetic diversity and total range, and could result in its extinction.

#### IV. Final Determination by the Commission

The Commission has weighed and evaluated the information for and against designating coast yellow leptosiphon as an endangered species under CESA. The information includes scientific and other general evidence in the Petition; the Department's Evaluation; the Department's status review; the Department's related recommendations; written and oral comments received from members of the public, the regulated community, various public agencies, and the scientific community; and other evidence included in the Commission's record of proceedings.

Based upon the evidence in the record, the Commission has determined that the best scientific information available indicates that the continued existence of coast yellow leptosiphon is in serious danger or threatened by present or threatened modifications or destruction of the species' habitat, predation, competition, disease, or other natural occurrences or human-related activities, where such factors are considered individually or in combination. (See generally Cal. Code Regs., tit. 14, § 670.1, subs. (i)(1)(A); Fish & G. Code, §§ 2062, 2067.)

The Commission determines that there is sufficient scientific information to indicate that designating coast yellow leptosiphon as an endangered species under CESA is warranted at this time and that, with adoption and publication of these findings, coast yellow leptosiphon for purposes of its legal status under CESA and further proceedings under the California Administrative Procedure Act, shall be listed as endangered.

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## FISH AND GAME COMMISSION

### NOTICE OF FINDINGS

Lassics lupine  
(*Lupinus constancei*)

**NOTICE IS HEREBY GIVEN** that the California Fish and Game Commission (Commission), at a meeting in Ventura, California on April 19, 2018, found pursuant to Fish and Game Code Section 2075.5, that the information contained in the petition to list Lassics lupine (*Lupinus constancei*) and other information in the record before the Commission, warrants adding the Lassics lupine to the list of endangered species under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See also Cal. Code Regs., tit. 14, § 670.1, subd. (i).)

**NOTICE IS ALSO GIVEN** that, at its August 23, 2018 meeting in Fortuna California, the Commission adopted the following findings outlining the reasons for its determination.

#### I. BACKGROUND AND PROCEDURAL HISTORY

##### Petition History

On July 19, 2016, the Commission received a petition (Petition) from Mr. Dave Imper and Ms. Cynthia Elkins from the Center for Biological Diversity to list Lassics lupine as an endangered species pursuant to CESA (Fish & G. Code, § 2050 et seq.).

On July 29, 2016, the Commission referred the Petition to the Department for evaluation.

On August 12, 2016, as required by Fish and Game Code Section 2073.3, the Commission published notice of receipt of the Petition in the California Regulatory Notice Register. (Cal. Reg. Notice Register 2016, No. 33–Z, p. 1463.) The Department on September 14, 2016, pursuant to Fish and Game Code Section 2073.5, requested a 30–day extension of time to complete its evaluation report. The Commission approved the ex-

ension at its October 20, 2016 meeting in Eureka, California.

On December 8, 2016, the Department provided the Commission with a report, “Evaluation of the Petition from Mr. David Imper and Ms. Cynthia Elkins to List Lassics Lupine (*Lupinus constancei*) as an Endangered Species under the California Endangered Species Act” (Evaluation). Based upon the information contained in the Petition, the Department concluded, pursuant to Fish and Game Code, Section 2073.5, subdivision (a), that sufficient information exists to indicate that the petitioned action may be warranted, and recommended to the Commission that the Petition should be accepted and considered.

On February 8, 2017, at its scheduled public meeting in Rohnert Park, California, the Commission considered the Petition, the Department’s Evaluation and recommendation, and comments received. The Commission found that sufficient information existed to indicate the petitioned action may be warranted and accepted the Petition for consideration.

Subsequently, on February 24, 2017, the Commission published its Notice of Findings for Lassics lupine in the California Regulatory Notice Register, designating Lassics lupine as a candidate species (Cal. Reg. Notice Register 2017, No. 8–Z, p. 258).

##### Department Review

The Commission’s action designating the Lassics lupine as a candidate species triggered the Department’s process for conducting a status review to inform the Commission’s decision on whether to list the species. The Commission received the Department’s status review report at its February 7–8, 2018 meeting in Sacramento, California. On April 19, 2018, in Ventura, California, the Commission found that the information contained in the petition and the other information in the record before the Commission warrants listing Lassics lupine as an endangered species under the California Endangered Species Act.

##### Species Description

Lassics lupine is an herbaceous perennial plant of the legume family (Fabaceae) that was described as a new species in 1983. Lassics lupine is only found near the summits of remote mountains in northern California called the Lassics, which have unique serpentine–influenced soils. The Lassics are located in Humboldt and Trinity counties within the Six Rivers National Forest. There are two known populations of Lassics lupine, occupying a combined area of approximately 1.6 hectares (4 acres). The smaller of the two Lassics lupine populations is found on a southwest–facing slope of a mountain called Red Lassic. The larger Lassics lupine population is located entirely within Mt. Lassic Wilderness on adjoining peaks of Mt. Lassic.

II. STATUTORY AND LEGAL FRAMEWORK

The Commission, as established by the California Constitution, has exclusive statutory authority under California law to designate endangered, threatened, and candidate species under CESA. (Cal. Const., art. IV, § 20, subd. (b); Fish & G. Code, § 2070.) The CESA listing process for Lassics lupine began in the present case with the Petitioners’ submittal of the Petition to the Commission on July 19, 2016. The regulatory and legal process that ensued is described in some detail in the preceding section above, along with related references to the Fish and Game Code and controlling regulation. The CESA listing process generally is also described in some detail in published appellate case law in California, including:

- *Mountain Lion Foundation v. California Fish and Game Commission* (1997) 16 Cal.4th 105, 114–116;
- *California Forestry Association v. California Fish and Game Commission* (2007) 156 Cal.App.4th 1535, 1541–1542;
- *Center for Biological Diversity v. California Fish and Game Commission* (2008) 166 Cal.App.4th 597, 600; and
- *Natural Resources Defense Council v. California Fish and Game Commission* (1994) 28 Cal.App.4th 1104, 1111–1116.

The “is warranted” determination at issue here for Lassics lupine stems from Commission obligations established by Fish and Game Code Section 2075.5. Under this provision, the Commission is required to make one of two findings for a candidate species at the end of the CESA listing process; namely, whether the petitioned action is warranted or is not warranted. Here, with respect to the Lassics lupine, the Commission made the finding under Section 2075.5(e)(2) that the petitioned action is warranted.

The Commission was guided in making these determinations by statutory provisions and other controlling law. The Fish and Game Code, for example, defines an endangered species under CESA as “a native species or subspecies of a bird, mammal, fish, amphibian, reptile or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, over exploitation, predation, competition, or disease.” (Fish & G. Code, § 2062.) Similarly, the Fish and Game Code defines a threatened species under CESA as “a native species or subspecies of a bird, mammal, fish, amphibian, reptile or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in

the absence of the special protection and management efforts required by this chapter.” (*Id.*, § 2067.)

The Commission also considered Title 14, Section 670.1, subdivision (i)(1)(A), of the California Code of Regulations in making its determination regarding Lassics lupine. This provision provides, in pertinent part, that a species shall be listed as endangered or threatened under CESA if the Commission determines that the species’ continued existence is in serious danger or is threatened by any one or any combination of the following factors:

1. Present or threatened modification or destruction of its habitat;
2. Overexploitation;
3. Predation;
4. Competition;
5. Disease; or
6. Other natural occurrences or human–related activities.

Fish and Game Code Section 2070 provides similar guidance. This section provides that the Commission shall add or remove species from the list of endangered and threatened species under CESA only upon receipt of sufficient scientific information that the action is warranted. Similarly, CESA provides policy direction not specific to the Commission per se, indicating that all state agencies, boards, and commissions shall seek to conserve endangered and threatened species and shall utilize their authority in furtherance of the purposes of CESA. (Fish & G. Code, § 2055.) This policy direction does not compel a particular determination by the Commission in the CESA listing context. Nevertheless, “[l]aws providing for the conservation of natural resources’ such as the CESA ‘are of great remedial and public importance and thus should be construed liberally.’” (*California Forestry Association v. California Fish and Game Commission*, supra, 156 Cal. App.4th at pp. 1545–1546, citing *San Bernardino Valley Audubon Society v. City of Moreno Valley* (1996) 44 Cal.App.4th 593, 601; Fish & G. Code, §§ 2051, 2052.)

Finally in considering these factors, CESA and controlling regulations require the Commission to actively seek and consider related input from the public and any interested party. (See, e.g., *Id.*, §§ 2071, 2074.4, 2078; Cal. Code Regs., tit. 14, § 670.1, subd. (h).) The related notice obligations and public hearing opportunities before the Commission are also considerable. (Fish & G. Code, §§ 2073.3, 2074, 2074.2, 2075, 2075.5, 2078; Cal. Code Regs., tit. 14, § 670.1, subds. (c), (e), (g), (i); see also Gov. Code, § 11120 et seq.) All of these obligations are in addition to the requirements prescribed for the Department in the CESA listing process, including an initial evaluation of the petition and a related recommendation regarding candidacy, and a review of the

candidate species' status culminating with a report and recommendation to the Commission as to whether listing is warranted based on the best available science. (Fish & G. Code, §§ 2073.4, 2073.5, 2074.4, 2074.6; Cal. Code Regs., tit. 14, § 670.1, subds. (d), (f), (h).)

### III. FACTUAL AND SCIENTIFIC BASES FOR THE COMMISSION'S FINAL DETERMINATION

The factual and scientific bases for the Commission's determination that designating the Lassics lupine as an endangered species under CESA is warranted are set forth in detail in the Commission's record of proceedings including the Petition, the Department's Petition Evaluation Report, the Department's status review, written and oral comments received from members of the public, the regulated community, tribal entities, the scientific community and other evidence included in the Commission's record of proceedings.

The Commission determines that the continued existence of the Lassics lupine in the State of California is in serious danger or threatened by one or a combination of the following factors as required by the California Code of Regulations Title 14, Section 670.1, subdivision (i)(1)(A):

1. Present or threatened modification or destruction of its habitat;
2. Overexploitation;
3. Predation;
4. Competition;
5. Disease; or
6. Other natural occurrences or human-related activities.

The Commission also determines that the information in the Commission's record constitutes the best scientific information available and establishes that designating the Lassics lupine as an endangered species under CESA is warranted. Similarly, the Commission determines that the Lassics lupine is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease.

The items highlighted here and detailed in the following section represent only a portion of the complex issues aired and considered by the Commission during the CESA listing process for the Lassics lupine. Similarly, the issues addressed in these findings represent some, but not all of the evidence, issues, and considerations affecting the Commission's final determination. Other issues aired before and considered by the Commission are addressed in detail in the record before the

Commission, which record is incorporated herein by reference.

#### Background

The Commission bases its "is warranted" finding for the Lassics lupine most fundamentally on the rarity of the Lassics lupine in combination with the immediate impact of predation and the long-term impact of climate change.

