



California Regulatory Notice Register

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY:

Southern California Association of Governments

STATE AGENCY:

California Environmental Protection Agency
Governor's Office of Business and Economic
Development (GO-Biz)

ADOPTION

MULTI-COUNTY:

Panoche Financing Authority

A written comment period has been established commencing on April 7, 2023 and closing on May 22, 2023. Written comments should be directed to the Fair Political Practices Commission, Attention Daniel Vo, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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

The Executive Director of the Commission will review the above-referenced conflict-of-interest codes, proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose

certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed codes 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 codes. Any written comments must be received no later than May 22, 2023. 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 codes should be made to Daniel Vo, 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 Daniel Vo, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

**TITLE 2. GOVERNORS
OFFICE OF BUSINESS
AND ECONOMIC DEVELOPMENT**

NOTICE IS HEREBY GIVEN that the **Governor's Office of Business and Economic Development**, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on **April 7, 2023** and closing on **May 22, 2023**. All inquiries should be directed to the contact listed below.

The **Governor's Office of Business and Economic Development** proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict-of-interest code include: updating the list of designated positions to reflect removed and added GO-Biz positions, updating and organizing GO-Biz's departments to reflect the current makeup of the agency, updating the disclosure categories to differentiate between reportable interests related to the tourism and entertainment industries for the Office of Tourism and the California Film Commission, and other technical changes.

The proposed amendment and explanation of the reasons is attached to this email.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than **May 22, 2023**, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than **May 8, 2023**.

The **Governor's Office of Business and Economic Development** has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.

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

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: **Hannah Goldsmith, Counsel, Legal Affairs, (916) 715-5697, hannah.goldsmith@gobiz.ca.gov**.

**TITLE 4. GAMBLING
CONTROL COMMISSION**

SURVEILLANCE

CGCC-GCA-2023-01-R

NOTICE IS HEREBY GIVEN that the California Gambling Control Commission (Commission) is proposing to take the action described in the Informative Digest after consideration of all relevant public comments, objections, and recommendations received concerning the proposed action. Comments, objections, and recommendations may be submitted as follows:

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission at any time during the 45-day public comment period, which closes on **May 22, 2023**. Written comments relevant to the proposed regulatory action may be sent by mail, facsimile, or email, directed to one of the individuals designated in this notice as a contact person. To be eligible for the Commission's consideration, all written comments must be **received at its office no later than May 22, 2023**. Comments sent to persons and/or addresses other than those specified under Contact Persons, or received after the date and time specified above, will be included in the record of this proposed regulatory action, but will not be summarized or responded to regardless of the manner of transmission.

PUBLIC HEARING

The Commission has not scheduled a public hearing on this matter. Any interested person, or his or her authorized representative, may request a hearing pursuant to Government Code section 11346.8. A request for a hearing should be directed to the person(s) listed under *Contact Persons* no later than 15 days prior to the close of the written comment period.

ADOPTION OF PROPOSED ACTION

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

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 19840, 19841 and 19924 of the Business and Professions Code; and to implement, interpret or make specific sections 19827, 19841, 19922 and 19924 of the Business and Professions Code; the Commission is proposing to adopt the following changes to Chapter 7 of Division 18 of Title 4 of the California Code of Regulations (CCR):

INFORMATIVE DIGEST AND POLICY STATEMENT

INTRODUCTION:

The Commission is the state agency charged with the administration and implementation of the Gambling Control Act (Act).¹ The Commission is authorized to adopt regulations governing the operation of gambling establishments in California and to the extent appropriate, must take into consideration the operational differences of large and small establishments.² In part, the Commission is mandated to adopt regulations prescribing minimum policies and procedures for adoption by owner licensees (cardroom business licensees) to exercise effective control over their gambling affairs, as well as regulations that restrict, limit, or oth-

erwise regulate any activity related to the conduct of controlled gambling.³ The Act also requires cardroom business licensees to maintain security controls over the gambling premises and all operations therein related to gambling, and specifies those security controls are subject to the approval of the Commission.⁴ The Department of Justice, Bureau of Gambling Control (Bureau) is the agency responsible for performing all investigatory functions required by the Act.⁵ This includes investigating suspected criminal violations and the violation of state laws related to gambling, including any activity prohibited by Chapters 9 or 10 of Title 9 of Part 1 of the Penal Code.

EXISTING CALIFORNIA LAW AND REGULATION:

Business and Professions Code section 19827 provides the Bureau has all powers necessary and proper to enable it to carry out the duties and responsibilities of the Bureau specified in the Act. In part, the investigatory powers of the Bureau include, but are not limited to, taking the following actions upon approval of the chief, without notice or warrant:

- Visit, investigate, and place expert accountants, technicians, and any other person, as it may deem necessary, in all areas of the premises wherein controlled gambling is conducted for the purpose of determining compliance with the rules and regulations adopted pursuant to the Act;
- Inspect all equipment and supplies in any gambling establishment;
- Summarily seize, remove, and impound any equipment, supplies, documents, or records from any licensed premises for the purpose of examination and inspection. However, upon reasonable demand by the licensee or the licensee's authorized representative, a copy of all documents and records seized shall be made and left on the premises; and,
- Demand access to, and inspect, examine, photocopy, and audit all papers, books, and records of an owner licensee on the gambling premises in the presence of the licensee or his or her agent.

Additionally, the Bureau may investigate, for purposes of prosecution, any suspected criminal violation of the Act and issue subpoenas to require the attendance and testimony of witnesses and the production of books, records, documents, and physical materials.

Business and Professions Code section 19840 provides the Commission may adopt regulations for the administration and enforcement of the Act. To the extent appropriate, regulations of the Commission and

¹ Business and Professions Code, Division 8, Chapter 5, section 19800 et seq.

² Business and Professions Code section 19840.

³ Business and Professions Code section 19841, subdivisions (h) and (o).

⁴ Business and Professions Code section 19924.

⁵ Business and Professions Code section 19826.

the Bureau shall take into consideration the operational differences of large and small establishments.

Business and Professions Code section 19841 requires, in part, the Commission adopt regulations that prescribe minimum procedures for adoption by owner licensees to exercise effective control over their internal fiscal and gambling affairs, which must include, but not be limited to:

- Requirements for the safeguarding of assets and revenues, including the recording of cash and evidences of indebtedness; and,
- The provision of reliable records, accounts, and reports of transactions, operations, and events, including reports to the Bureau.

Business and Professions Code section 19922 provides that no owner licensee will operate a gambling enterprise in violation of any provision of the Act or any regulation adopted pursuant to the Act.

Business and Professions Code section 19924 requires each owner licensee to maintain security controls over the gambling premises and all operations therein related to gambling, and specifies that those security controls are subject to the approval of the Commission.

Title 4, CCR, Division 18, Section 12380 provides “Minimum Internal Control Standards,” or “MICS,” are the minimum requirements to operate a gambling establishment as set forth in Chapter 7, and include, but are not limited to, administration controls, and controls requiring segregation of duties. A cardroom business licensee must meet or exceed these requirements in controlling their gambling operation.

The purposes of the MICS are to better ensure the maintenance of accurate records, the recording of all income, the safeguarding of assets and records of the gambling establishment, operational efficiency and integrity, and adherence to prescribed policies and procedures.

Failure by a cardroom business licensee to comply with the requirements of Article 3 constitutes an unsuitable method of operation and is a ground for disciplinary action.

This section also defines the five different licensee Tiers for gambling establishments as follows:

- Tier I licensee — a cardroom business licensee authorized to operate one to five tables.
- Tier II licensee — a cardroom business licensee authorized to operate six to ten tables.
- Tier III licensee — a cardroom business licensee authorized to operate eleven to thirty tables.
- Tier IV licensee — a cardroom business licensee authorized to operate thirty-one to sixty tables.
- Tier V licensee — a cardroom business licensee authorized to operate sixty-one or more tables.

Title 4, CCR, Division 18, Section 12395 requires, in part, the policies and procedures of all Tiers must meet or exceed the following standards for security:

- Access to restricted areas of the gambling establishment, including but not limited to cages, count rooms, vaults, security offices and surveillance rooms, must be limited to authorized personnel in the performance of their duties and must be closely controlled.
- For the purpose of video surveillance recordings, gambling establishments must provide adequate lighting of all public areas, entrances and exits, and for all adjoining parking areas owned, operated or otherwise controlled by the cardroom business licensee for use by its patrons.
- In addition to the requirements for all Tiers, the policies and procedures for Tiers IV and V must meet or exceed the following standards for security:
 - Cardroom business licensees must install and maintain a backup generator that is sufficient, during power outages, to provide for the operation of lighting systems, information systems, and surveillance and recording systems for a time necessary to protect the safety and security of patrons and employees, patrons’ property, and the cardroom business licensee’s assets and property while gambling operations are terminated and patrons exit the premises.
 - Any gambling establishment that elects to continue gambling operations during a power outage must install and maintain a backup generator that is sufficient to provide for the full and continued operation of all lighting systems, all information systems, and all surveillance and recording systems.

CONSISTENCY WITH THE GAMBLING REGULATIONS OF OTHER STATES

Nevada Gaming Regulations

The Nevada Gaming Commission’s Surveillance Standards for Non-restricted Licensees specify the following categories based on annual gross gaming revenue during the preceding calendar year (NVGC Regulation 5, Section 1.020 [Rev. 11/21]):

- Category A — \$40 million or more;
- Category B — \$15 million or more, but less than \$40 million;
- Category C — \$3 million or more, but less than \$15 million; and
- Category D — Less than \$3 million.

Pursuant to NVGC Regulation 5, Section 2.010 (Rev. 11/21), surveillance equipment standards require that:

- For all category “A” and “B” licensees, the surveillance system must be maintained and operated from a “surveillance room” (defined as a secure location(s) in a licensed gaming establishment used primarily for casino surveillance).
- The entrance to the surveillance room or secured location must be located so that it is not readily accessible by either casino employees who work primarily on the casino floor, or the general public.
- Access to a surveillance room must be limited to surveillance personnel, key employees, and other personnel authorized in accordance with the licensee’s policy as set forth in its written surveillance system plan. Immediately upon request and presentation of proper identification presented to any authorized person, any agent of the Nevada Gaming Control Board (Board) must be provided access.
- For all category “A” licensees, in the event of power loss to the surveillance system, an auxiliary or backup power source must be available and capable of providing immediate restoration of power to all elements of the surveillance system that enable surveillance personnel to observe the table games remaining open for play and all areas covered by dedicated cameras.
- For all category “A” and “B” licensees, the surveillance room must be attended at all times by personnel trained in the use of the equipment, knowledge of the games, and house rules. When necessary, surveillance rooms may be unattended for periods of time not to exceed one hour in any eight-hour period to allow appropriate meal and rest breaks.
- Reasonable effort must be made to repair each malfunction of surveillance system equipment required by these standards within 72 hours after the malfunction is discovered.