#### Threats

##### Present or Threatened Modification or Destruction of Habitat

Lassics lupine habitat is threatened by climate change and has been impacted by the 2015 Lassics Fire (particularly at the Red Lassic Population). The Mt. Lassic Population is subject to ongoing habitat degradation and loss from forest encroachment. Lassics lupine faces a particularly severe threat from climate change because as the climate system warms, potentially suitable habitat is expected to shift upwards in elevation, and suitable habitat for Lassics lupine is expected to disappear. Many trees in the vicinity of the Red Lassic Population were killed by the 2015 Lassics Fire, including some of the large trees that provide canopy shading for the Red Lassic Population during hot summer afternoons. These trees, and the shade that they provide, appear to be critical for the Lassics lupine habitat at the Red Lassic Population. The aftermath of the 2015 Lassics Fire is therefore a serious threat to the continued existence of the Red Lassic Population. Aerial imagery clearly shows that the forest has become denser and has encroached into Lassics lupine habitat on Mt. Lassic since the 1930s, a likely result of historical fire suppression activities. Forest is less suitable for Lassics lupine survival and reproduction than the treeless upper terrace and north slope ecological settings. Approximately 0.8 to 1.2 hectares (2 to 3 acres) of habitat with soil that is suitable for Lassics lupine at the Mt. Lassic Population has been encroached upon by forest, and forest encroachment is expected to continue into Lassics lupine habitat in the future. The Department considers degradation and loss of habitat to be a significant threat to the continued existence of Lassics lupine.

##### Predation

Pre-dispersal seed predation by rodents has the potential to drive Lassics lupine to extinction, and post-dispersal seed predation and herbivory are also significant threats to the species. Deer mice, chipmunks, and California ground squirrels are the most abundant seed predators near Lassic lupine populations, and are responsible for most of the seed predation impacts on Lassics lupine. Lassics lupine plants closer to vegetation, particularly chaparral vegetation, appear to be at greatest risk from seed predation, and therefore encroaching vegetation is an important contributing factor to seed

predation. The Department considers predation to be a significant threat to the continued existence of Lassics lupine.

Competition

Jeffrey pine and incense cedar forest trees, saplings, and seedlings compete with Lassics lupine for light and moisture, particularly in the encroaching forest on the north slope of Mt. Lassic. The Department considers competition with encroaching trees to be a significant threat to the continued existence of Lassics lupine.

Other Natural Occurrences or Human-related Activities

The climate of California is certain to change due to warming of the global climate system. Climate change scenarios for northern California in the vicinity of the Lassics generally include similar annual precipitation levels, higher temperatures, and less snow pack. Lassics lupine is sensitive to climate extremes, and mortality appears to be highest when summer rainfall is low and summer temperatures are high, with these effects exacerbated by early snowmelt. Furthermore, as the climate system warms, potentially suitable habitat for mountaintop species such as Lassics lupine is expected to shift upwards in elevation, and suitable habitat may be reduced or disappear. Climate change is therefore expected to increase Lassics lupine mortality, and reduce or eliminate the amount of habitat that is suitable for the species.

Lassics lupine is also a narrowly distributed plant with only two populations and very low numbers of individuals (approximately 454 adult plants during 2017 monitoring). Lassics lupine’s rarity and extremely limited distribution make the species very vulnerable to stochastic (chance) events such as landslide, drought or fire, and to all other threats. The loss of all or a significant portion of either Lassics lupine population would represent the loss of a significant portion of Lassics lupine’s total range.

The 2015 Lassics Fire killed many trees in the vicinity of the Red Lassic Population, including trees that provide canopy shading that is critical for the suitability of the habitat at this location for Lassics lupine. While these trees are still standing, they are leafless and at greater risk of falling over. The aftermath of the 2015 Lassics Fire is a threat to the ability of the Red Lassic Population of Lassics lupine to survive and reproduce.

IV. FINAL DETERMINATION BY THE COMMISSION

The Commission has weighed and evaluated the information for and against designating the Lassics lupine as an endangered species under CESA. This information includes scientific and other general evidence in

the Petition; the Department’s Petition Evaluation Report; the Department’s status review; the Department’s related recommendations; written and oral comments received from members of the public, the regulated community, various public agencies, and the scientific community; and other evidence included in the Commission’s record of proceedings.

Based upon the evidence in the record the Commission has determined that the best scientific information available indicates that the continued existence of the Lassics lupine is in serious danger or threatened by present or threatened modifications or destruction of the species’ habitat, predation, competition, disease, or other natural occurrences or human-related activities, where such factors are considered individually or in combination. (See generally Cal. Code Regs., tit. 14, § 670.1, subd. (i)(1)(A); Fish & G. Code, §§ 2062, 2067.) The Commission determines that there is sufficient scientific information to indicate that designating the Lassics lupine as an endangered species under CESA is warranted at this time and that with adoption and publication of these findings the Lassics lupine for purposes of its legal status under CESA and further proceedings under the California Administrative Procedure Act, shall be listed as endangered.

FISH AND GAME COMMISSION

Tricolored Blackbird  
(*Agelaius tricolor*)

**NOTICE IS HEREBY GIVEN** that the California Fish and Game Commission (Commission), at a meeting in Ventura, California on April 19, 2018, found pursuant to Fish and Game Code Section 2075.5, that the information contained in the petition to list tricolored blackbird (*Agelaius tricolor*) and other information in the record before the Commission, warrants adding tricolored blackbird to the list of threatened species under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See also Cal. Code Regs., tit. 14, § 670.1, subsec. (i).)

**NOTICE IS ALSO GIVEN** that, at its August 23, 2018 meeting in Fortuna California, the Commission adopted the following findings outlining the reasons for its determination.

I. BACKGROUND AND PROCEDURAL HISTORY

*Petition History*

On August 19, 2015, the California Fish and Game Commission (Commission) received “A Petition to List Tricolored Blackbird (*Agelaius tricolor*) as Endan-



gered under the California Endangered Species Act and Request for Emergency Action to Protect the Species”, as submitted by the Center for Biological Diversity. Commission staff transmitted the petition to the California Department of Fish and Wildlife (Department) pursuant to Fish and Game Code Section 2073 on August 20, 2015, and published a formal notice of receipt of the petition on September 4, 2015 (Cal. Reg. Notice Register 2015, No. 36–Z, p. 1514).

The Commission formally received the Department’s petition evaluation and recommendation, “Evaluation of the Petition from the Center for Biological Diversity to List Tricolored Blackbird (*Agelaius tricolor*) as Endangered Under the California Endangered Species Act,” at a meeting on October 8, 2015 in Los Angeles, California (Fish & G. Code, §§ 2073.5 & 2074.2; Cal. Code Regs., tit. 14, § 670.1, subsecs. (d) & (e)). At its public meeting on December 10, 2015, in San Diego, California, the Commission considered the petition, the Department’s petition evaluation and recommendation, and comments received. The Commission determined that sufficient information existed to indicate the petitioned action may be warranted and accepted the petition for consideration. Upon publication of the Commission’s notice of its findings, tricolored blackbird was designated a candidate species on January 8, 2016 (Cal. Reg. Notice Register 2016, No. 2–Z, p. 57).

### **Status Review Overview**

The Commission’s action designating tricolored blackbird as a candidate species triggered the Department’s process for conducting a status review to inform the Commission’s decision on whether to list the species. At its scheduled public meeting on December 8, 2016, in San Diego, California, the Commission granted the Department a six-month extension to complete the status review and facilitate external peer review. The Commission formally received the Department’s report to the Commission titled “A STATUS REVIEW OF THE TRICOLORED BLACKBIRD (*Agelaius tricolor*) IN CALIFORNIA” on February 8, 2018. On April 19, 2018, in Ventura, California, the Commission found that the information contained in the petition to list tricolored blackbird and the other information in the record before the Commission warrants listing tricolored blackbird as a threatened species under the CESA.

### **Species Description**

Tricolored blackbird was first collected by Thomas Nuttall in 1836 near Santa Barbara, California (Nuttall 1840, Baird et al. 1874). A male specimen was sent to John James Audubon who described it as a unique form of blackbird in his well-known *Ornithological Biography* (Audubon 1839).

Tricolored blackbird is sexually dimorphic, with the breeding male plumage entirely black except for the bright red lesser wing coverts forming a conspicuous red patch (“shoulder” or “epaulets”) on the wing and white median coverts forming a distinct border to the red. The black body plumage is glossed bluish when viewed in sunlight. The female is mostly dark brown dorsally and heavily streaked ventrally with dark brown streaks merging to form a largely solid dark brown belly. The head of the female is indistinctly patterned with a whitish supercilium, malar, chin, and throat (Beedy et al. 2017).

Although similar in appearance to the related red-winged blackbird (*A. phoeniceus*), several features can be used to distinguish the two species in breeding plumage (described by Nuttall 1840, Cooper 1870, Baird et al. 1874). The black plumage of the tricolored blackbird male has a soft bluish luster that is lacking in the red-winged blackbird. The lesser wing coverts (the red “shoulder”) on the breeding male tricolored blackbird are a much deeper red (described as crimson, carmine, or the color of venous blood) compared to the brighter red with a tinge of orange (vermilion or scarlet) in the red-winged blackbird. The median coverts in tricolored blackbird are white (pale-yellowish when fresh) and create a stark contrast between the black and red feathers on the wing, whereas in the red-winged blackbird they are generally yellowish (or black in the subspecies that breeds in much of the Central Valley). The bill of tricolored blackbird averages thinner and can appear more sharply pointed. In flight, the wings of tricolored blackbird appear to have a more pointed shape (versus rounded in the red-winged blackbird) due to differences in length of the primary flight feathers. Female tricolored blackbirds have darker plumage than most female red-winged blackbirds, although this difference is less pronounced in the Central Valley where the subspecies of red-winged blackbird is relatively dark (Beedy et al. 2017).

## **II. STATUTORY AND LEGAL FRAMEWORK**

The Commission, as established by the California Constitution, has exclusive statutory authority under California law to designate endangered, threatened, and candidate species under CESA (Cal. Const., art. IV, § 20, subd. (b); Fish & G. Code, § 2070). The CESA listing process for tricolored blackbird began in the present case with the Petitioners’ submittal of the Petition to the Commission on August 19, 2015. The regulatory and legal process that ensued is described in some detail in the preceding section above, along with related references to the Fish and Game Code and controlling regulation. The CESA listing process generally is also

described in some detail in published appellate case law in California, including:

- *Mountain Lion Foundation v. California Fish and Game Commission* (1997) 16 Cal.4th 105, 114–116;
- *California Forestry Association v. California Fish and Game Commission* (2007) 156 Cal.App.4th 1535, 1541–1542;
- *Center for Biological Diversity v. California Fish and Game Commission* (2008) 166 Cal.App.4th 597, 600; and
- *Natural Resources Defense Council v. California Fish and Game Commission* (1994) 28 Cal.App.4th 1104, 1111–1116.

The “is warranted” determination at issue here for tricolored blackbird stems from Commission obligations established by Fish and Game Code Section 2075.5. Under this provision, the Commission is required to make one of two findings for a candidate species at the end of the CESA listing process; namely, whether listing a species is warranted or is not warranted. Here, with respect to tricolored blackbird, the Commission made the finding under Section 2075.5(e)(2) that listing the species as threatened is warranted.

The Commission was guided in making these determinations by statutory provisions and other controlling law. The Fish and Game Code, for example, defines an endangered species under CESA as “a native species or subspecies of a bird, mammal, fish, amphibian, reptile or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, over exploitation, predation, competition, or disease.” (Fish & G. Code, § 2062.) Similarly, the Fish and Game Code defines a threatened species under CESA as “a native species or subspecies of a bird, mammal, fish, amphibian, reptile or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter.” (*Id.*, § 2067.)

The Commission also considered Title 14, Section 670.1, subsection (i)(1)(A), of the California Code of Regulations in making its determination regarding tricolored blackbird. This provision provides, in pertinent part, that a species shall be listed as endangered or threatened under CESA if the Commission determines that the species’ continued existence is in serious danger or is threatened by any one or any combination of the following factors:

1. Present or threatened modification or destruction of its habitat,
2. Overexploitation,
3. Predation,

4. Competition,
5. Disease, or
6. Other natural occurrences or human–related activities.

Fish and Game Code Section 2070 provides similar guidance. This section provides that the Commission shall add or remove species from the list of endangered and threatened species under CESA only upon receipt of sufficient scientific information that the action is warranted. Similarly, CESA provides policy direction not specific to the Commission per se, indicating that all state agencies, boards, and commissions shall seek to conserve endangered and threatened species and shall utilize their authority in furtherance of the purposes of CESA. (Fish & G. Code, § 2055.) This policy direction does not compel a particular determination by the Commission in the CESA listing context. Nevertheless, “[l]aws providing for the conservation of natural resources’ such as the CESA ‘are of great remedial and public importance and thus should be construed liberally.’” (*California Forestry Association v. California Fish and Game Commission*, supra, 156 Cal. App.4th at pp. 1545–1546, citing *San Bernardino Valley Audubon Society v. City of Moreno Valley* (1996) 44 Cal.App.4th 593, 601; Fish & G. Code, §§ 2051, 2052.)

Finally in considering these factors, CESA and controlling regulations require the Commission to actively seek and consider related input from the public and any interested party (see, e.g., *Id.*, §§ 2071, 2074.4, 2078; Cal. Code Regs., tit. 14, § 670.1, subsection (h)). The related notice obligations and public hearing opportunities before the Commission are also considerable (Fish & G. Code, §§ 2073.3, 2074, 2074.2, 2075, 2075.5, 2078; Cal. Code Regs., tit. 14, § 670.1, subsection (c), (e), (g), (i); see also Gov. Code, § 11120 et seq.). All of these obligations are in addition to the requirements prescribed for the Department in the CESA listing process, including an initial evaluation of the petition and a related recommendation regarding candidacy, and a review of the candidate species’ status culminating with a report and recommendation to the Commission as to whether listing is warranted based on the best available science (Fish & G. Code, §§ 2073.4, 2073.5, 2074.4, 2074.6; Cal. Code Regs., tit. 14, § 670.1, subsection (d), (f), (h)).

### III. FACTUAL AND SCIENTIFIC BASES FOR THE COMMISSION’S FINAL DETERMINATION

The factual and scientific bases for the Commission’s determination that designating tricolored blackbird as a threatened species under CESA is warranted are set forth in detail in the Commission’s record of proceedings including the Petition, the Department’s Evaluation, the Department’s status review, written and oral

comments received from members of the public, the regulated community, tribal entities, the scientific community and other evidence included in the Commission's record of proceedings.

The Commission determines that the continued existence of tricolored blackbird in the state of California is in serious danger or threatened by one or a combination of the following factors as required by the California Code of Regulations Title 14, Section 670.1, subsection (i)(1)(A):

1. Present or threatened modification or destruction of its habitat,
2. Overexploitation,
3. Predation,
4. Competition,
5. Disease, or
6. Other natural occurrences or human-related activities.

The Commission also determines that the information in the Commission's record constitutes the best scientific information available and establishes that designating tricolored blackbird as a threatened species under CESA is warranted. Similarly, the Commission determines that tricolored blackbird, while not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by CESA.

The items highlighted here and detailed in the threats section represent only a portion of the complex issues aired and considered by the Commission during the CESA listing process for tricolored blackbird. Similarly, the issues addressed in these findings represent some, but not all of the evidence, issues, and considerations affecting the Commission's final determination. Other issues aired before and considered by the Commission are addressed in detail in the record before the Commission, which record is incorporated herein by reference.

### **Background**

The Commission bases its "is warranted" finding for tricolored blackbird most fundamentally on the fact that tricolored blackbird nests and breeds in large colonies coupled with the current downward population trend influenced by a combination of other threats.

Social species might experience increased risk of population declines and extinction, and obligate colonial nesting birds may be especially vulnerable. In these species, there is generally a positive relationship between individual fitness (i.e., reproduction or survival) and population size or density, a concept which is broadly referred to as the Allee effect (Stephens and Sutherland 1999). In modern times, three colonial and highly social bird species have gone extinct in North

America north of Mexico, including the Passenger Pigeon (*Ectopistes migratorius*), the Carolina Parakeet (*Conuropsis carolinensis*), and the Great Auk (*Pinguinus impennis*) (Cook and Toft 2005).

Tricolored blackbirds may benefit from social and colonial behaviors by reducing mortality due to predation during the nesting cycle and by facilitating food finding and information sharing. Smaller groups of birds would likely retain the ability to locate and use secure nesting substrates, but small colonies might lose the potential benefits of predator satiation and of social food finding and information sharing. (DFW Status Review 2018).

Although tricolored blackbird has been observed to nest in very small colonies (as few as 4 nests), the species has not been observed to nest as single pairs. Very small colonies (<100 birds) are quite rare, and although nesting success varies greatly across colonies of all sizes, there is evidence that small colonies are not as successful as larger colonies (Payne 1969), and that larger colonies produce more young per female (Hamilton 1993, Meese 2013, Weintraub et al. 2016). Reductions in population size may make tricolored blackbird more vulnerable to additional declines due to inherent natural history factors, but the degree to which a small population would limit the species' ability to survive and reproduce is not known.

The fact that half or more of the total tricolored blackbird population will often occur in a small number of large colonies in silage fields during the first nesting attempt makes the species vulnerable to losses of productivity (Cook and Toft 2005, Meese 2012, Beedy et al. 2017). In 2011, 65% of the total known population was located at only six colony sites in Merced, Kern, and Tulare counties (Kyle and Kelsey 2011). This concentration of large portions of the population makes the species vulnerable to a number of potential threats, especially colony destruction through harvest, predation, or extreme weather events (Weintraub et al. 2016).

### **Threats**

#### *Present or Threatened Modification or Destruction of Habitat*

Of the estimated four million acres (16,187 square kilometers [km<sup>2</sup>]) of wetlands that existed in the Central Valley in the 1850s that could have been available to tricolored blackbirds as nesting substrate, only about 5% remain. The conversion of wetland nesting habitat to agricultural and urban uses has been implicated in the long-term decline of the species: Neff (1937) observed, "[t]he destruction of [tricolored blackbird] nesting habitats by man is of most importance," and cited reclamation and drainage as key factors in the loss of many favorable sites, along with "dredging or cleaning of reservoirs, marshes, and canals in order to destroy the

growths of cattails and tules.” Only about 15% of the four million acres (16,187 km<sup>2</sup>) of wetlands that existed in the Central Valley in the 1850s remained when Neff conducted his work in the 1930s, and about 40% of those remaining wetlands were lost between 1939 and the 1980s (Frayer et al. 1989). Of the freshwater emergent wetlands most likely to be used by breeding tricolored blackbirds in the Central Valley, 50% were lost between 1939 and the 1980s, with an average loss of 5,200 acres (2,104 hectares) per year (Frayer et al. 1989). These losses were primarily due to conversion of wetlands to agriculture.

DeHaven et al. (1975b) found no nesting substrate at several locations in Los Angeles, Kern, Sacramento, and Yolo counties where earlier researchers had studied the species. Subsequent investigators have continued to document habitat loss at known prior breeding colony locations through the present. For example, Beedy et al. (1991) found that 9.3% (n = 17) of the 183 known colony locations used in the 1980s were extirpated by 1990 through permanent removal of nesting habitat. Hamilton et al. (1999) observed the removal of a wetland that had supported a productive breeding colony in 1998. DeHaven (2000) noted the loss of several breeding colonies in Sacramento County to urban development and the expansion of vineyards. Humple and Churchwell (2002) reported on the draining of a wetland and the removal of Himalayan blackberry that had previously supported breeding colonies. Hamilton (2004b) documented the loss or destruction of cattail nesting substrates that had supported 90,000 breeding birds between 1994 and 2004. During the 2017 statewide survey, local experts and survey participants were asked to score the suitability of nesting substrate for all sites visited. Of the 636 sites for which scores were reported during the survey or during pre-survey site visits, 70 sites (11%) were scored as permanently unsuitable, usually due to development or conversion to permanent crops like orchards or vineyards; an additional 80 sites had no nesting substrate present during the survey and 101 sites had vegetation present, but were considered unsuitable by the survey participant. Based on this habitat assessment, about 60% of known historical breeding sites supported suitable nesting substrate during the 2017 season. (DFW Status Review 2018).

The majority of the wetlands in the Central Valley are managed lands that are maintained by application of water, and many areas undergo occasional land recontouring or vegetation control to maintain desired conditions. As of 2006, there were about 205,000 acres (830 km<sup>2</sup>) of managed wetlands in the Central Valley (CVJV 2006). Most managed wetlands (approximately 90%) are flooded primarily in the fall and winter for wintering waterfowl (i.e., seasonal wetlands) and are unlikely to

provide suitable nesting substrate for tricolored blackbirds. A small proportion are managed as semi-permanent or permanent wetlands that hold water during the spring and summer (Iglecia and Kelsey 2012) and are often managed to support brood habitat for waterfowl. The small proportion of semi-permanent and permanent wetlands may provide suitable nesting substrate for breeding tricolored blackbirds, depending on management practices.

The availability of novel, nonnative upland nesting substrates may have lessened the impact of the decline in Central Valley wetlands to the tricolored blackbirds population (Cook and Toft 2005). However, these nonnative vegetation types are often considered undesirable and are frequently removed (DFW Status Review 2018).

The extent of foraging habitat required for successful breeding is much greater than the extent of nesting substrate (DFW Status Review 2018). The abundance of insect prey in foraging habitat has been linked to reproductive success, and tricolored blackbirds may choose breeding locations in part based on the local prey populations (DFW Status Review 2018). Because insect populations are variable and unpredictable from year to year, the tricolored blackbird population likely requires much more foraging habitat on the landscape than is used in any given year, and once lost, large landscapes with suitable habitat are difficult to replace (DFW Status Review 2018). For these reasons, loss of foraging habitat is likely as important, or more so, than the documented losses of nesting substrate to the long-term viability of tricolored blackbirds (DFW Status Review 2018).

The loss of foraging habitat has been suggested as a likely cause of decline in southern California (Hamilton et al. 1995, Cook 2010). The extirpation of colonies from most of the coastal lowlands in southern California, despite the presence of more numerous marsh habitats relative to inland areas, suggests that foraging habitat sufficient to support breeding colonies is the population's limiting factor (Unitt 2004). Loss of habitat, particularly foraging habitat, has been suggested as the greatest threat to the survival of the species in southern California. In western Riverside County, where the majority of the southern California population occurs, large residential and commercial developments are planned for much of the San Jacinto Valley. This will likely result in substantial loss of dairy lands and the alfalfa fields used by tricolored blackbirds that nest both on and off the San Jacinto Wildlife Area (R. Cook pers. comm.).