Standard 2. Required Surveillance Coverage: Table Games.

The surveillance system of all licensees operating three or more table games must possess the capability to monitor and record:

- Each table game area, with sufficient clarity to identify patrons and dealers; and,
- Each table game surface, with sufficient coverage and clarity to simultaneously view the table bank and determine the configuration of wagers, card values, and game outcome.

Standard 3. Required Surveillance Coverage: Card Games.

The surveillance system of category “A,” “B,” and “C” licensees must possess the capability to monitor and record each card game area, with sufficient coverage to view patrons, dealers, and activities on the card table surfaces.

Standard 7. Required Surveillance Coverage: Count Rooms.

The surveillance system of category “A,” “B,” and “C” licensees must possess the capability to monitor and record all areas where coin may be stored or counted, including the hard count room, all doors to the hard count room, all scales and wrapping machines and all areas where uncounted coin may be stored during the drop and count process.

Standard 9. Records.

Surveillance records requirements:

- All video recordings of coverage provided by the dedicated cameras or motion-activated dedicated cameras required by these standards must be retained for a minimum of seven days, except for recordings of detentions and questioning by security personnel, which must be retained for a minimum of 30 days. All other recordings must be retained a minimum of three days.
- Category “A” and “B” licensees must have the capability to produce a still copy or photograph of the images depicted on a video recording, which must be provided to a board agent upon request. This may be accomplished using a video printer, still camera or other available means.
- Each licensee must maintain a log that documents each malfunction and surveillance system repair. The log must state:
 - The time, date, and nature of each malfunction;
 - The efforts expended to repair the malfunction and the date of each effort;
 - The reasons for any delays in repairing the malfunction; and,
 - The date the malfunction is repaired and, where applicable, any alternative security measures that were taken.

Standard 12. Digital Video Recording Standards.

Digital video recording (DVR) standards:

- All DVR equipment and systems used by a licensee in their surveillance system to comply with the Surveillance Standards requirements, must:
 - Be capable of recording and thereafter, being viewed, at a minimum of 30 images per second, full screen, in real time.

- Have visual resolution of sufficient clarity to meet all published Surveillance Standards (e.g., identifying patrons, dealers, other employees, wagers, game outcomes, etc.).
- Maintain for a period of not less than seven days, all images obtained from the video cameras.
- Have a failure notification system that provides an audible, as well as a visual notification of any failure in the surveillance system or the DVR media storage system.
- Have a media storage system that is configured so that a failure of any single component will not result in the loss of any data from the media storage system.
- Any part of a Category “A,” “B,” or “C” licensee’s surveillance system that uses a DVR, must not have more than eight cameras required by the published surveillance standards in the first stage of concentration, unless the licensee has a fault tolerant or redundant system so there is no loss of data in the event of a failure of a single first stage of concentration.
- All digital video disks or other storage media produced from the DVR system must contain the data with the time and date it was recorded superimposed, the media player that has the software necessary to view the DVR images, as well as a video verification encryption code (also known as a watermark).
- A video verification encryption code (watermark), must be submitted to the Board, at no cost to the Board, before the Board’s inspection and approval of the DVR system.
- Any failure of a DVR storage media system, must be repaired or replaced within eight hours of the failure.
- All DVR equipment must be located in the surveillance room of Category “A” and “B” licensees, and the secure location required of Category “C” and “D” licensees by Surveillance Standard 2.010(2), and the Surveillance Department shall be ultimately responsible for its proper operation and maintenance.

Standard 13. Surveillance System Standards.

The surveillance system of a category “A,” “B,” or “C” licensee, must be established and thereafter, maintained, so that a failure of any part or component will not result in the cessation of more than 50 percent of the surveillance coverage of the gaming area.

Mississippi Gaming Regulations — Title 13, Part 3, Chapter 6

Rule 6.2. Access to Monitor Rooms.

- Access to “monitor rooms” (defined as the designated room(s) on the licensee’s property that houses the surveillance system, used exclusively for casino surveillance purposes and dedicated to providing the coverage prescribed by this regulation) shall be limited to only those personnel who are employed exclusively for surveillance purposes and those personnel whose names appear on the monitor room access list approved by the Executive Director.
- Additional personnel may be granted access, with prior written approval from the Executive Director, for management purposes, or to repair, install or maintain equipment residing in the monitor room. Any person that is not employed exclusively for surveillance purposes, must, upon entry to the monitor room, enter their name, the date, the reason for their visit and the time they arrived and departed from the monitor room on a visitor’s log.

Rule 6.3. Surveillance Systems: General Requirements and Minimum Standards.

- Every licensee shall install, maintain and operate at all times a surveillance system either comprised of cameras, monitors, video recorders and a video printer; or an alternative system approved by the Executive Director that provides the coverage required by this regulation.
- The entrance to the monitor room must be located away from the view of casino employees and the general public.
- The monitor room must be staffed and the surveillance equipment monitored at all times by trained surveillance personnel.
- The individual responsible for the operation of the Surveillance Department shall not share any duties with the individual responsible for the operation of the Security Department. The duties of the Security and Surveillance Departments shall be separate and distinct and neither department nor individual responsible for either department shall have supervisory authority over the other.

Rule 6.5. Surveillance Systems: Table Games and Card Rooms.

- Every licensee who operates table games or a card room shall install, maintain and operate at all times a surveillance system that shall possess the capacity to monitor and record clear and unobstructed views of all active table games or card table surfaces, including table bank trays, with sufficient clarity to permit identification of all

chip, cash, dice and card values and the outcome of the game.

- Every licensee who operates table games or a card room shall install, maintain, and operate at all times a surveillance system that shall possess the capability to monitor and record clear and unobstructed views of the following:
 - All table game and card room areas with sufficient clarity to permit identification of all dealers, patrons, spectators and pit personnel;
 - All drop boxes and table numbers; and,
 - Simultaneous coverage of both the table game area and the table game surface.

Rule 6.9 Casino Surveillance System Equipment Malfunctions.

- Every licensee shall establish and maintain a log, in a format approved by the Executive Director, of any and all casino surveillance system equipment malfunctions, and retain the log for a period of three years.
- Each malfunction of the surveillance system must be repaired within 24 hours of the malfunction. If, after 24 hours, activity in the affected area cannot be monitored, the game(s) or machine(s) shall be closed until such coverage can be provided. A record of all malfunctions shall be kept and reported to the Executive Director each day. In the event of a dedicated coverage malfunction, the licensee must immediately provide alternative camera coverage or other security measures that will protect the subject activity. If other security measures are taken, the licensee must immediately notify the Executive Director. The Executive Director may, in his or her discretion, determine whether the other security measures are adequate. Further, all activity in the area(s) affected by the malfunction will be suspended pending repair if adequate alternative coverage cannot be provided.

Rule 6.10 Surveillance System Recording Requirements.

- Every licensee shall record and maintain a shift activity log of all specific activities observed by casino surveillance personnel, and any activities that appear unusual or irregular, or that violate or appear to violate the Mississippi Gaming Control Act, the regulations promulgated thereunder, an internal control or procedure, or any commonly known criminal statute of Mississippi or the United States, and notify the Executive Director by telephone immediately. The log entry shall be recognized by a unique number or identifier by the employee(s) making the entry in digital

systems and signed by the employee(s) that utilize an analog system.

- All recordings produced by a surveillance system must present a clear and unobstructed view of the scene depicted thereon.
- Every licensee must retain all video recordings for at least 14 days after the recording is produced, unless a shorter time period is allowed by another section of this regulation, or by order of the Executive Director, the Commission, or a court of competent jurisdiction.

Louisiana Gaming Regulations — Title 42, Part III, Chapter 33

Section 3301. Required Surveillance Equipment.

- All cameras shall be installed in fixed positions with matrix control or with pan, tilt and zoom capabilities, concealed from public and non-surveillance personnel view, to effectively and clandestinely monitor activity in detail, from various vantage points.
- Cameras, as approved by the division, shall monitor in detail, from various vantage points, the following:
 - The entrance and exits to the casino and the count rooms;
 - For all live games regardless of patron or employee position:
 - Hands of all gaming patrons and dealers;
 - Tray; and,
 - The overall layout of the table area capable of capturing clear individual images of gaming patrons and dealers, inclusive of, without limitation, facial views and the playing surface so that the outcome of each game may be clearly observed.

Section 3302. Digital Video Recording Standards.

- Pursuant to the division's specifications and at the licensee's or casino operator's costs, the licensee or casino operator shall provide the division with the necessary software and hardware, to review a downloaded recording and the video verification encryption code or watermark, before the division's inspection and approval of the digital video system.

Section 3304. Surveillance Personnel Employment Provisions.

- Surveillance department employees must be independent of all other departments and must report directly to the general manager or higher corporate official.

- Licensee or casino operator employees assigned to monitoring duties in the surveillance room are prohibited from being concurrently employed in any other capacity by the licensee or casino operator, or any affiliate of the licensee or casino operator.

Section 3305. Surveillance and Division Room Requirements.

- Employees of the licensee or casino operator assigned to monitoring duties in the surveillance room shall have no other duties.
- The surveillance room shall be manned at all times by a sufficient number of surveillance operators as approved in the internal controls. The division may require additional surveillance personnel should it be determined that an inadequacy of surveillance monitoring exists.

Section 3309. Surveillance Logs.

- The licensee and the casino operator shall maintain a division-approved surveillance log. The log shall be maintained by surveillance room personnel in the surveillance room. The division shall have access to the log at all times. A log entry shall be made in the surveillance log of each surveillance activity. Each log entry shall include the following:
 - The identity of any person entering and exiting the surveillance room;
 - A summary, including date, time and duration, of each surveillance activity;
 - A record of any equipment or camera malfunctions;
 - A description of any unusual events occurring; and
 - Any additional information as required by the division.

Section 3315. Maintenance and Testing.

- Any malfunction of surveillance equipment shall necessitate the immediate replacement of the faulty equipment. If immediate replacement is not possible, alternative live monitoring shall be provided by security personnel.
- The division shall determine if gaming should continue with live monitoring and shall have authority to cease gaming operations not monitored by the surveillance system.

Washington State Gambling Regulations — WAC, Title 230, Chapter 15

Section 430. Internal Control Requirements.

- Licensees must establish separate departments or functions that must be independent from each other. At a minimum, these departments or functions must include:

- Surveillance;
- Security;
- Gambling; and,
- Accounting.

New Jersey State Gaming — NJAC, Title 13, Chapter 69D

Section 1.10. Closed circuit television system; surveillance department control; surveillance department restrictions.

- Each casino licensee must install in its establishment a closed circuit television (CCTV) system that must be under the surveillance department's exclusive control.
- Each casino licensee must maintain a surveillance log of all surveillance activities in the monitoring room. At a minimum, the following information shall be recorded in a surveillance log:
 - The date and time each surveillance commenced;
 - The name and license credential number of each person who initiates, performs or supervises the surveillance;
 - The reason for surveillance, including the name, if known, alias or description of each individual being monitored, and a brief description of the activity in which the person being monitored is engaging;
 - The times at which each video or audio recording is commenced and terminated;
 - The time at which each suspected criminal offense is observed, along with a notation of the reading on the meter, counter or device (as specified) that identifies the point on the video recording at which such offense was recorded;
 - The time of termination of surveillance; and
 - Summary of results of the surveillance.
- Surveillance department employees assigned to monitor the activities must be independent of all other departments.

EFFECT OF REGULATORY ACTION

The Commission is proposing to amend its MICS regulations concerning surveillance requirements for gambling establishments, which take into account the variations in size of different gaming operations in existing cardroom business licensee Tiers I through V that are based on the number of gaming tables a cardroom business licensee is licensed to operate. The proposed amendments make specified surveillance requirements currently only applicable to Tier V cardroom business licensees additionally applicable to Tier IV cardroom business licensees. Specifically,

these proposed regulations require a Tier IV cardroom business licensee to have a separate surveillance unit with dedicated staff, a dedicated camera installed at each gambling table, and one Pan/Tilt/Zoom camera installed at every ten or fewer authorized tables present in the gambling operations area, as specified. The amendments also make necessary updates to requirements for all Tiers concerning the quality and format of video recordings consistent with modern-day digital surveillance technologies.

ANTICIPATED BENEFITS FROM THE PROPOSED REGULATIONS

The proposed amendments would add Tier IV cardroom business licensees to specified surveillance requirements previously reserved only for Tier V cardroom business licensees; namely requiring a separate surveillance unit to be staffed during all hours while gambling operations are taking place and dedicated surveillance cameras at all gaming tables. Doing so will strengthen internal controls for Tier IV cardroom business licensees and provide an extra layer of safety and security. Adding Tier IV cardroom business licensees to the more stringent surveillance requirements previously reserved for Tier V cardroom business licensees will make California's standards similar to those found in other states, including Nevada and New Jersey. For all cardroom business license Tiers, requiring digital surveillance recordings be captured, recorded, copied, and stored with sufficient clarity will better assist the Bureau and local law enforcement in conducting investigations. Further, the proposed action will benefit cardroom business licensees in further safeguarding their assets, protecting patrons and their property, while maintaining the integrity of controlled gambling. The proposal will also increase public trust in gaming throughout California.

SPECIFIC PROPOSAL

This proposed action will make changes within the California Code of Regulations, Title 4, Division 18, as follows:

General Changes

A general change has been made in the proposal to replace the word "shall" with other words less subject to interpretation. Shall is a potentially ambiguous word. In most connotations it is used to convey an obligation. However, the word has been used in a variety of contexts to convey a range of ideas including "may," defining a term, meaning "should," compelling as "must," etc. In an effort to foreclose any such ambiguity, shall is replaced throughout the text with other words subject to less interpretation. These are

non-substantive, clarifying changes to syntax within the meaning of Section 100(a)(4), Title 1 of the CCR.

CHAPTER 7. CONDITIONS OF OPERATION FOR GAMBLING ESTABLISHMENTS.

ARTICLE 3. MINIMUM INTERNAL CONTROL STANDARDS (MICS) FOR CARDROOM BUSINESS LICENSEES.

Amend Section 12396. Surveillance.

In general, this section requires cardroom business licensees to adopt specified minimum policies and procedures concerning surveillance. The requirements increase throughout this section based on the relative size (Tier) of the gambling establishment, which is determined by the number of tables the cardroom business licensee is authorized to operate. Existing Section 12380(d) defines the five different license Tiers as follows:

- Tier I licensee — a cardroom business licensee authorized to operate one to five tables.
- Tier II licensee — a cardroom business licensee authorized to operate six to ten tables.
- Tier III licensee — a cardroom business licensee authorized to operate eleven to thirty tables.
- Tier IV licensee — a cardroom business licensee authorized to operate thirty-one to sixty tables.
- Tier V licensee — a cardroom business licensee authorized to operate sixty-one or more tables.

Subsection (a) provides minimum surveillance system requirements applicable to cardroom business licensees in all Tiers.

Paragraph (1) requires all cardroom business licensees to install and maintain on site in the gambling establishment, a surveillance system with video recording and CCTV monitoring capabilities. The surveillance system is required to record the gambling establishment's critical gambling operation areas and activities (as specified) as well as the interior of the entrances and exits with reasonable coverage and clarity. Additionally, the video recording equipment must meet specified parameters in displaying the current date and time of recorded events. Although remote, off-site access capabilities are allowed for the surveillance system, those capabilities may only be used for secondary support of any required on-site systems.

This paragraph is proposed for amendment to add *card values, wagers, and game outcomes* to the list of things that must be recorded with reasonable coverage and clarity by the surveillance system; applicable to all cardroom business license Tiers. Additionally, language is added to clarify that an overhead view of the card values, wagers, and game outcomes is acceptable, and to exempt specified demonstration and instructional tables from the requirement when cash or prizes are not involved. The proposed change would make these requirements and exemptions, which already ex-

ist for cardroom business licensees in Tiers II through V [see subsection (b)(2)], applicable to Tier I cardroom business licensees.

Paragraph (2) requires all surveillance recordings to be made in real time mode, or at a speed sufficient to capture and record the actions of all individuals being observed. The provision provides an exemption that allows for gambling establishment entrances, exits, and parking areas to be recorded in time lapse mode at a minimum speed of 15 frames per second.

This paragraph is proposed for amendment to remove the exemption that currently allows gambling establishment entrances, exits, and parking areas to be recorded in time lapse mode at a minimum of 15 frames per second.

Paragraph (4) requires surveillance system operation to be checked on a daily basis to ensure that the equipment is functioning properly. Reasonable efforts must be made to repair malfunctioning surveillance equipment within 72 hours of the discovery of a malfunction.

This paragraph is proposed for amendment to add “or replace” after “repair.”

Additionally, this paragraph is proposed for amendment to add language that specifies if the surveillance system ceases to be able to record any area of the gambling establishment that is required to be recorded by this Article, the cardroom business licensee must take lawful steps to ensure the area is not used for any activity subject to the surveillance requirements until the surveillance system is able to record the area. The provision provides an exemption for parking lots and a sentence is added to clarify the term “lawful” means in accordance with federal, state, and local requirements.

Paragraph (5) provides specific standards if the surveillance system utilizes a DVR system. Currently, this paragraph is permissive and provides standards that are only applicable *if* DVRs are used.

This paragraph is proposed for amendment to require the surveillance system utilize a DVR, network video recorder (NVR), or equivalent system, which is consistent with current surveillance industry standards and practice. The requirement to utilize a DVR, NVR, or equivalent system will effectively prohibit the use videocassette recorders (VCRs) in surveillance systems. Further, language is proposed to apply existing DVR standards to NVRs or equivalent systems.

Additionally, subparagraph (C) is proposed for amendment to allow portable digital storage devices to be used in addition to digital video discs (DVDs) when reproducing or copying surveillance data stored on a media storage system.

Other non-substantive amendments proposed throughout this paragraph are technical in nature.

Paragraph (7) establishes retention requirements for surveillance recordings.

This paragraph is proposed to be amended with non-substantive changes concerning the minimum timeframe recordings must be retained (unless otherwise requested by the Bureau), which increased on June 1, 2013, from 7 to 14 days. Now that the implementation date has passed, the current requirement is being appropriately codified along with the repeal of the sunrise clause in subparagraph (B).

Paragraph (8) authorizes Bureau staff, with approval of the chief, to demand immediate access to the surveillance room and any area of the gambling establishment in which surveillance equipment is installed or maintained or where surveillance video recordings are stored, at any time during the gambling establishment’s actual hours of operation. Additionally, paragraph (8) requires cardroom business licensees or their authorized representatives to provide such access to Bureau staff. Furthermore, this paragraph authorizes the Bureau to take custody of and remove from the gambling establishment original video recordings or copies of digital recordings that are required to be made and maintained pursuant to the Act or regulations, limits disclosure of surveillance video recordings by the Bureau, and provides a process for Bureau staff to make copies of surveillance recordings taken into Bureau custody upon reasonable request.

This paragraph is proposed for amendment to divide the paragraph into two subparagraphs (A and B), which provides for better readability. A non-substantive change to capitalize the word “chief” in subparagraph (A) is proposed for consistency with the term as defined in Chapter 1.

Further, two clauses are proposed to be added to subparagraph (B). Clause (i) would require digital copies to be a clear representation of the original. Clause (ii) requires the cardroom business licensee to provide the Bureau with any software that may be necessary to view the digital copies or in a format that is acceptable to the Bureau.

Subsection (b) provides surveillance standards for cardroom business licensees in Tiers II through V in addition to the requirements of subsection (a).

Paragraph (1) requires the surveillance system to, at a minimum, record both the interior and exterior of the gambling establishment entrances and exits.

This paragraph is proposed for amendment to require the surveillance system of a Tier II through V cardroom business licensee to have dedicated cameras for monitoring and recording the gambling establishment entrances and exits with sufficient clarity to afford reasonable opportunity to identify persons entering and exiting. The existing requirement, which specifies the “interior and exterior” of the entrances and exits must be recorded, is proposed to be modified to meet the intended performance goal of the regula-

tion concerning video clarity while ensuring compliance is achievable.

Paragraph (2) requires the surveillance system to have a sufficient number of cameras dedicated to gambling tables for viewing and recording patrons, dealers, wagers, cards, and game outcomes at each table.

This paragraph is proposed for amendment to replace the term “cards” with “card values,” which aligns with the proposed language in Section 12396(a)(1).

Subsection (c) requires, in addition to the requirements of subsections (a) and (b), the surveillance system for a Tier III through V cardroom business licensee to include coverage and recording of all adjoining patron parking areas owned, operated, or otherwise controlled by the cardroom business licensee.

This subsection is proposed for amendment to be more specific by requiring the coverage and recording to be done with sufficient clarity to provide opportunity to obtain a description of the vehicles entering and exiting the parking areas. Notably, existing Section 12395(a)(2) already requires all gambling establishments to provide adequate lighting of all public areas, including adjoining parking areas, for the purpose of video surveillance recordings.

Subsection (d) provides, in addition to the requirements of subsections (a), (b), and (c), the policies and procedures of a Tier IV cardroom business licensee must require, during all hours of operation, a cardroom owner type licensee or key employee licensee who has the ability to access live and previous surveillance video recordings, to be on duty at the gambling establishment.

This subsection is proposed to be repealed. The amendment proposed to former subsection (e), relabeled as subsection (d) in the proposed regulations, makes the surveillance requirements previously reserved only for Tier V cardroom business licensees additionally applicable to Tier IV cardroom business licensees. In part, this would require Tier IV cardroom business licensees to have at least one surveillance employee present in the surveillance room during all hours of operation. The existing requirement for Tier IV cardroom business licensees is being expanded upon under the changes proposed in subsection (e). Please see that section for more details on the additional requirements.