Hamilton et al. (1992) reported on the pervasive loss of foraging habitat near breeding colony sites due to expansion of cultivated agriculture and the conversion of existing agriculture to incompatible crops in the Central

Valley, and considered this the primary threat to population abundance. DeHaven (2000) observed widespread habitat loss due to urban expansion and agricultural conversions to vineyards and orchards relative to the 1970s when he and others conducted tricolored blackbird research across the state, and suggested that habitat loss was a primary driver of continued population declines. Conversion of pastures and crops suitable for foraging by tricolored blackbirds was observed in Placer, Sacramento, Stanislaus, and Tulare counties. DeHaven (2000) noted especially extensive losses in Sacramento County, where urban development and expansion of vineyards had removed thousands of acres of high-quality habitat. More than 5,000 acres (20 km<sup>2</sup>) of habitat had been converted to vineyards in just a two-year period from 1996 to 1998, resulting in the loss of known breeding colony locations.

Grasslands have been identified as one of the most vulnerable habitats across North America, and many grassland species have experienced steep population declines in recent decades (NABCI 2016). A great deal of effort has been expended on conserving the grasslands in the central part of North America from the Great Plains to northern Mexico (Knopf and Skagen 2012). The grasslands of California have not received the same level of conservation attention, although losses of grasslands in California have been extensive.

Soulard and Wilson (2015) used Landsat (satellite) data to analyze land-use and land-cover change in the Central Valley from 2000 to 2010, and compared this to changes in the valley since 1973. The largest land-cover trend from 2000 to 2010 occurred in grassland/shrubland habitats. During this 10-year period, an estimated 79,200 acres (321 km<sup>2</sup>) of grasslands and shrublands were lost, representing a 5% decrease in the Central Valley over 10 years. Over the longer period from 1973 to 2010, grasslands and shrublands declined by 22% (a loss of 476,900 acres [1,930 km<sup>2</sup>]), due mainly to conversions to more intensive agriculture and urban development. Although many of the grassland losses were due to, agricultural intensification, losses of agriculture to urban development resulted in relatively little net change in area of agriculture in the Central Valley from 1973 to 2010. (DFW Status Review 2018).

Cameron et al. (2014) analyzed time series land cover data from the California Farmlands Mapping and Monitoring Program collected between 1984 and 2008 to evaluate rangeland habitat (grassland, shrubland, and woodland) conversion in California. The area evaluated covers much of the breeding range of tricolored blackbird except for southern California. About 483,000 acres (1,955 km<sup>2</sup>) of rangelands were converted during this 20+ year period, with urban and rural development and conversion to more intensive agricultural uses accounting for most (approximately 90%) of the range-

land loss. Agricultural intensification was primarily due to increases in vineyards and orchards, but smaller amounts of other agricultural crops that may provide foraging habitat for tricolored blackbirds were also responsible for grassland loss. The San Joaquin Valley region, which in recent decades has been the center of abundance for breeding tricolored blackbirds during the early nesting season, experienced the largest amount of rangeland conversion (DFW Status Review 2018).

Due to the continued expansion of nut trees and vineyards that replace grasslands, shrublands, or agricultural crops that provide insects required for breeding (e.g., alfalfa), regions that were previously occupied by thousands of birds have now become permanently unsuitable for breeding because of insufficient foraging habitat (Meese 2016). For example, the acreage of pistachio orchards in the Central Valley has grown exponentially in recent years and the acreage of almonds continues to increase. The five leading pistachio producing counties in California have also supported a large proportion of the tricolored blackbird breeding population in recent years (Kern, Tulare, Kings, Fresno, and Madera counties), with Kern County alone supporting 42% of pistachio production in 2012 (Geisseler and Horwath 2016). These regions of habitat loss in the San Joaquin Valley have also experienced the largest regional declines in the tricolored blackbird breeding population. In the central Sierran foothills, many colony sites and the surrounding foraging landscape are zoned for development, and several development projects that may affect tricolored blackbird habitat have moved forward in recent years (Airola et al. 2015a, 2016). Statewide, the proportion of grasslands within 3 miles (4.8 km) of occupied breeding colony locations declined significantly from 2008 to 2014 (from about 30% to 25%; NAS 2017).

Future development in California is projected to be concentrated in several core areas of the tricolored blackbird range, including the Central Valley, the foothills of the Sierra Nevada, and on both sides of the Transverse Ranges in southern California (Jongsomjit et al. 2013), which would further reduce or degrade the available foraging landscape for breeding colonies. The proportion of grasslands in the landscape surrounding potential breeding sites has been shown to be the most important land cover type in predicting the occurrence of breeding tricolored blackbirds, and the proportion of alfalfa in the foraging landscape is highly correlated with colony size during the early nesting season (NAS 2017). Combined with regular loss of nesting substrate, the ongoing loss of foraging habitat makes it less likely that these essential breeding habitat requirements will co-occur on the landscape, with the result being a reduced number of locations suitable for successful

breeding and foraging by tricolored blackbird colonies (DFW Status Review 2018).

### **Overexploitation**

The tricolored blackbird colonies that form on agricultural grain fields early in the breeding season are often the largest colonies formed each year, and the complete destruction of these colonies due to harvest can be especially damaging to annual blackbird productivity (Arthur 2015). Normal harvesting activities typically coincide with the breeding season and the harvest of fields that contain nesting colonies results in nest destruction and the loss of eggs or nestlings. The cutting of grain has also killed adult tricolored blackbirds but most adults appear to survive harvest operations.

Shortly after the discovery of grain colonies in the San Joaquin Valley, Hamilton et al. (1992) observed the loss of a 15,000–bird colony to harvest. As early as 1993, the USFWS intervened to encourage harvest delays and protect the largest known breeding colony (Hamilton 1993). Since then, colony protection through crop purchase or delayed harvest has been the primary conservation action implemented for the species (see Existing Management section), with mixed success. Despite annual attempts to locate and protect large colonies since the early 1990s, losses to harvest have occurred in most years, with 2010 and 2016 being the only years with no known losses to harvest. For context, a brief list of some of the known large losses follows. Two large colonies representing more than 60,000 breeding birds were lost due to harvest in 1994 (Hamilton et al. 1995). The two largest breeding colonies in 1995 were destroyed during harvest of the grain nesting substrate (Beedy and Hamilton 1997). At least one colony of 14,000 birds was harvested in 1999 and four colonies were lost to harvest operations in 2000 (Hamilton et al. 1999, Hamilton 2000). Two colonies totaling approximately 80,000 breeding birds were lost to harvest operations in 2003 (Cook and Toft 2005). Especially large losses occurred in 2004, 2006, 2007, and 2008, when the largest colonies or the majority of grain colonies were lost (Meese 2009b). In 2008, several of the largest known colonies were destroyed, with six colonies being cut that hosted 140,000 breeding birds (Meese 2008). At least three colonies were lost to harvest in 2011, including the largest known colony, which supported 17% of the total known population (Kyle and Kelsey 2011, Meese 2011). The largest colony in southern California in 2013, which contained most of the southern California population, suffered complete reproductive failure when the field was cut (WRC–MSHCP 2014). At least two colonies in grain fields were destroyed in 2014 during the harvest of nesting substrate and at least three colonies were partially or totally destroyed due to harvest in 2015 (Meese 2014a,

2015b). After a breeding season with no known harvest losses in 2016, a large colony (estimated at up to 12,500 birds) was mostly lost in 2017 when the grain nesting substrate was cut in preparation for harvest (Colibri 2017).

Beginning in 2016, a new partnership was created through a grant from the U.S. Department of Agriculture’s Natural Resources Conservation Service, with Audubon California, dairy trade organizations, and agencies working together to conduct outreach to dairy owners and to detect and protect breeding colonies. The program succeeded in enrolling all landowners with tricolored blackbird colonies identified on their property in 2016, and 100% of known agricultural colonies were protected through delay of harvest. In 2017, most colonies on grain fields at dairies were again protected, but at least one large colony in Madera County was destroyed when the grain was cut (Colibri 2017).

Clutch size has been observed to decline in second nesting attempts (Beedy et al. 2017). The only study to evaluate reproductive success over the course of a breeding season, which was carried out on silage and wetland colonies in the San Joaquin Valley, showed that reproductive success declined as the season progressed (Weintraub et al. 2016). The elimination of a first breeding attempt may cause breeding colonies to miss the period of peak prey abundance, thereby reducing seasonal reproductive success, as has been observed in other species (Martin 1987). Colony destruction through harvest typically occurs well after females have laid eggs and often after eggs have hatched, so the lost energetic input to a failed breeding attempt and the delay before a second attempt likely reduce total annual productivity, even if birds attempt to nest a second time (Meese 2008). Most adult tricolored blackbirds appear to nest at least twice during the breeding season, and destruction of colonies late in the nesting cycle could eliminate one of these attempts. In addition to the loss of eggs and nestlings, adult birds are known to have been killed when colonies are harvested. Because nest survival and reproductive success rates were similar in silage and wetland colonies in the San Joaquin Valley, Weintraub et al. (2016) suggested that payments to farmers who delay harvest is a viable conservation action for increasing productivity.

Tricolored blackbird was shown to have experienced low reproductive success from at least 2006 to 2011 (Meese 2013). A number of factors have been shown to influence reproductive success, including predation and shortage of food, but reproductive failures caused by harvest at breeding tricolored blackbird colonies on agricultural fields of the San Joaquin Valley may have contributed to population declines through loss of much

of the annual reproductive potential of the species in several years. (DFW Status Review 2018).

Destruction of colonies in agricultural fields has been occurring since tricolored blackbirds were discovered nesting in this substrate type in the early 1990s. In recent years (2015–2017), the protections provided to tricolored blackbird as a candidate under CESA, the availability of funds to implement colony protection programs, law enforcement actions conducted by the Department, and a coordinated effort by agencies, the dairy and farming industries, and nonprofit groups, have led to a dramatic decline in this source of mortality (DFW Status Review 2018). These protections, and a resulting increase in productivity, may have contributed to population stability observed between 2014 and 2017 (DFW Status Review 2018). However, losses of large colonies to grain harvest have continued and the future success of breeding colonies on agricultural crops will depend on the availability of funds to continue programs that locate and monitor breeding colonies on grain fields early in the nesting season and compensate farmers for delaying harvest. If the recent reinterpretation of the MBTA by the U.S. Department of the Interior solicitor removes the prohibition on incidental take, protection under CESA may be necessary in order to ensure continued participation in colony protection programs.

#### *Predation*

In the early 1990s, Hamilton and others found that many breeding colonies in emergent wetland nesting substrates suffered partial or complete destruction by predation (primarily by black-crowned night-herons; Hamilton et al. 1992, 1995, Hamilton 1993), resulting in consistently lower reproductive success in wetlands compared to other nesting substrates. Beedy and Hamilton (1997) reported that more recently, black-crowned night-herons eliminated all or most nests at several freshwater marsh breeding colonies. Hamilton (2000) later reported that wetland colonies with no black-crowned night-heron predation were highly successful. DeHaven (2000) reported that he also observed high rates of colony failure due to predation in the 1970s, a time when the majority of the population still bred in wetland substrates. Whether recent rates of loss to predation are similar to historical rates of loss is unknown.

In recent decades, complete nesting failures have been caused by novel predators on agricultural grain fields, and the increasing concentration of birds in mega-colonies may have increased their susceptibility to nest predation (Kelsey 2008). Cattle Egrets from a single rookery caused complete or near-complete failure of large breeding colonies in Tulare County from 2006 to 2011 (Meese 2012). White-faced ibis prey on

the eggs of tricolored blackbird, and in 2016 caused the complete failure of a large breeding colony on a silage field in Tulare County (Meese 2016, Beedy et al. 2017).

Although many species have been documented as predators of tricolored blackbirds, most have not had severe effects on the population or on the breeding success at nesting colonies. However, a few species have caused the complete failure of entire breeding colonies through heavy predation on eggs and nestlings. In recent decades, the predators that have destroyed entire colonies have usually been wading birds that hunt in large groups (i.e., black-crowned night-heron, cattle egret, and white-faced ibis). These species have had significant negative impacts on the overall productivity rate of tricolored blackbirds in several years over the last three decades (Hamilton et al. 1995, Cook and Toft 2005, Meese 2012). A few other species, including common raven, raccoon, and coyote have had large effects on breeding success, but these predators have typically not caused complete colony failure or have had less widespread effects (DFW Status Review 2018).

#### *Other Natural Events or Human-Related Activities*

**Contaminants** — In the two decades since their introduction, neonicotinoid insecticides have become some of the most widely used insecticides in the world, including in California. (Goulson 2013). They are highly effective at killing insects and have relatively low mammal and bird toxicity; however, at higher concentrations they can have lethal and sublethal impacts to vertebrates (Mineau and Palmer 2013). Neonicotinoids have been implicated in the decline of invertebrate communities and, in a few cases, the decline of insectivorous birds. Ingestion of only a few neonicotinoid-coated seeds (a single seed in the case of corn) might be sufficient to kill a songbird, but there has been little work conducted on the availability and consumption of treated seeds by vertebrates, and no data are available on the acute toxicity of any neonicotinoid insecticide specifically to tricolored blackbirds (Goulson 2013, Mineau and Palmer 2013; DFW Status Review 2018). Neonicotinoids may also have chronic toxicity effects (exposure over longer time periods) on reproductive success, but chronic effects are even less studied than acute effects (Mineau and Palmer 2013).

Neonicotinoids have been shown to have adverse effects on a number of non-target invertebrate species, and may indirectly affect tricolored blackbirds through suppression of insect prey populations (DFW Status Review 2018). They have been shown to have adverse effects on a number of non-target invertebrate species, with most studies focusing on bees (Hopwood et al. 2012, Godfray et al. 2014). In California, long-term observational data have revealed declines in the number of butterfly species and declines in abundance for many

butterfly species in the Central Valley, both of which were negatively associated with annual application rates of neonicotinoid insecticides (Forister et al. 2016). Imidacloprid was shown to have a negative association with a wide variety of insectivorous bird populations in the Netherlands, suggesting that the pesticide may have led to food deprivation in birds (Hallmann et al. 2014).

Drought, Water Availability, and Climate Change — Drought reduces water supply reliability and has far-reaching impacts on most habitat types in California (DWR 2014, 2015a). Several significant statewide droughts have occurred in California over the last century (1928–1934, 1976–1977, 1987–1992, and 2007–2009) (DWR 2015a), and California recently experienced the three driest consecutive years of statewide precipitation in the historical record between 2012 and 2014. The winter of 2015 produced a record low statewide mountain snowpack of only 5% of average.

Tricolored blackbirds have adapted to use a variety of novel vegetation types as nesting substrate, but wetlands continue to support the largest number of breeding colonies each year. Because of the need for wetlands that are flooded during the spring and summer breeding season, the various approaches to wetland management, and the dependence on water deliveries to maintain wetland habitats in most of the tricolored blackbird's range, assessing the availability of suitable wetland nesting substrate in a given year is difficult. A recent method applied reflectance to satellite imagery to identify areas of open surface water in the Central Valley (Reiter et al. 2015). Although not an ideal approach to quantifying and assessing distribution of wetlands, the method would identify wetlands with large amounts of open water. In addition, identification of open water on the landscape during the tricolored blackbird breeding season is likely a good proxy for the availability of water for wetland management. Reiter et al. (2015) showed that open surface water declined across the Central Valley between 2000 and 2011. Drought had a significant negative effect on open surface water in the late summer and early fall. Cumulative years of drought resulted in a noticeable reduction in surface water. Although not a direct measure of tricolored blackbird breeding habitat, declines in surface water during the drought likely resulted in reduced availability of wetlands with sufficient water to provide high quality nesting substrates.

Although more resilient to dry conditions than wetland vegetation, plants species that provide upland nesting substrate for tricolored blackbird colonies also experience negative effects due to drought. After several years of dry conditions during California's most recent drought, many Himalayan blackberry copses that have historically supported tricolored blackbird colonies

were observed to be dry and mostly barren of leaves. In a few cases, extremely dry blackberry bushes continued to be used by breeding colonies, but many were unoccupied. Milk thistle, which provides high-quality nesting substrate across much of the tricolored blackbird range when annual precipitation patterns support vigorous growth, was largely absent from historically used areas until California experienced an average water year in the winter of 2015–2016 (Airola et al. 2016). The wetter weather created nesting substrate in areas that had not been used by tricolored blackbirds in several years, and breeding colonies once again occupied these areas.

The availability of large insect prey is an important factor in tricolored blackbird reproductive success, and may influence colony site selection. Large landscapes with suitable foraging habitat are strong drivers of colony site occupancy and abundance (NAS 2017).

Insect abundance is strongly related to biomass of herbaceous vegetation, including important tricolored blackbird prey items like grasshoppers in grasslands (Falcone 2010). Climate, especially drought, is thought to play a key role in abundance of grasshoppers and other insect species in grasslands (Vose et al. 2016). The response of insect populations can differ depending on drought severity. For example, non-severe drought and warm temperatures can have a positive effect on grasshopper populations through increased survival and faster population growth (Kemp and Cigliano 1994). However, extreme or prolonged drought can negatively affect grasshopper populations through desiccation of eggs or through decreased biomass of primary producer food sources (i.e., grasses and forbs) (Vose et al. 2016). Reductions in precipitation not only lead to reductions in the abundance of insects in grasslands, but may also make insect prey less accessible through changes in behavior (e.g., moving underground) (Barnett and Facey 2016). Severe droughts likely have strong negative effects on grasshoppers and insect prey in general (Kemp and Cigliano 1994, Vose et al. 2016).

The established impacts of precipitation on insect populations in grasslands, especially grasshoppers, suggests a mechanism for drought impacts on tricolored blackbird productivity. Research is needed that measures grasshopper and other prey abundance relative to precipitation and primary productivity around occupied tricolored blackbird colonies, and evaluates the effect on tricolored blackbird reproductive success.

Average annual temperatures have been rising in California in recent decades, and climate models are in broad agreement that temperatures in California will rise significantly over the next century (DWR 2015b). The average temperature is expected to rise by approximately 2.7°F (1.5°C) by 2050, and depending on the emissions scenario, average temperatures could increase by 4.1–8.6°F (2.3–4.8°C) by the year 2100



(Moser et al. 2012). Summer temperatures will rise more than winter temperatures, and the increases will be greater in inland California. As a result, the average number of extremely hot days (at least 105°F [41°C]) per year in Sacramento is expected to increase fivefold (up to 20 days) by the middle of the century, and may increase to as many as 50 days per year by 2100 (Moser et al. 2012). Tricolored blackbirds have been observed to cease initiation of breeding when temperatures exceeded 90°F (32°C), although care of existing nests continued in temperatures over 100°F (38°C) (Hamilton et al. 1995). Extremely high temperatures have also caused colony failure. Rising temperatures may directly affect annual tricolored blackbird productivity by truncating or interrupting the breeding season, although more work is needed on the effect of temperature on initiation and success of nesting attempts. Tricolored blackbirds have begun nesting earlier in the year, perhaps in response to climate change (e.g., see Tottrup et al. 2010, Mazerolle et al. 2011). Between 1939 and 2009, the mean date of first breeding date has shifted to occur about 22 days earlier (M. Holyoak pers. comm.).

Along with projected negative impacts to tricolored blackbird foraging habitat due to housing and agricultural development discussed above, the areas of California with the largest climate-projected effects on a variety of bird species are largely concentrated within the tricolored blackbird range in the Central Valley (Jongsomjit et al. 2013). A suite of analyses integrating the effects of climate change and land use changes in California's rangelands concluded that grassland habitat loss in California could reach 37% by the year 2100 (Byrd et al. 2015). Thorne et al. (2016) estimated the vulnerability of California's natural communities to climate change by examining how a range of climate change scenarios would change the spatial distribution of those communities. Two important tricolored blackbird communities, grassland and freshwater marsh, were projected to be among the most affected natural communities in California, with freshwater marsh being one of only four communities receiving the highest vulnerability rank. Under multiple emission scenarios, the regions modeled as being most highly stressed by future climate change include much of the tricolored blackbird's core range in the Central Valley and surrounding foothills. The extent of freshwater marsh was projected to decrease by 71%–97% by year 2100. Of the area currently occupied by grassland in California, 16%–48% is expected to no longer be suitable, depending on the climate change scenario. The current level of emissions is on track with the higher-impact scenarios (Thorne et al. 2016).

The recent severe drought in California was at least partially due to, and made more severe by, climate change (Diffenbaugh et al. 2015). Climate change is

projected to bring longer and more severe droughts to California in the future (Diffenbaugh et al. 2015, Williams et al. 2015), exacerbating the impacts to tricolored blackbird habitat described above. The Central Valley may be particularly vulnerable to warming-driven drought increases in the future (Williams et al. 2015), and water deliveries are projected to be reduced by 5.6% from 2013 to 2033 due to climate change effects on reliability (DWR 2014). Climate change effects on water supplies and stream flows are expected to increase competition among urban and agricultural water users and environmental needs (Moser et al. 2012). This competition may lead to decreases in available wetland nesting substrate provided by private and public land managers. Declines in the availability of water for agriculture may also reduce prey populations provided by high quality crops like alfalfa and rice.

#### IV. FINAL DETERMINATION BY THE COMMISSION

The Commission has weighed and evaluated the information for and against designating tricolored blackbird as a threatened species under CESA. This information includes scientific and other general evidence in the Petition; the Department's Evaluation; the Department's status review; the Department's related recommendations; written and oral comments received from members of the public, the regulated community, various public agencies, and the scientific community; and other evidence included in the Commission's record of proceedings.

Based upon the evidence in the record the Commission has determined that the best scientific information available indicates that the continued existence of tricolored blackbird is in serious danger or threatened by present or threatened modifications or destruction of the species' habitat, predation, competition, disease, or other natural occurrences or human-related activities, where such factors are considered individually or in combination (see generally Cal. Code Regs., tit. 14, § 670.1, subsection (i)(1)(A); Fish & G. Code, §§ 2062, 2067).

The Commission determines that there is sufficient scientific information to indicate that designating tricolored blackbird as a threatened species under CESA is warranted at this time and that, with adoption and publication of these findings, tricolored blackbird for purposes of its legal status under CESA and further proceedings under the California Administrative Procedure Act, shall be listed as threatened.