Subsection (e), which has been renumbered to subsection (d), provides surveillance requirements specific to Tier V cardroom business licensees in addition to the requirements of subsections (a), (b), (c), and (d).

Paragraph (1) requires Tier V cardroom business licensees to establish a surveillance unit separate and apart from the security department with dedicated staff that have no other gambling-related duties.

Paragraph (2) requires Tier V cardroom business licensees to establish and maintain a separate surveillance room with controlled access through a secured door or doors, which is under constant recorded video surveillance, and with no entrance or exit door readily observable or accessible from the gambling operation area.

Paragraph (3) provides that routine access and entry to the surveillance room must be limited to on-duty surveillance unit employees assigned to monitor gambling operations. However, access may be granted to other cardroom employee type licensees for the purpose of performing their duties, and other persons may be granted limited access for educational, investigative or maintenance purposes, if accompanied at all times by a surveillance unit employee.

Paragraph (4) requires at least one surveillance employee to be present in the surveillance room and actively monitoring the gambling operations during all hours of operation. Although the provision allows the surveillance room to be unattended for a maximum total of one hour during any shift or eight-hour period for required meal and rest breaks, no controlled gambling may take place when a surveillance employee is not present and on duty in the establishment, whether on a break or not.

Paragraph (5) requires the surveillance of the count room to include CCTV monitoring and video recording.

Paragraph (6) requires Tier V cardroom business licensees to maintain a surveillance activity log of all surveillance room activity that occurs during a surveillance period or shift. Entries in the surveillance activity log must be made by on-duty surveillance personnel and include the following:

- (A) The date and time of commencement of the surveillance period or shift;
- (B) The printed name(s) of the person(s) conducting the surveillance;
- (C) The date and time of termination of the surveillance period or shift;
- (D) A summary of the results of the surveillance, including a notation of the time of recording of any event, activity, occurrence, process or procedure that was monitored during the surveillance period or shift, whether the recording or monitoring was required or not;
- (E) A notation of the time of the discovery or occurrence of any equipment or camera malfunctions during the surveillance period or shift;
- (F) A notation of the time of the correction or repair of any equipment or camera malfunctions occurring during the surveillance period or shift, if corrected or repaired during that period or shift;

- (G) A notation of the time of the correction or repair of any equipment or camera malfunctions discovered and noted in a previous surveillance period or shift, if corrected or repaired during the current period or shift;
- (H) A notation of the time of occurrence of any medical emergency event or law enforcement event, including any incident number generated by the responding entity, if available;
- (I) A notation of the time(s) of drop box collection occurring during the surveillance period or shift;
- (J) A notation of the time of drop count procedure(s) occurring during the surveillance period or shift; and,
- (K) A notation of the times of patron disputes occurring during the surveillance period or shift that required the intervention of the security department, if any.

Paragraph (7) requires Tier V cardroom business licensees to have a dedicated camera at each gambling table that records in real time mode or at a speed sufficient to capture and record the actions of all individuals being observed. These gambling table cameras must provide clear surveillance coverage of all controlled gambling at all hours of operation. Additionally, one Pan/Tilt/Zoom camera must be installed for every ten or fewer authorized tables present in any gambling operations area of the gambling establishment, and a reasonable attempt must be made to pan the faces of patrons and dealers for identification at least once per work shift of surveillance unit employees.

This subsection is proposed to be relabeled as subsection (d) to conform to the proposed repeal of existing subsection (d), which is a nonsubstantive change. Additionally, this subsection is proposed to be amended to make the minimum surveillance standards currently required for the policies and procedures of Tier V cardroom business licensees (discussed above) additionally applicable to Tier IV cardroom business licensees.

Further, amendments are proposed to existing paragraph (4) of this subsection to establish an exception for Tier IV cardroom business licensees concerning the requirement for at least one surveillance employee to be present in the surveillance room and actively monitoring the gambling operations during all hours of operation, as specified. This exception allows Tier IV cardroom business licensees to utilize a contingency plan previously approved by the Bureau to use a cardroom employee type licensee to fulfill the requirements of this paragraph when a surveillance employee is unavailable due to unforeseen exigencies. Additionally, subparagraphs (A) through (C) are proposed to be added. These provisions provide a process for a Tier IV cardroom business licensee to submit a writ-

ten request for the Bureau's review and approval of its contingency plan and provide automatic approval of the plan if not disapproved by the Bureau in writing within 30 calendar days of the Bureau's receipt of the request. A Tier IV cardroom business licensee is required to notify the Bureau in writing within five calendar days after utilizing the contingency plan option.

CONSISTENCY OR COMPATIBILITY WITH EXISTING STATE REGULATIONS

The Commission has evaluated this regulatory action and determined that the proposed regulations are neither inconsistent nor incompatible with any other existing state regulations.

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

FISCAL IMPACT ESTIMATES

FISCAL IMPACT ON PUBLIC AGENCIES INCLUDING COSTS OR SAVINGS TO STATE AGENCIES OR COSTS/SAVINGS IN FEDERAL FUNDING TO THE STATE:

The proposed action is estimated to have no fiscal impact to the Commission.

The Bureau has determined that the proposed action will result in a minor, absorbable fiscal impact to make copies of the digital media, which includes additional costs of approximately \$600 per year for purchasing external hard drives. The Bureau suggests that gambling establishments are required to supply a minimum of two copies (one evidentiary copy and one working copy) to the Bureau of digital media. This would increase efficiency for evidence collection and result in cost savings for the Bureau.

There are no costs or savings in federal funding to the state.

NON-DISCRETIONARY COST OR SAVINGS IMPOSED UPON LOCAL AGENCIES:

None.

MANDATE IMPOSED ON ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH PART 7 (COMMENCING WITH SECTION 17500) OF DIVISION 4 OF THE GOVERNMENT CODE REQUIRES REIMBURSEMENT:

None.

COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH PART 7 (COMMENCING WITH SECTION 17500) OF DIVISION 4 OF THE GOVERNMENT CODE REQUIRES REIMBURSEMENT:

None.

EFFECT ON HOUSING COSTS:

None.

IMPACT ON BUSINESS:

The Commission has made a determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination is based on the following facts or evidence/documents/testimony:

The proposed action updates existing MICS requirements concerning surveillance at gambling establishments and takes into account the variations in size of different gaming operations. The proposed action makes specified surveillance requirements currently only applicable to Tier V cardroom business licensees (authorized to operate 61 or more gaming tables) additionally applicable to Tier IV cardroom business licensees (authorized to operate 31 to 60 gaming tables).

Specifically, this would require a Tier IV cardroom business licensee to establish a separate surveillance unit with dedicated surveillance staff and provide a dedicated camera installed at each gambling table and one Pan/Tilt/Zoom camera installed at every ten or fewer authorized tables present in the gambling operations area, as specified. The amendments also make necessary updates to the requirements for cardroom business licensees in all Tiers concerning the quality and format of video recordings consistent with modern-day digital surveillance technologies. To provide cardroom business licensees enough time to upgrade their existing surveillance systems in compliance with the regulatory changes, these regulations will be submitted to the Office of Administrative Law for final review with a request for a delayed effective date of 12 months from the date of filing with the Secretary of State.

Although there are 84 licensed cardrooms, only 61 are active and impacted by this proposed action. Out of the 61 cardrooms that are impacted, 50 are small businesses and 11 are typical businesses. The total statewide dollar costs that businesses may incur to comply with this regulation over its lifetime is estimated to include average initial one-time costs of \$63,776 per small business cardroom and \$150,976 per typical business cardroom in the first year, and average annual ongoing costs of \$30,571 per small business cardroom and \$79,635 per typical business cardroom in all subsequent years. This results in an estimated industry-wide total cost of \$4,849,524 in the first year and an ongoing cost of \$2,404,516 per year thereafter. Notably, the actual industry-wide total costs may be substantially lower, as many cardrooms already meet the proposed requirements.

These costs will not inhibit a California business from competing with businesses in other states as the gambling industry does not cross state lines and the

amounts involved are not significant enough to affect industry competitiveness. Furthermore, the proposed changes would make the surveillance standards for California cardrooms consistent with the surveillance requirements of similar-sized gaming facilities found in other states, including Nevada and New Jersey.

Cost Impact on Representative Private Person or Business:

The Commission anticipates a cost impact on a typical cardroom business licensee resulting from the proposed requirements for cardroom business licensees in all Tiers concerning the quality and format of video recordings, and additional surveillance-related requirements for Tier IV cardroom business licensees.

As noted above, the Commission estimates that the proposed action will have an average initial cost of \$150,976 per typical business in the first year and an average ongoing cost of \$79,635 per typical business in each subsequent year. Notably, the actual industry-wide total costs may be substantially lower, as many cardrooms already meet the proposed requirements.

The proposed regulation will have no impact on a representative private person.

Effect on Small Business:

The Commission has determined that the proposed regulatory action will have a similar impact on small business to comply with the proposed regulations. As noted above, the Commission estimates that the proposed action will have an average initial cost of \$63,776 per small business in the first year and an average ongoing cost of \$30,571 per small business in each subsequent year. Notably, the actual industry-wide total costs may be substantially lower, as many cardrooms already meet the proposed requirements.

**RESULTS OF ECONOMIC IMPACT
ASSESSMENT/ANALYSIS**

Impact on Jobs/New Businesses:

The Commission has determined that this regulatory proposal will not have a significant impact on the creation of new jobs or businesses, the elimination of jobs or existing businesses, or the expansion of businesses in California. For this purpose, the federal Small Business Administration (SBA) definition of a small business was utilized. An average annual gross gaming revenue of \$30 million per year was used as the threshold, as specified in the North American Industry Classification System Code section 713210 and referenced by the SBA in Section 121.201 of Title 13 Part 121 of the Electronic Code of Federal Regulations. Cardroom business licensees having a three-year average annual gross gaming revenue of no more than \$30 million were identified as small businesses. Due to mandatory closures resulting from the COVID-19

pandemic, 2019 was the last full year of operation; information from 2020 and 2021 was not used.

The proposed action may result in a small increase in the number of surveillance jobs available at Tier IV cardroom business licensees due to requiring Tier IV cardroom business licensees to establish a separate surveillance unit that is independent and apart from the security department and staffed with personnel that have no other gambling-related duties. However, the increase in jobs is difficult to quantify because many Tier IV cardroom business licensees already meet the proposed requirement. Additionally, due to the limited number of gaming tables a Tier IV cardroom business licensee is allowed to operate (31 to 60 gaming tables), the statewide increase in new jobs would not be significant.

Benefits of Proposed Regulation:

The proposed regulation will benefit cardroom business licensees in further safeguarding their assets, protecting patrons and their property, while maintaining the integrity of controlled gambling. The proposal will also increase public trust in gaming throughout California. For all cardroom business license Tiers, requiring digital surveillance recordings be captured, recorded, copied, and stored with sufficient clarity will better assist the Bureau and local law enforcement in conducting investigations.