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**DECISION NOT TO PROCEED**

**OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

**NOTICE OF DECISION NOT TO PROCEED**

Pursuant to Government Code Section 11347, the Occupational Safety and Health Standards Board of the State of California decided not to proceed with Title 8, Division 1, High Voltage Electrical Safety Orders, Sections 2941 and 2942; Elevator Safety Orders, Section 3016; General Industry Safety Orders, Sections 3207, 3214, 3231, 3234, 3276, 3277, New Section 3279, 3621 and 3622; Petroleum Safety Orders — Drilling and Production, Sections 6564, 6599, 6600 and 6632; and Telecommunication Safety Orders, Section 8608, Walking–Working Surfaces (Horcher). (Notice File No. Z–2018–0424–10, published May 4, 2018, in the California Notice Register 2018, No. 18–Z, page 690), based on comments received and therefore, withdraws this proposed action for further consideration.

**RULEMAKING PETITION  
DECISION**

**DEPARTMENT OF CORRECTIONS AND  
REHABILITATION**

**NOTICE OF DECISION ON PETITION TO  
AMEND REGULATIONS**

Pursuant to Government Code 11340.7

**Petitioner**

Inmate Rickey Sonney #J17815

**Department Contact Person**

Please direct any inquiries regarding this action to Ying Sun, Chief, Regulation and Policy Management Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001.

**Availability of Petition**

The petition to amend regulations is available upon request directed to the Department's contact person.

**Authority**

Penal Code Sections: 5054 and 5058

**Provisions of California Code of Regulations Affected**

Title 15, Crime Prevention and Corrections  
Division 3, Adult Institutions, Programs and Parole

**Summary of Petition and Department Decision**

**Subsection 3375.4**

**Petitioner's Request:** Amend the language to allow for a "Minus Point System" which would reflect good behavior and work performance (favorable points) to the preliminary score to be partial to all inmates currently incarcerated in state prison and/or on parole or probation.

**Reason for Request:** Petitioner refers to Title 15 Section 3004(a), stating inmates have the right to be treated fair and without prejudice.

Petitioner also refers to Title 15 Section 3375.4, which outlines how an inmate's preliminary score (points), can be reduced if he/she earns favorable points. Petitioner states by not allowing for favorable "minus points" for inmates who have a preliminary score of 0, for good behavior and/or work performance is "capping" and is discriminatory to inmates who continue to earn favorable points. Petitioner states that a Level IV inmate has a preliminary score of 60; however, there is no "cap" on inmate's preliminary score increasing past 60. Therefore, there should not be a "cap" on reducing the preliminary score to be below 0.

Petitioner asserts since there is no "Minus Point System" in the statutory language, inmates who earn favorable points are being discriminated against since they cannot continue to earn favorable points once the preliminary score is 0. Petitioner asks the Department to amend regulations to allow for a "Minus Point System", which would allow for inmates who have 0 points, to have favorable points subtracted from 0, which would result in a negative 0. Therefore, if an inmate who has a 0 preliminary score or a negative 0 preliminary score, who receives a serious Rule Violation Report (RVR) his/her preliminary score would remain or return to 0, and any non-favorable points will be added to this preliminary score. Petitioner states this preliminary score could result in 0, or an increased preliminary score, depending on the seriousness of the RVR. In addition, the petitioner recommends the amendments to the regulation include that an inmate will have to remain RVR free for one year before allowing him/her to qualify for the "Minus Point System".

**Department's Response:** The Department *denies* the petition to amend CCR, Title 15, Division 3, Section 3375.4.

The California Department of Corrections and Rehabilitation (CDCR) utilizes an Inmate Classification Score System (ICSS) as a means to predict the risk of institutional misconduct, sustain security missions and ensure public safety. The purpose of the ICSS is to identify, via numerical value, the potential risk the inmate poses. The ICSS determines the overall placement score of an inmate which is broken down into two parts, the preliminary score and any applicable mandatory minimum score. Pursuant to the classification process as outlined in Title 15, Division 3, Section 3375, the final classification placement score is determined to be the maximum of either the preliminary or the mandatory minimum score. The final placement score determines an inmate's housing level. Pursuant to Title 15, Division 3, Section 3375.1, inmates are housed as follows: an inmate with a placement score of 0 through 18 shall be placed in a Level I facility; an inmate with a placement score of 19 through 35 shall be placed in a Level II facility; an inmate with a placement score of 36 through 59 shall be placed in a Level III facility; an inmate with a placement score of 60 and above shall be placed in a Level IV facility.

In 2010, CDCR commissioned the Expert Panel Study of the Inmate Classification Score System to evaluate and assist in identifying factors that justify an inmate's restrictions on liberty while avoiding factors which may lead to unjustified infringement on an inmate's rehabilitation. One of the strongest findings from the Expert Panel's evaluation concluded the best predictor of an inmate's institutional misconduct was their preliminary classification score. Based on the Ex-

pert Panel’s findings, CDCR made modifications to the ICSS by adjusting security level ranges which included the established lowest score of 0.

By utilizing 0 as the lowest possible preliminary score, the ICSS is able to accurately capture any increase in score points and the potential risks that an inmate may pose. Inmates housing levels are determined by the risk they pose, and this is in part determined by the ICSS. The petitioner’s request would result in a balance system for past positive behavior, potentially allowing for points for negative behavior to be cancelled out by the balance of positive points. This would result in an inaccurate portrayal of the inmates risk and threat to the safety of staff, other inmates and the public.

<p><b>SUMMARY OF REGULATORY ACTIONS</b></p>
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**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# 2018-0724-03  
AIR RESOURCES BOARD  
Administrative Hearing Procedures

This action without regulatory effect amends two sections to update incorrect cross-references.

Title 17  
AMEND: 60065.18, 60075.17  
Filed 08/29/2018  
Agency Contact: Bradley Bechtold (916) 322-6533

File# 2018-0718-01  
BOARD OF BEHAVIORAL SCIENCES  
Nonsubstantive changes to align with SB 1478, SB 1012, and SB 620

This change without regulatory effect filing by the Board of Behavioral Sciences updates job titles, weekly supervision hours, experience requirements, and authority and reference citations to align with changes to the Business and Professions Code. This action also

makes corresponding changes to seven forms incorporated by reference.

Title 16  
AMEND: 1805.01, 1816, 1816.1, 1820, 1820.5, 1820.7, 1821, 1822, 1822.51, 1822.52, 1829.2, 1829.3, 1833, 1833.1, 1845, 1846, 1870, 1874, 1886  
Filed 08/29/2018  
Agency Contact: Christy Berger (916) 574-7817

File# 2018-0720-06  
CALIFORNIA HIGHWAY PATROL  
Electronic Logging Devices

This action amends record of duty status requirements for motor carriers and drivers engaged in interstate commerce to align with recently modified federal rules in 49 CFR part 395 that mandate the use of electronic logging devices.

Title 13  
AMEND: 1213  
Filed 08/30/2018  
Effective 10/01/2018  
Agency Contact: Joseph Mosinski (916) 843-3400

File# 2018-0720-07  
CALIFORNIA HIGHWAY PATROL  
Commercial Vehicle Safety Alliance (CVSA) North American Standard (NAS) Out-of-Service Criteria

This action amends a regulation to update the edition date of an incorporated document, Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria, from the April 1, 2016 to the April 1, 2017.

Title 13  
AMEND: 1239  
Filed 08/30/2018  
Effective 10/01/2018  
Agency Contact: Joseph Mosinski (916) 843-3400

File# 2018-0724-04  
CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE  
Intellectual Property Policy

In this regular rulemaking action, the California Institute for Regenerative Medicine (CIRM) updates the existing regulations related to intellectual property and revenue sharing requirements for CIRM awards. The most notable update pertains to the awardees revenue sharing with the State of California. This regulatory action is only applicable to awards approved after this regulation becomes effective, unless the parties agree that they are applicable to awards funded prior to the effective date of this regulation.

Title 17  
ADOPT: 100650  
Filed 09/05/2018  
Effective 09/05/2018  
Agency Contact: C. Scott Tocher (415) 740-8735

File# 2018-0724-05  
DEPARTMENT OF HEALTH CARE SERVICES  
Drug Medi-Cal (DMC) Claims Submission Timelines  
This action without regulatory effect amends the deadline for the submission of claims to make the regulation consistent with Welfare and Institutions Code section 14021.6(g).

Title 22  
AMEND: 51490.1  
Filed 09/04/2018  
Agency Contact:  
Erika Drayton-Jebali (916) 345-8404

File# 2018-0720-08  
DEPARTMENT OF INSURANCE  
Standard Prescription Drug Formulary Template  
This action establishes health insurer obligations pertaining to the structure of, and information contained in, prescription drug formularies.

Title 10  
ADOPT: 2218.80, 2218.81, 2218.82, 2218.83  
Filed 08/31/2018  
Effective 10/01/2018  
Agency Contact: Jessica Ryan (415) 538-4110

File# 2018-0723-01  
DEPARTMENT OF TOXIC SUBSTANCES  
CONTROL  
Toxicity Criteria Selection for Risk Assessments  
This action by the Department of Toxic Substances Control adopts specified criteria for use in human health risk assessments, to set risk-based screening levels and remediation goals for corrective action under the Hazardous Waste Control Law and response actions under the Hazardous Substances Account Act.

Title 22  
ADOPT: 68400.5, 69020, 69021, 69022  
Filed 09/04/2018  
Effective 09/04/2018  
Agency Contact: Kevin Depies (916) 255-6547

File# 2018-0802-01  
OFFICE OF ENVIRONMENTAL HEALTH  
HAZARD ASSESSMENT  
Proposition 65 Clear and Reasonable Warnings  
The Office of Environmental Health Hazard Assessment submitted this action without regulatory effect,

pursuant to California Code of Regulations, title 1, section 100, to remove from the California Code of Regulations the first printing of article 6, including all sections under that article, California Code of Regulations, title 27, division 4, chapter 1, as that article and sections are only effective until August 30, 2018.

Title 27  
REPEAL: 25601, 25602, 25603, 25603.1, 25603.2, 25603.3, 25604, 25604.1, 25604.2, 25605, 25605.1, 25605.2.  
Filed 08/30/2018  
Agency Contact: Monet Vela (916) 323-2517

File# 2018-0719-02  
PHYSICIAN ASSISTANT BOARD  
Citations for Unlicensed Practice  
This rulemaking action removes language in the Physician Assistant Board's (Board) citation-for-unlicensed-practice regulation which restricted citations to practicing with a delinquent license and replaces it with language which enables the Board to issue citations against anyone who is acting in the capacity of a licensee under the jurisdiction of the Board.