Health and Welfare of California Residents:

It has been determined that the proposed action will protect the health, safety, and general welfare of California residents by aiding and preserving the integrity of the controlled gambling industry. Strengthening the capabilities of cardroom surveillance and security controls will provide an additional deterrent against illegal activity, better protect patron assets, and better assist the Bureau and other law enforcement agencies in conducting thorough investigations.

Worker Safety:

It has been determined that the proposed action will not affect worker safety because it does not pertain to working conditions or worker safety issues.

State's Environment:

It has been determined that the proposed action will not affect the state's environment because it does not pertain to environmental issues.

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 in implementing the statutory policy or other provision of law.

INITIAL STATEMENT OF REASONS,
INFORMATION AND TEXT OF PROPOSAL

The Commission has prepared an Initial Statement of Reasons and the exact language for the proposed action and has available all the information upon which the proposal is based. Copies of the language and of the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Commission at 2399 Gateway Oaks Drive, Suite 220, Sacramento, CA 95833-4231.

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

All the information upon which the proposed action is based is contained in the Rulemaking File that will be available for public inspection and copying at the Commission's office throughout the rulemaking process. Arrangements for inspection and/or copying may be made by contacting the primary contact person named below.

You may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to one of the contact persons named below or by accessing the Commission's Website listed below.

Contact Persons:

All comments and inquiries concerning the substance of the proposed action should be directed to the following *primary* contact person:

Alex Hunter, Legislative and Regulatory Specialist
Legislative and Regulatory Affairs Division
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220,
Sacramento, CA 95833-4231
Telephone: (916) 263-1301
Fax: (916) 263-0499
Email: ahunter@cgcc.ca.gov

Requests for a copy of the Initial Statement of Reasons, proposed text of the regulation, modified text of the regulation, if any, or other technical information upon which the proposed action is based should be directed to the following *backup* contact person:

Joshua Rosenstein,
Legislative and Regulatory Specialist
Legislative and Regulatory Affairs Division
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220,
Sacramento, CA 95833-4231
Telephone: (916) 274-5823
Fax: (916) 263-0499
Email: jrosenstein@cgcc.ca.gov

Website Access:

Materials regarding this proposed action are also available on the Commission's Website at www.cgcc.ca.gov.

**TITLE 4. DEPARTMENT OF
ALCOHOLIC BEVERAGE CONTROL**

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

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to ABC. The written comment period closes at 12:00 p.m. **on 05/23/2023**. ABC will consider only comments received at ABC Headquarters by that time. Submit comments to:

Law and Policy Unit
Department of Alcoholic Beverage Control
3927 Lennane Drive, Suite 100
Sacramento, CA 95834

Comments may also be submitted by email to rpu@abc.ca.gov, please include "Music Venue Licenses" in the subject line of your email.

AUTHORITY AND REFERENCE

Business and Professions Code section 23552 authorizes ABC to adopt these proposed regulations to implement the new law. The proposed regulations implement, interpret, and make specific Business and

Professions Code sections 23550, 23552, 23958, 25616, and 25753.

**INFORMATIVE DIGEST/
POLICY STATEMENT OVERVIEW**

ABC is statutorily and constitutionally responsible for the administration, issuance, oversight, and enforcement of all alcoholic beverage licenses throughout the state. There are many varied and different types of licenses, each with differing requirements for issuance, and they confer privileges for certain actions that are illegal without a proper license. SB 793 created a new license type called a "Music Venue License" which allows for a "Music Entertainment Facility" to be licensed to serve beer, wine, and spirits to patrons two hours prior to, during, and one hour after a live performance, subject to Section 25631 of the Business and Professions Code. It allows this privilege without the requirement that food be served while also allowing for minors to be on the licensed premises while alcoholic beverages are served. This combination of privileges and requirements, or anything similar, has never been available pursuant to any previous alcoholic beverage license. SB 793 also created an exchange program to allow certain license holders to exchange their current license for one of the new music venue licenses. Although standards of privileges, based on live performances, and requirements for the license are established in the statutory language, there are some provisions that are ambiguous and require clarification through regulatory action.

ABC seeks to clarify and make plain ambiguities in the statutory language established by SB 793 which creates the new Music Venue License and the requirements to hold one at a licensed premises, as well as the exchange process. The Legislature anticipated the need for ABC to promulgate regulations by giving ABC express statutory authority to do so. ABC, through this regulatory action, will clarify to the public, licensees, potential licensees, and ABC staff, how a Music Venue License should be overseen to ensure only a qualifying "Music Entertainment Facility" is issued a Music Venue License, and that the licensed premises must continue to act in a bona fide manner when serving alcoholic beverages only prior to, during, and after a live event as outlined in Business and professions Code sections 23550 and 23552.

Summary of Existing Laws and Regulations

Business and Professions Code sections 23300 and 23355 provide that any person seeking to engage in the manufacture or sale of alcoholic beverages must hold a license and that they may only exercise such privileges as are established by the Legislature for each specific license type at the premises for which the license is issued. The Legislature has established over 75 different

license types pertaining to the manufacture, distribution, and retail sale of alcoholic beverages, each with their own requirements and privileges within Division 9 of the Business and Professions Code (ABC Act).

Business and Professions Code section 23958 requires the Department to conduct a thorough investigation to determine if an applicant and proposed licensed premises meet the qualifications and requirements for the requested license type and to ensure that the normal operation of the licensed premises does not negatively impact the public welfare and morals.

Business and Professions Code Division 9, Chapter 7, commencing with section 24200, establishes ABC's authority to take disciplinary actions against licenses where a violation of the ABC Act or Title 4, Division 1 of the California Code of Regulations (ABC Regulations) occurs. The keeping of certain records pertaining to the operation of a licensed business and providing such records to the Department in accordance with its regulatory oversight obligations are required pursuant to sections 25616 and 25753. The Department may suspend or revoke a license for violations of the ABC Act, among other things.

With the addition of a new license type created by the Legislature, the existing ABC Act and ABC regulations regarding applications, licensing, oversight, and enforcement all apply to the new license type. Although the license is new, the process for the application, issuance, due process of ABC decisions, and ongoing oversight of issued licenses remains unchanged.

Summary of Effect of Proposed Action on Existing Laws and Regulations

ABC must ensure that all aspects of the new music venue license are consistent with the rest of the ABC Act and that ambiguities on matters such as expiration dates for an exchanged license, the exchange program procedures, or any terms in need of further clarification are all clarified prior to the issuance of the new license type. The proposed regulatory action will ensure public notice of ABC actions regarding applications for the new license type and how the privileges and requirements, where ambiguous in statute, will be determined by ABC for the issuance and oversight of the new licenses. Specifically, the proposed regulation clarifies how ABC will administer exchanges of existing licenses for the new license, how license expiration dates will be affected in an exchange, and how ABC will determine compliance with the statutory requirements (such as the required equipment, what constitutes a "live performance," and what "paid tickets or cover charges" are).

Comparable Federal Statute or Regulations

The ABC has determined that this proposed regulation does not have a comparable federal statute or regulation.

Policy Statement Overview

This regulation promotes ABC's mission, which is to protect the health, safety, and welfare of the public while implementing legislatively mandated licenses to allow for the public manufacture, sale, and consumption of alcoholic beverages. With new license types, ABC must endeavor to protect the health, safety, and welfare of the public, and ensure that the statutorily mandated requirements and privileges for the new license type are effectively issued and overseen by ABC. When statutory requirements and privileges of licensees are not plain or require clarity, ABC must establish standards by regulation to ensure the public, licensees, and ABC staff are aware of unified statewide standards for implementation, issuance of licenses, and oversight of conduct by licenses for any potential enforcement.

Benefits Anticipated

The proposed regulatory action will ensure the public, licensees, and ABC staff are aware of unified statewide standards for issuance of this new license type and for licensee conduct. Clarity and uniformity of implementation of the new music venue license type will save resources and provide clarity in the licensing and oversight processes of ABC.

Determination of Inconsistency/Incompatibility with Existing State Regulations

ABC reviewed the existing state regulations and statutes currently enforced and has determined that this proposed regulatory action is not inconsistent or incompatible with existing state regulations.

Effect Upon Small Businesses in California

The ABC has determined that this proposed regulatory action does not target small businesses. While some ABC licensees are small businesses, and some potential Music Venue License may be issued to small businesses, this regulation applies to all license exchanges for Music Venue Licenses, or any "Music Entertainment Venue" that is originally licensed pursuant to a new application for a Music Venue License.

Disclosures Regarding the Proposed Action

The ABC has made the following initial determinations:

1. Mandate on local agencies or school districts: None.
2. Costs or Savings to any state agency: None.
3. Cost to any local agency or school district that is required to be reimbursed by the state: None.
4. Other nondiscretionary cost or savings imposed on local agencies: None.
5. Cost or savings in federal funding to the state: None.
6. Cost impacts on housing costs: None.

Determination of Statewide Adverse Economic Impact on Business

The ABC has made an initial determination the adoption 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. There is no foreseeable impact on businesses based on the policy laid out in the proposed regulation.

Results of the Economic Impact Assessment:

ABC concludes that it is (1) unlikely that the proposal will eliminate any jobs, (2) that the proposal will not likely create additional jobs, (3) that the proposal will not likely create additional new businesses, (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, (6) unlikely that the proposal will impact worker safety.

As stated above under “Benefits Anticipated,” the implementation of the proposed new music venue license regulations will benefit the health, welfare and public safety of California residents through the uniform statewide standards for issuance of licenses and oversight of conduct by licenses for any potential enforcement.

ABC has determined this proposed regulation will have no effect upon the environment.

Description of All Economic Impacts That a Representative Private Person or Business Would Necessarily Incur in Reasonable Compliance with the Proposed Action

The ABC has made an initial determination that the adoption of this regulation will have negligible economic impact on private persons or businesses. There is no foreseeable impact on private persons or businesses based on the process laid out in the proposed regulation. Thus, ABC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Required Reports from Businesses

The proposed regulation does not require any reports from ABC licensees or any other business. It does require the keeping of records in compliance with the ABC Act to ensure licensed premises continue to qualify as a music entertainment facility after the license is issued.

Consideration of Alternatives

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

persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. ABC invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

Agency Contact Person

Inquiries concerning the proposed regulatory action may be directed to the agency representative Robert de Ruyter, Assistant General Counsel, (916) 419–8958, (designated backup contact) Sarah Easter, Associate Governmental Program Analyst, Law and Policy Unit, (916) 823–1310 or via email at rpu@abc.ca.gov.

Availability of Documents

The ABC prepared an Initial Statement of Reasons for the proposed action. Copies of the Initial Statement of Reasons, and the full text of the proposed regulations may be accessed on ABC’s website listed below or may be obtained from the Law and Policy Unit, Department of Alcoholic Beverage Control, 3927 Lennane Drive, Suite 100, Sacramento, CA 95834, on or after April 7th, 2023.

ABC staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

Change to the Proposed Full Text of the Regulation Action

If there is any change to the proposed full text of the regulation action in a substantial, or sufficiently related way, it will be made available for comment for at least 15 days prior to the date on which the department adopts the resulting regulation.

Final Statement of Reasons Availability

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

Internet Access

This notice, the Initial Statement of Reasons, and all subsequent regulatory documents, including the Final Statement of Reasons, when completed, are available on ABC’s website for this rulemaking at <https://www.abc.ca.gov/law-and-policy/regulations-rulemaking/>.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

The Department of Motor Vehicles (department) proposes to amend Sections 160.00, 160.02, 160.04, and 161.06 in Article 3.1, Chapter 1, Division 1, Title 13 of the California Code of Regulations, regarding the Specialized License Plate Programs to implement

provisions relating to sections 4466, 4609, 4850, 4851, 5024, 5105, 5155, 5156, 5159, and 5160 of the Vehicle Code.

PUBLIC HEARING

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

DEADLINE FOR WRITTEN COMMENTS

Any interested party or their duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than May 23, 2023, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt these regulations under the authority granted by Vehicle Code section 1651 and 5110 in order to implement, interpret, or make specific Vehicle Code sections 5155, 5156, and 5159.

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

License plate designs and messages are government speech, and the government may convey any message it selects in that communication. In 2015, the U.S. Supreme Court clarified that the designs a State places on license plates are government speech. In *Walker v. Texas Div., Sons of Confederate Veterans* (Jun. 18, 2015) 576 U.S. 200, the U.S. Supreme Court concluded there is no First Amendment right in any person permitting them to dictate the content of license plate design images and statements. Neither the *Walker* case, nor this rulemaking, concern the First Amendment implications of personalization of a registration number.

The department registers vehicles and authorizes their use on the road by assigning a registration number to each vehicle and producing a license plate displaying that registration number (Veh. Code section 4850). The license plate must be attached to the vehicle for it to lawfully operate on California public roads. The visibility and placement of the license plate

bearing this registration number are critical to law enforcement's efforts to maintain driver compliance with the rules of the road. Also, the visibility of the registration number is a critical component of bridge and toll road authorities' ability to automate revenue collection. The visibility of the registration number is also relied on by parking facilities across the state to ensure fee collection.

Additionally, the license plate has become a source of revenue for many State agencies and public institution programs through sponsorship of a Specialized license plate (SLP). The Specialized license plate programs raise needed funds by displaying a desirable decorative image on the license plate, in addition to the registration number for a fee. Vehicle registrants will pay an extra fee for the decorative image, knowing they are contributing to specified public programs.

For many years, the California Legislature has created various license plate design programs to fund specific State endeavors. The current program is the Specialized License Plate (SLP) program under which any state agency may apply to the department to have a license plate series design created (Division 3, Chapter 1, Article 8.6, Vehicle Code sections 5151–5169.) A minimum level of participation by the public is required to start up and maintain the availability of a Specialized license plate program and expenditure rules and reporting requirements apply to the sponsoring agency. The minimum level of participation, established in the Vehicle Code, is met when 7500 unique vehicle registrants pay the SLP fee and “enroll” in the proposed license plate program. This level of enrollment participation must occur during the 12-month (or up to 24-months, if requested) period after the sponsoring agency's initial application is approved by the department. This requirement serves to motivate a sponsoring agency to market the license plate and demonstrate its popularity and long-term viability before the expense of producing the license plates is incurred by the department. An agency sponsor who fails to secure the requisite participation level will not successfully create a license plate program and will be required to refund the SLP fee to all enrollees. Only after the participation level reaches the 7500-enrollee level will the department develop needed programming in the license plate production system to produce the license plate and assign the registration number for manufacture at the production facility. All revenue generated from the sale of a Specialized license plate, less department costs in administering the license plate program is deposited into the Specialized License Plate Fund established in Vehicle Code section 5157.

Details of the plate sponsorship application process are delegated to the department in the SLP program legislation. In 2017, the department adopted an ini-

tial set of regulations setting forth the information an agency must provide to the department in its application (OAL #2017-1013-08.) Those rules resulted in a clear and streamlined process State agencies and other license plate program sponsors, such as colleges and universities, can follow to establish a license plate program. Some changes are being proposed at this time to further enhance the SLP program. These proposals will expand the design options available to State agency sponsors, add clarity to potential enrollee communications, and improve department oversight activity by requiring more detailed expenditure reports.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

First, regarding annual financial reporting, the department has received reports that are lacking in detail and inadequate for oversight purposes. Specifically, some reports just state “administrative expenses” without any additional details which prevents the department from reviewing the activities undertaken that a sponsor determines to be allowable “administrative” expenses. To conduct a meaningful oversight review of the report, the department needs added details such as the amount spent on marketing, website advertising, staff time to promote the program, etc. to be included in the report. Vehicle Code section 5159 in conjunction with section 5160 requires the department to suspend a SLP program when administrative costs exceed 25% of plate program revenue. The revised regulation requires the sponsor to provide the needed details in its annual report so that the department can accurately exercise its oversight duty regarding a SLP program that fails to achieve the legislative purpose, which is to raise revenue for agency sponsored programs.

Second, this proposal permits the use of intellectual property, i.e., trademarked or copyrighted images, as part of a SLP design. The previous concerns with using such images on license plate designs arose from past difficulties State agency sponsors faced in obtaining adequate licensing authority for use of intellectual property on a license plate. For that reason, the department adopted a rule requiring legislative authorization to use privately owned images on a SLP. However, the success of the “Snoopy” license plate, which incorporates intellectual property pursuant to appropriate licensing agreements, shows that the risks associated with the department approving license plate designs containing intellectual property can be adequately reduced when appropriate licensing agreements are in place. The “Snoopy” license plate experience shows that the appeal of license plates bearing copyrighted/trademarked images is high and increases the revenue potential for sponsor agencies’ programs.

Finally, regarding the marketing materials a SLP sponsor develops to garner interest and enrollment in their SLP program, the department has continued to field customer questions arising out of inaccurate or incomplete marketing materials used by license plate sponsors during the initial enrollment period. Under the current regulations, the sponsor need only provide the department with a marketing plan. This requirement has proven inadequate to generate efficient enrollment. By requiring a SLP sponsor to develop and submit all marketing materials to the department as part of their application process, the department can provide meaningful feedback related to the marketing materials, based on previous experience, to the sponsor before they are put into use.

CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

The department conducted a review of other state regulations and has concluded there are no other regulations that establish plate sponsor guidelines for the special interest or specialized license plate programs. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

COMPARABLE FEDERAL STATUTES OR STATE REGULATIONS

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

DOCUMENTS INCORPORATED BY REFERENCE

There are no documents incorporated by reference.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

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

- *Cost or Savings to Any State Agency:* None.
- *Other Non-Discretionary Cost or Savings to Local Agencies:* None.
- *Costs or Savings in Federal Funding to the State:* None.
- *Effects on Housing Costs:* None.
- *Cost to any local agency or school district requiring reimbursement pursuant to Government Code section 17500 et seq.:* None.
- *Cost Impact on Representative Private Persons or Businesses:* The department is not aware of

any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- *Small Business Impact:* This proposed action may impact small businesses.
- *Local Agency/School District Mandate:* The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- *Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states:* The department has made the initial determination that this action will not have a significant statewide adverse economic impact directly affecting businesses nor will it impact the ability of California businesses to compete with businesses in other states.

RESULTS OF THE ECONOMIC IMPACT STATEMENT

The department has made the following determinations when assessing the economic impact associated with this proposed regulation:

- **Creation or elimination of jobs or creation of new businesses or elimination of existing businesses within the State of California:** As these proposed regulations for Specialized License Plates make clarifying amendments, the department has determined that this proposed action will neither create nor eliminate jobs within the State of California, nor will the proposal create new businesses or eliminate existing businesses within California.
- **The Expansion of Businesses Currently Doing Business Within the State of California:** These regulations are unlikely to expand businesses within the State of California.
- **Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:** These proposed regulations refine the application processes a state agency must complete for Specialized License Plates and make clarifying amendments. As a result, this action is unlikely to produce benefits to worker safety or the State's environment. However, the welfare of California residents may benefit when applicants for a Special Interest or Specialized license plate are clear on how to apply and the department is able to process those applications expediently and accurately.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

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

ALTERNATIVES CONSIDERED

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

CONTACT PERSON

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

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

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

Telephone: (916) 657-6469
Facsimile: (916) 657-6243
Email: LADRegulations@dmv.ca.gov

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

Shelly Johnson Marker, Chief of Staff
Department of Motor Vehicles
Telephone: (916) 657-6469

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Ex-

press Terms of the proposed regulatory action using underline or italics to indicate additions to, and strike-out to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <https://www.dmv.ca.gov/portal/about-the-california-department-of-motor-vehicles/california-dmv-rulemaking-actions>.

AVAILABILITY OF MODIFIED TEXT

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

TITLE 17. DEPARTMENT OF PUBLIC HEALTH

CCLHO PUBLIC COMMENT PERIOD LIMIT (DPH-22-06-00013)

Notice is hereby given that the California Department of Public Health (Department) is proposing the regulation described below. This notice of proposed rulemaking commences a rulemaking to make the regulations permanent after considering all comments, objections, and recommendations regarding the regulation.

PUBLIC PROCEEDINGS

The Department is conducting a 45-day written public proceeding during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in the Informative Digest/Policy Statement Overview section of this notice.

To request copies of the regulatory proposal in an alternate format, please write or call: Veronica Rollin, Office of Regulations, 1415 L Street Suite 500, Sacramento, CA 95814, at (279) 217-0836, email to veronica.rollin@CDPH.ca.gov or use the California Relay Service by dialing 711.

PUBLIC HEARING

A public hearing has not been scheduled for this rulemaking. However, the Department will conduct a public hearing if a written request for a public hearing is received from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period, pursuant to Government Code Section 11346.8.

WRITTEN COMMENT PERIOD

Written comments pertaining to this proposal, regardless of the method of transmittal, must be received by Office of Regulations by May 22, 2023, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely.

Written comments must be submitted as follows:

1. By email to: regulations@cdph.ca.gov. It is requested that email transmission of comments, particularly those with attachments, contain the regulation package identifier "DPH-22-06-00013" in the subject line; to facilitate timely identification and review of the comment;
2. By fax transmission to: (916) 636-6220;
3. By postal service or hand delivered to: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814.

All comments, including email or fax transmissions, should include the regulation package identifier, DPH-22-06-00013 "CCLHO Public Comment Period Limit," along with your name and your mailing address or email address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

AUTHORITY AND REFERENCE

The Department proposes to adopt the regulation sections identified under the authority provided in sections 100925 and 100950 of the Health and Safety Code (HSC). This proposal implements, interprets, or makes specific, Sections: 11121 and 11125.7 of the Government Code (GC).