Title 16  
AMEND: 1399.573  
Filed 08/30/2018  
Effective 10/01/2018  
Agency Contact: Anita Winslow (916) 561-8782

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN April 4, 2018 TO  
September 5, 2018**

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 1**  
05/21/18 AMEND: 44  
**Title 2**  
08/02/18 ADOPT: 59830  
08/01/18 AMEND: 58200  
07/17/18 REPEAL: 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2700, 2701, 2702, 2703, 2704, 2705  
07/03/18 ADOPT: 18308, 18308.1, 18308.2, 18308.3

**CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 37-Z**

06/21/18	AMEND: 1859.190, 1859.194, 1859.195, 1859.198	07/26/18	AMEND: 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10184, 10185, 10186, 10187, 10188, 10190
06/19/18	AMEND: 554.7	07/18/18	AMEND: 2050
05/17/18	ADOPT: 11027.1 AMEND: 11028	07/09/18	AMEND: 10325, 10326
05/16/18	ADOPT: 20150, 20151, 20152, 20153, 20154, 20155, 20156, 20157, 20158, 20159, 20160, 20161, 20162, 20163, 20164, 20165	07/03/18	AMEND: 10152, 10153, 10154, 10155, 10158 (amended and renumbered), 10159 (amended and renumbered), 10160 (amended and renumbered). REPEAL: 10156, 10157
05/09/18	AMEND: 321	07/02/18	ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5100
05/09/18	AMEND: 11034	05/30/18	AMEND: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.12, 10091.13, 10091.14, 10091.15
04/25/18	AMEND: 18401	05/25/18	AMEND: 5000, 5033, 5035, 5037, 5054, 5060, 5101, 5102, 5120, 5144, 5170, 5191, 5212, 5230, 5240, 5250, 5540 REPEAL: 5259
04/25/18	AMEND: 18450.1	05/17/18	AMEND: 12590
04/23/18	ADOPT: 1859.90.4 AMEND: 1859.2, 1859.90, 1859.90.2, 1859.90.5	05/15/18	AMEND: 12204, 12220, 12238, 12560
04/16/18	AMEND: 1859.2, 1859.51, 1859.70, 1859.82, 1859.93.1	04/30/18	AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.9, 10170.10
04/12/18	AMEND: 1859.2, 1859.81	04/10/18	AMEND: 10179
04/04/18	AMEND: 41000	04/09/18	ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5100
<b>Title 3</b>			
08/22/18	AMEND: 3591.2	<b>Title 5</b>	
08/16/18	ADOPT: 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015	08/03/18	AMEND: 11517.6, 11518, 11518.15, 11518.20, 11518.25, 11518.30, 11518.35, 11518.40, 11518.45, 11518.50, 11518.70, 11518.75, 11519.5
08/10/18	AMEND: 1380.19, 1430.10, 1430.12, 1430.13, 1430.50, 1430.51, 1430.53	07/23/18	AMEND: 40050.2, 40100.1, 40513, 40514, 41021
08/02/18	AMEND: 3591.2	07/03/18	ADOPT: 71396, 71397, 71398, 71399
07/31/18	AMEND: 3	06/21/18	AMEND: 19810
07/19/18	AMEND: 3591.2	06/07/18	AMEND: 19810
06/28/18	AMEND: 3435(b)	05/18/18	ADOPT: 11301, 11309, 11310, 11311, 11312 AMEND: 11300, 11316 REPEAL: 11301, 11309, 11310
06/21/18	AMEND: 3439(b)	05/08/18	AMEND: 75020
06/21/18	AMEND: 3591.5	04/30/18	AMEND: 41906.5, 41906.6
06/18/18	AMEND: 1280.11	04/30/18	AMEND: 42909
06/04/18	ADOPT: 8000, 8100, 8101, 8102, 8103, 8104, 8105, 8106, 8107, 8108, 8109, 8110, 8111, 8112, 8113, 8114, 8115, 8200, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8209, 8210, 8211, 8212, 8213, 8214, 8215, 8216, 8300, 8301, 8302, 8303, 8304, 8305, 8306, 8307, 8308, 8400, 8401, 8402, 8403, 8404, 8405, 8406, 8407, 8408, 8409, 8500, 8501, 8600, 8601, 8602, 8603, 8604, 8605, 8606, 8607, 8608	<b>Title 8</b>	
05/30/18	AMEND: 3439(b)	05/30/18	AMEND: 1618.1
05/24/18	AMEND: 3439(b)	05/17/18	ADOPT: 11770, 11771, 11771.1, 11771.2, 11772, 11773
05/24/18	AMEND: 6502	05/08/18	AMEND: 31001, 32020, 32030, 32040, 32050, 32055, 32060, 32075, 32080, 32085, 32090, 32091, 32100, 32105,
05/18/18	AMEND: 3439(b)		
04/30/18	AMEND: 3439(b)		
04/04/18	AMEND: 3591.15		
<b>Title 4</b>			
08/22/18	ADOPT: 7213, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229		

**CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 37-Z**

32120, 32122, 32130, 32132, 32135, 32136, 32140, 32142, 32145, 32147, 32149, 32150, 32155, 32162, 32164, 32165, 32166, 32168, 32169, 32170, 32175, 32176, 32178, 32180, 32185, 32190, 32200, 32205, 32206, 32207, 32209, 32210, 32212, 32215, 32220, 32230, 32295, 32300, 32305, 32310, 32315, 32320, 32325, 32350, 32360, 32370, 32375, 32380, 32400, 32410, 32450, 32455, 32460, 32465, 32470, 32500, 32602, 32605, 32612, 32615, 32620, 32621, 32625, 32630, 32635, 32640, 32644, 32645, 32647, 32648, 32649, 32650, 32661, 32680, 32690, 32700, 32720, 32721, 32722, 32724, 32726, 32728, 32730, 32732, 32734, 32735, 32736, 32738, 32739, 32740, 32742, 32744, 32746, 32748, 32750, 32752, 32754, 32761, 32762, 32763, 32770, 32772, 32774, 32776, 32980, 32990, 32992, 32993, 32994, 32995, 32996, 32997 REPEAL: 32036, 32037, 32610, 32611, 32806, 32808, 32810, 95000, 95010, 95020, 95030, 95040, 95045, 95050, 95070, 95080, 95090, 95100, 95150, 95160, 95170, 95180, 95190, 95200, 95300, 95310, 95320, 95330	06/05/18 AMEND: 1005, 1007, 1008 06/05/18 ADOPT: 49.18 05/21/18 ADOPT: 5505, 5506, 5507, 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516, 5517, 5518, 5519, 5520, 5521, 5522 04/11/18 ADOPT: 118.1
<b>Title 12</b>	<b>Title 12</b>
07/05/18 AMEND: 451, 452, 453, 454, 455	07/05/18 AMEND: 451, 452, 453, 454, 455
<b>Title 13</b>	<b>Title 13</b>
08/30/18 AMEND: 1213	08/30/18 AMEND: 1213
08/30/18 AMEND: 1239	08/30/18 AMEND: 1239
08/16/18 ADOPT: 25.23 AMEND: 25.06, 25.08, 25.09, 25.10, 25.11, 25.14, 25.15, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21, 25.22	08/16/18 ADOPT: 25.23 AMEND: 25.06, 25.08, 25.09, 25.10, 25.11, 25.14, 25.15, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21, 25.22
07/23/18 ADOPT: 223.00, 223.02, 223.04, 223.06, 223.08, 223.10, 223.12, 223.14, 223.16	07/23/18 ADOPT: 223.00, 223.02, 223.04, 223.06, 223.08, 223.10, 223.12, 223.14, 223.16
07/16/18 AMEND: 1151.1, 1152.4, 1152.4.1	07/16/18 AMEND: 1151.1, 1152.4, 1152.4.1
06/12/18 ADOPT: 1231.3 AMEND: 1212.5, 1218, 1239, 1264	06/12/18 ADOPT: 1231.3 AMEND: 1212.5, 1218, 1239, 1264
05/30/18 ADOPT: 125.19 AMEND: 125.00, 125.02 REPEAL: 127.06	05/30/18 ADOPT: 125.19 AMEND: 125.00, 125.02 REPEAL: 127.06
05/07/18 AMEND: 423.00	05/07/18 AMEND: 423.00
04/26/18 AMEND: 1153	04/26/18 AMEND: 1153
04/18/18 AMEND: 1151.9.1	04/18/18 AMEND: 1151.9.1
<b>Title 14</b>	<b>Title 14</b>
08/13/18 AMEND: 7.50	08/13/18 AMEND: 7.50
08/09/18 AMEND: 13055	08/09/18 AMEND: 13055
07/30/18 ADOPT: 798 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797	07/30/18 ADOPT: 798 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797
07/30/18 ADOPT: 820.02	07/30/18 ADOPT: 820.02
07/30/18 ADOPT: 817.04 AMEND: 790	07/30/18 ADOPT: 817.04 AMEND: 790
07/30/18 AMEND: 819, 819.01, 819.02, 819.03, 819.04, 819.05, 819.06, 819.07	07/30/18 AMEND: 819, 819.01, 819.02, 819.03, 819.04, 819.05, 819.06, 819.07
07/19/18 AMEND: 3805.1	07/19/18 AMEND: 3805.1
07/05/18 AMEND: 1038	07/05/18 AMEND: 1038
07/02/18 AMEND: 916.9, 936.9, 956.9	07/02/18 AMEND: 916.9, 936.9, 956.9
06/28/18 ADOPT: 1726, 1726.1, 1726.2, 1726.3, 1726.3.1, 1726.4, 1726.4.1, 1726.4.2, 1726.4.3, 1726.5, 1726.6, 1726.6.1, 1726.7, 1726.8, 1726.9, 1726.10 REPEAL: 1724.9	06/28/18 ADOPT: 1726, 1726.1, 1726.2, 1726.3, 1726.3.1, 1726.4, 1726.4.1, 1726.4.2, 1726.4.3, 1726.5, 1726.6, 1726.6.1, 1726.7, 1726.8, 1726.9, 1726.10 REPEAL: 1724.9
06/28/18 AMEND: 18660.25, 18660.34	06/28/18 AMEND: 18660.25, 18660.34
06/28/18 AMEND: 502	06/28/18 AMEND: 502
06/25/18 AMEND: 7.50	06/25/18 AMEND: 7.50
06/07/18 AMEND: 1760, 1774, 1774.1, 1774.2	06/07/18 AMEND: 1760, 1774, 1774.1, 1774.2
05/24/18 ADOPT: 3803.1, 3803.2, 3803.3 AMEND: 3802, 3803	05/24/18 ADOPT: 3803.1, 3803.2, 3803.3 AMEND: 3802, 3803
05/16/18 AMEND: 131	05/16/18 AMEND: 131
05/10/18 ADOPT: 29.11	05/10/18 ADOPT: 29.11
05/09/18 AMEND: 18660.5, 18660.10, 18660.21, 18660.34	05/09/18 AMEND: 18660.5, 18660.10, 18660.21, 18660.34
05/01/18 ADOPT: 650 AMEND: 703 REPEAL: 650	05/01/18 ADOPT: 650 AMEND: 703 REPEAL: 650