INFORMATIVE DIGEST/
POLICY STATEMENT OVERVIEW

Summary of Proposal

The California Conference of Local Health Officers (CCLHO), administered by the California Department of Public Health (CDPH), proposes a new Chapter, 14 to Division 1 of Title 17, Public Participation at Meetings, to specify meeting processes in regulation to make meetings more efficient and establish a clear set of expectations for CCLHO, stakeholders, and the public.

Problem Statement

Currently, CCLHO does not have regulations on public comment and instead relies on existing informal meeting processes. The proposed addition of Chapter 14, Article 1, section 40100 will allow CCLHO to establish rules and procedures governing public comment at meetings of CCLHO and its committees, subject to the Bagley–Keene Open Meeting Act (Bagley–Keene) (Government Code section 11120 et seq.). All CCLHO meetings are subject to Bagley–Keene, which facilitates transparency of government activities and protects the rights of citizens to participate in state government deliberations. The existing law requires that a state body must provide an opportunity for members of the public to directly provide comment on each agenda item for discussion or consideration, with specific exceptions. While ensuring the broad public right to be heard at public meetings, Bagley–Keene implicitly recognizes the need for efficiency in the conduct of the people’s business through limitations on public comment and through the establishment of meeting frameworks. These practices are reasonable and have been adopted by other governmental bodies and upheld by California courts. Public comment and overall meeting frameworks promote transparency of process and efficiency of CCLHO and committee meetings to help ensure the public’s business is not delayed or incomplete. The proposed addition of Chapter 14, Article 1, section 40100 will ensure that CCLHO and its committees are able to conduct transparent, efficient, and orderly meetings.

OBJECTIVES (GOALS) OF THE REGULATION

Anticipated Benefits

The proposed addition of Chapter 14, Article 1 will allow CCLHO to establish various rules regarding public hearing procedures, including public comment limitations allocated to individual speakers, and provide clarity on organization and order. This will ensure that all members of the public are afforded an equal opportunity to address CCLHO during public comment. It will also provide clarity about the rules applicable to public comment and serve the public in-

terest in conserving time at CCLHO meetings, ensuring that CCLHO is able to complete the work on its agendas in a reasonably efficient manner.

Evaluation as to Whether the Proposed Regulations Are Inconsistent or Incompatible with Existing State and Federal Regulations

The Department evaluated whether the regulations are inconsistent or incompatible with existing state regulations. This evaluation included a review of the Department’s existing state regulations and those regulations specific to CCLHO regulations. An internet search of other state agency regulations was also performed, and it was determined that no other state agency regulation addressed the same subject matter, and that this proposal is not inconsistent or incompatible with other state regulations. Therefore, the Department has determined that the regulations is not inconsistent or incompatible with existing state regulations.

DOCUMENTS INCORPORATED
BY REFERENCE

None.

MANDATED BY FEDERAL
LAW OR REGULATIONS

None.

OTHER STATUTORY REQUIREMENTS

None.

LOCAL MANDATE

None.

DISCLOSURES REGARDING
THE PROPOSED ACTION

Fiscal Impact Estimates

Cost to any local agencies or school districts that must be reimbursed pursuant to Section 17561 of Government Code:

None.

The cost or savings to any state agency

None.

Other Nondiscretionary Cost or Savings Imposed on Local Agencies:

None.

Cost or Savings in Federal Funding to the State:

None.

Housing Costs

The Department has determined that the proposed regulations would not have an impact on housing costs.

Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete

The Department has made an initial determination that the regulations would not have a statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Results of the Economic Impact Assessment

The Department has determined that the proposed regulations would not affect the following:

- A. The creation or elimination of jobs within the state.
- B. 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.
- D. The adoption of the proposed regulation will benefit the health and welfare of California residents by facilitating participation by members, stakeholders, and other members of the public by establishing a regulation over public comment and will ensure that CCLHO and its committees can complete their work efficiently. These regulations do not benefit worker safety or the state's environment.

Cost Impacts on Representative Person or Business

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

Business Reporting Requirements

None.

Effect On Small Business

The proposed regulation will not have an effect on small business as it only pertains to the length of the public comment period for the CCLHO.

Specific Technologies or Equipment

None.

Alternatives Considered

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department itself has made an initial determination that there are no acceptable alternatives to the regulations to protect the public interest. However, the Department invites interested persons to present al-

ternatives with respect to the proposed regulation either during the public comment period or at the public hearing (if scheduled).

TECHNICAL, THERETICAL, AND/OR
EMPIRICAL STUDIES, REPORTS OR
DOCUMENTS RELIED UPON

None.

CONTACT PERSON

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Jake Hanson of the CCLHO.

All other inquiries concerning the action described in this notice may be directed to Veronica Rollin, Office of Regulations, at (279) 217-0836, or to the designated backup contact person, Christy Correa at (279) 217-0674.

In any inquiries or written comments, please identify the action by using the Department regulation package identifier, DPH-22-06-00013.

AVAILABILITY STATEMENTS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814, will be the custodian of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file).

In order to request that a copy of this public notice, the regulation text, and the initial statement of reasons or alternate formats for these documents be mailed to you, please call (279) 217-0836 (or the California Relay Service at 711), send an email to regulations@cdph.ca.gov, or write to the Office of Regulations at the address previously noted. Upon specific request, these documents will be made available in Braille, large print, audiocassette, or computer disk.

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

Final Statement of Reasons

A copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

INTERNET ACCESS

Materials regarding the action described in this notice (including this public notice, the text of the proposed regulations, and the initial statement of reasons) that are available via the Internet may be accessed at *the Department website* by clicking on these links, in the following order: Decisions Pending & Opportunities for Public Participation, Proposed Regulations.

TITLE 24. BUILDING STANDARDS COMMISSION

BSC 01/22

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 1. The CBSC is proposing building standards related to public comment limits in the California Administrative 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 **April 7, 2023**, until midnight on **May 22, 2023**.

Comments may be submitted to CBSC via:

e-Comment form: dgs.ca.gov/BSC/e-comments

U.S. Mail postmarked no later than **May 22, 2023**:
California Building Standards Commission
Attention: Public Comments
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Note: Only comments received in an accessible format will be viewable via CBSC's website. Use the e-Comment form to ensure accessibility.

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 written and oral comments regarding the proposed action on building standards at a public meeting to be conducted by 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 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 purpose of these building standards is to implement, interpret, or make specific the provisions of Government Code Section 11125.7 and Health and Safety Code Sections 18929, 18929.1, 18930, 18931.

The California Building Standards Commission (CBSC) is proposing this regulatory action based on Government Code Section 11125.7 and Health and Safety Code Section 18929.

INFORMATIVE DIGEST

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

Summary of Existing Laws

Government Code Section (GOV) 11125.7 requires a state body to provide an opportunity for members of the public to directly address the state body on each agenda item before or during the state body's discussion or consideration of the item. This section also allows state bodies to adopt regulations limiting the total amount of time allotted for individuals to speak on particular issues at a public meeting. State bodies shall provide at least twice the allotted time to a member of the public who utilizes a translator or other translating technology.

Health and Safety Code (HSC) Section 18929 outlines the process for adoption of administrative regulations applying to implementation or enforcement of building standards and publication into Part 1, Title 24.

HSC Section 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.

HSC Section 18930 requires building standards adopted or proposed by state agencies be submitted to the CBSC for approval or adoption prior to codification and establishes the analysis, criteria, review considerations, and factual determinations for the approval or adoption of building standards (9–Point Criteria).

HSC Section 18931 establishes the duties of the commission regarding review and approval, return for amendment with recommended changes, or reject the building standard; codify and publish the approved standards; resolve conflict; ensure consistency; hear appeals and adopt administrative procedures.

HSC Section 18931(f) states that CBSC can adopt any procedural regulation which it deems necessary to administer this part.

Summary of Existing Regulations

Chapter 1 of the 2022 California Administrative Code (California Code of Regulations, Title 24, Part 1, Chapter 1) contains regulations that explain the various responsibilities and functions of CBSC addressing the development, adoption, and publication of building standards in Title 24, California Code of Regulations. It also includes requirements for state proposing agencies and state adopting agencies involved in the development of building standards.

Summary of Effect

The proposed additions and amendments to Chapter 1, of Part 1, Title 24, California Code of Regulations, are being made to implement time limits on oral public comments during a public meeting of the commission. Specific rationale is provided in the Initial Statement of Reasons (ISOR).

Comparable Federal Statute or Regulations

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

Policy Statement Overview

The proposed additions and amendments to Chapter 1 for the 2022 California Administrative Code address necessary procedures for compliance with CBSC rulemaking processes by state adopting and proposing agencies.

Evaluation of Consistency

CBSC has determined that the proposed administrative 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.

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: **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).

CBSC 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).

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

CBSC has determined that the proposed regulations are administrative for the purposes of conducting a public meeting of a state body. There are no costs associated with the proposed code changes.

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:

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).

CBSC has assessed whether 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 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 not affect the health and welfare of California residents, worker safety or the environment. These regulations are administrative in nature and impact procedures for the administration of the rulemaking process.

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. Further, the proposed regulatory actions are administrative in nature and would not enact a mandate affecting housing.

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. In addition, no reasonable alternative considered by CBSC or that has otherwise been identified and brought to the attention of CBSC 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 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*: dgs.ca.gov/BSC.

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*: dgs.ca.gov/BSC.

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. The statement shall note that providing the accessible 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:

Irina Brauzman, Associate Architect
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-0916

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

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

Primary Contact:

Brandon Estes, Associate Construction Analyst
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-0916
Email: Brandon.Estes@dgs.ca.gov

Back up Contact:

Irina Brauzman, Associate Architect
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-0916
Email: Irina.Brauzman@dgs.ca.gov

**TITLE 24. BUILDING
STANDARDS COMMISSION**

BSC 03/22

Notice is hereby given that the California Building Standards Commission (BSC) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 10. BSC is proposing building standards related to 2022 California Existing 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 **April 7, 2023**, until midnight on **May 22, 2023**.

Comments may be submitted to the Commission via:

e-Comment form: dgs.ca.gov/BSC/e-comments

U.S. Mail postmarked no later than **May 22, 2023**:
California Building Standards Commission
Attention: Public Comments
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Note: Only comments received in an accessible format will be viewable via the Commission's website. Use the e-Comment form to ensure accessibility.

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 written and oral comments regarding the proposed action on building standards at a public meeting to be conducted by the 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, the Commission 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 Commission adopts, amends, or repeals the regulation(s). The Commission 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).

BSC proposes to adopt these building standards under the authority granted by Health and Safety Code Sections 18931, 18932 and 18934.5.

The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Sections 18930, 18931, 18932, 18934.5 and 18934.7.