04/24/18	AMEND: 131		
04/19/18	AMEND: 4800		
<b>Title 15</b>		<b>Title 16</b>	
08/20/18	AMEND: 3294.5	08/30/18	AMEND: 1399.573
08/13/18	AMEND: 3000, 3190, 3213	08/29/18	AMEND: 1805.01, 1816, 1816.1, 1820, 1820.5, 1820.7, 1821, 1822, 1822.51, 1822.52, 1829.2, 1829.3, 1833, 1833.1, 1845, 1846, 1870, 1874, 1886
08/06/18	ADOPT: 3999.98, 3999.99, 3999.320	08/08/18	REPEAL: 1399.531, 1399.532
	AMEND: 3355, 3087 renumbered as 3999.225, 3087.1 renumbered as 3999.226, 3087.2 renumbered as 3999.227, 3087.3 renumbered as 3999.228, 3087.4 renumbered as 3999.229, 3087.5 renumbered as 3999.230, 3087.6 renumbered as 3999.231, 3087.7 renumbered as 3999.232, 3087.8 renumbered as 3999.233, 3087.9 renumbered as 3999.234, 3087.10 renumbered as 3999.235, 3087.11 renumbered as 3999.236, 3087.12 renumbered as 3999.237, 3350 renumbered as 3999.200(a), 3350.1 renumbered as 3999.200(b), (c), and (d), 3350.2 renumbered as 3999.200(f), (g), and (h), 3351 renumbered as 3999.210, 3353 renumbered as 3999.202, 3353.1 renumbered as 3999.203, 3354.2 renumbered as 3999.206, 3356 renumbered as 3999.410, 3357 renumbered as 3999.440, 3358 renumbered as 3999.375, 3359 renumbered as 3999.411, 3359.8 renumbered as 3999.200(e)	08/02/18	AMEND: 3340.17, 3340.41, 3340.45
08/01/18	AMEND: 3350, 3350.1	08/01/18	AMEND: 2070, 2071
06/28/18	AMEND: 3043.3	06/18/18	AMEND: 1735.2
06/14/18	AMEND: 3000, 3075.1, 3075.2, 3075.3, 3521.1, 3521.2, 3720, 3763 REPEAL: 3800, 3800.1, 3800.2, 3800.3	06/14/18	REPEAL: 1399.620, 1399.621, 1399.622, 1399.623
06/13/18	ADOPT: 3087, 3087.1, 3087.2, 3087.3, 3087.4, 3087.5, 3087.6, 3087.7, 3087.8, 3087.9, 3087.10, 3087.11, 3087.12	06/07/18	AMEND: 321, 364
06/07/18	ADOPT: 3371.1 AMEND: 3043.7, 3044 REPEAL: 3371.1	06/04/18	ADOPT: 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5053, 5054, 5055, 5300, 5301, 5302, 5303, 5304, 5305, 5306, 5307, 5308, 5309, 5310, 5311, 5312, 5313, 5314, 5315, 5400, 5401, 5402, 5403, 5404, 5405, 5406, 5407, 5408, 5409, 5410, 5411, 5412, 5413, 5414, 5415, 5416, 5417, 5418, 5419, 5420, 5421, 5422, 5423, 5424, 5425, 5426, 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5600, 5601, 5602, 5603, 5700, 5701, 5702, 5703, 5704, 5705, 5706, 5707, 5708, 5709, 5710, 5711, 5712, 5713, 5714, 5715, 5716, 5717, 5718, 5719, 5720, 5721, 5722, 5723, 5724, 5725, 5726, 5727, 5728, 5729, 5730, 5731, 5732, 5733, 5734, 5735, 5736, 5737, 5738, 5739, 5800, 5801, 5802, 5803, 5804, 5805, 5806, 5807, 5808, 5809, 5810, 5811, 5812, 5813, 5814
05/15/18	AMEND: 3000, 3030, 3190, 3269	05/15/18	AMEND: 1399.395
05/01/18	ADOPT: 2449.1, 2449.2, 2449.3, 2449.4, 2449.5, 2449.6, 2449.7, 3043.1, 3043.2, 3043.3, 3043.4, 3043.5, 3043.6, 3490, 3491, 3492, 3493 AMEND: 3043, 3043.5 (renumbered to 3043.7), 3043.6 (renumbered to 3043.8), and 3044 REPEAL: 2449.2, 2449.3, 2449.5, 3042, 3043.1, 3043.2, 3043.3, 3043.4, 3043.7	<b>Title 17</b>	
04/17/18	ADOPT: 2240 REPEAL: 2240	09/05/18	ADOPT: 100650
04/09/18	AMEND: 3016, 3315	08/29/18	AMEND: 60065.18, 60075.17
		08/21/18	AMEND: 35083, 35087
		07/24/18	AMEND: 100000
		07/19/18	AMEND: 30305
		07/19/18	AMEND: 6508
		05/30/18	AMEND: 95835, 95911
		05/23/18	ADOPT: 51101, 51102, 51103, 51104, 51105, 51106
		05/07/18	ADOPT: 98201, 98202, 98203

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04/20/18 AMEND: 6000, 6025, 6035, 6040, 6045, 6050, 6051, 6055, 6060, 6065, 6070, 6075 REPEAL: 6015, 6020

04/13/18 ADOPT: 40127, 40132, 40190, 40191, 40192, 40194, 40196

**Title 18**

08/28/18 AMEND: 2460, 2461, 2462

08/20/18 AMEND: 301

08/20/18 AMEND: 469

07/02/18 AMEND: 283

06/18/18 AMEND: 51

05/08/18 ADOPT: 30100, 30101, 30102, 30201, 30202, 30203, 30204, 30205, 30301, 30302, 30303, 30304, 30305, 30401, 30402, 30403, 30501, 30502, 30601, 30602, 30603, 30604, 30605, 30606, 30701, 30702, 30703, 30704, 30705, 30707, 30708, 30709, 30710, 30711, 30800, 30801, 30802, 30803, 30804, 30805, 30806, 30807, 30808, 30809, 30810, 30811, 30812, 30813, 30814, 30815, 30816, 30817, 30818, 30819, 30820, 30821, 30822, 30823, 30824, 30825, 30826, 30827, 30828, 30829, 30830, 30831, 30832

**Title 20**

07/19/18 AMEND: 1602, 1604, 1605.3, 1606, 1607

05/29/18 ADOPT: 1314, 1353 AMEND: 1302, 1304, 1306, 1308, 1344, 2505

**Title 21**

05/15/18 AMEND: 1575

**Title 22**

09/04/18 ADOPT: 68400.5, 69020, 69021, 69022

09/04/18 AMEND: 51490.1

08/20/18 ADOPT: 66262.83, 66262.84 AMEND: 66260.10, 66260.11, 66261.4, 66261.6, 66262.10, 66262.12, 66262.41, 66262.80, 66262.81, 66262.82, 66263.10, 66263.20, 66264.12, 66264.71, 66265.12, 66265.71, 66273.39, 66273.40, 66273.41, 66273.56, 66273.62, 67450.25, 67450.44, Article 8 Appendix REPEAL: 66262.50, 66262.52, 66262.53, 66262.54, 66262.55, 66262.56, 66262.57, 66262.58, 66262.60, 66262.83, 66262.84, 66262.85, 66262.86, 66262.87, 66262.88, 66262.89

08/16/18 AMEND: 5200

08/07/18 ADOPT: 60301.120, 60301.850.5, 60301.851, 60301.852, 60301.853, 60320.300, 60320.301, 60320.302, 60320.304, 60320.306, 60320.308, 60320.312, 60320.320, 60320.322, 60320.326, 60320.328, 60320.330, 64668.05, 64668.10, 64668.20, 64668.30 AMEND: 60301.450

07/25/18 REPEAL: 98300, 98301, 98302, 98303, 98304, 98305, 98306, 98310, 98311, 98312, 98313, 98314, 98320, 98321, 98322, 98323, 98324, 98325, 98326, 98340, 98341, 98342, 98343, 98344, 98345, 98346, 98347, 98348, 98349, 98360, 98361, 98362, 98363, 98364, 98365, 98366, 98370, 98380, 98381, 98382, 98400, 98410, 98411, 98412, 98413

07/05/18 AMEND: 66272.62

06/29/18 ADOPT: 72329.2

06/20/18 AMEND: 97174, 97177.25

06/20/18 ADOPT: 130000, 130001, 130003, 130004, 130006, 130007, 130008, 130009, 130020, 130021, 130022, 130023, 130024, 130025, 130026, 130027, 130028, 130030, 130040, 130041, 130042, 130043, 130044, 130045, 130048, 130050, 130051, 130052, 130053, 130054, 130055, 130056, 130057, 130058, 130062, 130063, 130064, 130065, 130066, 130067, 130068, 130070, 130071, 130080, 130081, 130082, 130083, 130084, 130090, 130091, 130092, 130093, 130094, 130095, 130100, 130110, 130200, 130201, 130202, 130203, 130210, 130211

05/09/18 AMEND: 97212, 97240, 97241, 97246, 97249

04/26/18 ADOPT: 69511.2 AMEND: 69511

04/12/18 AMEND: 7000

04/10/18 AMEND: 20000

**Title 22, MPP**

08/24/18 ADOPT: 87468.1, 87468.2 AMEND: 87101, 87102, 87109, 87309, 87468, 87506, 87612, 87615, 87631

08/22/18 ADOPT: 89600, 89601, 89602, 89632, 89633, 89637, 89662, 89667

07/12/18 AMEND: 87211

05/09/18 AMEND: 35015, 35017, 35019

04/11/18 AMEND: 101215.1, 101216.1, 101416.2

**Title 23**

08/27/18 ADOPT: 2637.1, 2637.2, 2640.1, 2716, Appendix VII, VIII, IX, X, XI, XII, XIII AMEND: 2611, 2620, 2621, 2631, 2634, 2635, 2636, 2637, 2638, 2640, 2643, 2644, 2644.1, 2646.1, 2647, 2648, 2649, 2660, 2661, 2663, 2665, 2666, 2672,



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	2711, 2712, 2715, Appendix III, VI REPEAL: 2645, 2646		25604.1, 25604.2, 25605, 25605.1, 25605.2.
08/22/18	AMEND: 3920	08/02/18	ADOPT: 25501.1
07/12/18	ADOPT: 335, 335.2, 335.4, 335.6, 335.8, 335.10, 335.12, 335.14, 335.16, 335.18	07/17/18	AMEND: 25805
07/02/18	ADOPT: 3979.9	06/14/18	AMEND: 15100, 15110, 15120, 15130, 15150, 15160, 15170, 15180, 15185, 15186, 15186.1, 15187, 15188, 15190, 15200, 15210, 15240, 15241, 15242, 15250, 15260, 15280, 15290, 15320, 15330, Appendix A, Appendix B, Appendix C
06/28/18	ADOPT: 3929.16	06/07/18	AMEND: 27001
06/19/18	ADOPT: 3939.54	05/09/18	AMEND: 25705
06/11/18	AMEND: 2924	04/06/18	AMEND: 25705
05/24/18	AMEND: 3946, 3949.13, 3949.14	<b>Title MPP</b>	
05/03/18	ADOPT: 2910.1 REPEAL: 2910.1	06/26/18	AMEND: 41-440, 42-711, 42-716, 42-717, 44-207
04/19/18	ADOPT: 3949.14	06/25/18	AMEND: 44-316, 44-350
04/16/18	ADOPT: 335, 335.2, 335.4, 335.6, 335.8, 335.10, 335.12, 335.14, 335.16, 335.18, 335.20	06/12/18	AMEND: 22-001, 22-003, 22-004, 22-009, 22-045, 22-050, 22-051, 22-054, 22-062, 22-065, 22-069, 22-071, 22-072, 22-073, 22-085
<b>Title 25</b>			
06/04/18	ADOPT: 6932 REPEAL: 6932		
<b>Title 27</b>			
08/30/18	REPEAL: 25601, 25602, 25603, 25603.1, 25603.2, 25603.3, 25604,		