INFORMATIVE DIGEST

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

Summary of Existing Laws

Health and Safety Code (HSC) Section 18930 requires building standards adopted or proposed by state agencies be submitted to the Commission for approval or adoption prior to codification and establishes the analysis, criteria, review considerations, and factual determinations for the approval or adoption of building standards (9–Point Criteria).

HSC Section 18931 establishes the duties of the Commission to review and approve, return for amendment, or reject the building standards adopted by state agencies; codify and publish the adopted and approved standards; resolve conflict; ensure consistency; hear appeals and adopt procedural regulations to administer these duties.

HSC Section 18932 establishes the contents and format of the building standards code.

HSC Section 18934.5 authorizes BSC to adopt, approve, codify, and publish building standards for the design and construction of state buildings, including California State University buildings and, to the extent permitted by law, University of California buildings, where no state agency has the authority to adopt building standards applicable to state buildings.

HSC Section 18934.7 mandates BSC to adopt the building standards of Appendix Chapter 1 of the International Existing Building Code (IEBC) for publication by reference in the California Building Standards Code. Buildings subject to building standards adopted pursuant to Part 1.5 of HSC are exempt.

Summary of Existing Regulations

The existing 2022 California Existing Building Code (CEBC) is Part 10 of the California Code of Regulations, Title 24. The 2022 CEBC is based on the 2021 IEBC of the International Code Council, with amendments for state buildings, including California State University and University of California buildings promulgated by the California Building Standards Commission.

Summary of Effect

The proposed action will amend the current 2022 edition of CEBC which is based on the most recent edition of the 2021 IEBC. The proposed action will:

- Make editorial changes to currently adopted amendments to improve clarity.
- Make editorial amendments to model code language in the 2021 IEBC Chapters 6 through 11 and 13, which is not currently printed in the 2022 CEBC, to resolve conflicts with existing California laws or regulations.
- Once filed with Secretary of State, the proposed amendments be codified and published

by January 1, 2024, and become effective July 1, 2024.

Comparable Federal Statute or Regulations

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

Policy Statement Overview

The broad objective of the proposed action is to maintain building regulations in conformance with existing state laws and regulations by resolving conflict, duplication, and overlap in building standards in the code. The amendments are editorial to provide clarity and regulatory consistency for the code user.

Evaluation of Consistency

BSC has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations. The amendments are proposed to provide regulatory consistency for the code user.

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 BSC, 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.

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: The proposed regulations will have no mandated cost or savings to any state agency, local agency, or school district.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECO- NOMIC 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.

BSC 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).

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

BSC is making editorial amendments with no intended change in regulatory effect. The amendments are to provide clarifications and eliminate conflicts with existing building standards. No other 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 BSC 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:

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).

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

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

This regulation will not affect the creation or elimination of jobs within the State of California.

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

This regulation will not affect the creation of new businesses or elimination of existing businesses within the State of California.

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

This regulation 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 clarify minimum building standards and eliminate conflicts with existing building standards, which will provide clarity and regulatory consistency for the code user and allow more flexibility in the regulations encouraging the reuse of existing buildings, thereby benefitting the state's 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 or regulations applicable to 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 the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. In addition, no reasonable alternative considered by BSC or that has otherwise been identified and brought to the attention of BSC would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

There were no reasonable alternatives available to BSC as the proposed changes are editorial in nature and consistent with interested party input. BSC participated in the SFM CEBC workgroup to discuss possible adoption of IEBC compliance paths for inclusion in the 2022 CEBC. The proposed amendments are a result of the findings from the workgroup meetings.

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 *Commission website*: dgs.ca.gov/BSC.

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 *Commission website*: dgs.ca.gov/BSC.

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

The Commission 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. The statement shall note that providing the accessible description of proposed changes may require extending the period of public comment for the proposed action.

THE COMMISSION 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:

Irina Brauzman, Associate Architect
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-0916

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

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

Primary Contact:

Irina Brauzman, Associate Architect
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone Number: (916) 263-0916
Irina.Brauzman@dgs.ca.gov

Back up Contact:

Brandon Estes, Associate Construction Analyst
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone Number: (916) 263-0916
Brandon.Estes@dgs.ca.gov

TITLE 24. BUILDING STANDARDS COMMISSION/DIVISION OF THE STATE ARCHITECT

DSA-SS/CC 03/22

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 structural design and construction oversight 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 **April 7th, 2023**, until midnight on **May 22nd, 2023**.

Comments may be submitted to CBSC via:

e-Comment form: dgs.ca.gov/BSC/e-comments

U.S. Mail postmarked no later than **May 22nd, 2023:**

California Building Standards Commission
Attention: Public Comments
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Note: Only comments received in an accessible format will be viewable via CBSC's website. Use the e-Comment form to ensure accessibility.

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 written and oral comments regarding the proposed action on building standards at a public meeting to be conducted by 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 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 Section 18949.1. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and 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 and 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

Sections 16000–16023 of the Health & Safety Code are known and cited as the Essential Services Buildings Seismic Safety Act of 1986. Section 16022 of the Health and Safety Code authorizes the State Architect to establish building standards for state-owned and state-leased essential services buildings.

Health and Safety Code, Section 18949.1, transfers the responsibilities of DSA to adopt regulations relating to building standards, to the California Building Standards Commission.

Sections 17280–17317 and 81130–81147 of the Education Code are known and cited as the “Field Act”. 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 section 81142.

Summary of Existing Regulations

Existing building standards which prescribe the design and construction requirements for 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 CCR, Title 24, Part 2, and are based on provisions within the adopted model building code.

Summary of Effect

The proposed action would adopt and amend the current 2022 edition of the California Building Code (CBC) (Title 24, Part 2, California Code or Regulations) which was based upon adoption and amendment of the most recent edition of the selected model building code (*International Building Code (IBC)*, 2021 edition). The proposed action will 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 and amending the current edition of the California Building Code based upon the most current edition of the model building code and nationally recognized structural design standards.

Evaluation of Consistency

There are no regulations being proposed that will be inconsistent or incompatible within this submittal and with current California Building Code and statutory requirements of the Education Code and Health and Safety Code.

**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: The proposed regulations will have no mandated cost or savings to any state agency, local agency, or school district.

**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 relied upon to support its initial determination of no effect.

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).

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 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 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.

DSA has determined that this proposed action will not affect the creation of new businesses nor the elimination of existing businesses within the State of California.

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

DSA has determined that this proposed action 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.

DSA has determined that the 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. In addition, no reasonable alternative considered by DSA or that has otherwise been identified and brought to the attention of DSA 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*: dgs.ca.gov/BSC.

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*: dgs.ca.gov/BSC.

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. The statement shall note that providing the accessible 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:

Irina Brauzman, Associate Architect
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-0916

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

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

Primary Contact:
Diane Gould
Principal Structural Engineer
Division of the State Architect
(916) 324-6959
Diane.Gould@dgs.ca.gov

Back up Contact:
Ryan P. Huxley
Supervising Structural Engineer
Division of the State Architect
(916) 323-987
ryan.huxley@dgs.ca.gov

TITLE 24. BUILDING STANDARDS COMMISSION/DIVISION OF THE STATE ARCHITECT

DSA–SS/CC 04/22

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 structural design and construction oversight 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 **April 7th, 2023**, until midnight on **May 22nd, 2023**.

Comments may be submitted to CBSC via:

e-Comment form: dgs.ca.gov/BSC/e-comments

U.S. Mail postmarked no later than **May 22nd, 2023**:

California Building Standards Commission
Attention: Public Comments
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Note: Only comments received in an accessible format will be viewable via CBSC's website. Use the e-Comment form to ensure accessibility.

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 written and oral comments regarding the proposed action on building standards at a public meeting to be conducted by 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 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 Section 18949.1. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and 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 and Safety Code section 16022, and Education Code sections 17310, 81142, and 81052 and 81053.

INFORMATIVE DIGEST

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

Summary of Existing Laws

Sections 16000–16023 of the Health & Safety Code are known and cited as the Essential Services Buildings Seismic Safety Act of 1986. Section 16022 of the Health & Safety Code authorizes the State Architect to establish building standards for state-owned and state-leased essential services buildings.

Health and Safety Code, Section 18949.1, transfers the responsibilities of DSA to adopt regulations relating to building standards, to the California Building Standards Commission.

Sections 17280–17317 and 81130–81147 of the Education Code are known and cited as the “Field Act”. 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 section 81142.

Summary of Existing Regulations

Existing building standards which prescribe the design and construction requirements for the repair, alternation, addition, and change of occupancy to ex-

isting 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 amend the current 2022 edition of the California Existing Building Code (CEBC) (Title 24, Part 10, California Code of Regulations) which was based upon adoption and amendment of the most recent edition of the selected model building code (*International Existing Building Code (IEBC)*, 2021 edition). The proposed action will 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 making editorial changes to currently adopted amendments to improve clarity or intent.

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).

DSA 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).

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: The proposed regulations will have no mandated cost or savings to any state agency, local agency, or school district.

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 relied upon to support its initial determination of no effect.

No facts, evidence, documents, testimony or other evidence has been relied upon by DSA to support the initial determination of no effect. 2022 CEBC regulations have been carried over, and 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 DSA 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 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 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.

DSA has determined that this proposed action 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.

DSA has determined that this proposed action 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.

DSA did not identify any amended regulation that would have a significant positive or adverse impact.

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. In addition, no reasonable alternative considered by DSA or that has otherwise been identified and brought to the attention of DSA 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*: dgs.ca.gov/BSC.

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*: dgs.ca.gov/BSC.

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. The statement shall note that providing the accessible 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:

Irina Brauzman, Associate Architect
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-0916

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

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

Primary Contact:

Diane Gould
Principal Structural Engineer
Division of the State Architect
916-324-6959
Diane.Gould@dgs.ca.gov

Back up Contact:

Ryan P. Huxley
Supervising Structural Engineer
Division of the State Architect
(916) 323-9877
ryan.huxley@dgs.ca.gov

**TITLE 24. BUILDING STANDARDS
COMMISSION/DIVISION OF
THE STATE ARCHITECT**

DSA-SS/CC 02/22

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 1. The DSA is proposing building standards related to structural design and construction oversight 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 **April 7th, 2023**, until midnight on **May 22nd, 2023**.

Comments may be submitted to CBSC via:

e-Comment form: dgs.ca.gov/BSC/e-comments
U.S. Mail postmarked no later than **May 22nd, 2023**

California Building Standards Commission
Attention: Public Comments
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Note: Only comments received in an accessible format will be viewable via CBSC's website. Use the e-Comment form to ensure accessibility.

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 written and oral comments regarding the proposed action on building standards at a public meeting to be conducted by 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 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 Section 18949.1. The purpose of these building standards is to implement, interpret, or make specific the provisions of Education Code sections 17280, 17280.5, 17283.5, 17297, 17302, 17309, 17310, 17311, 17315, 17372, 81050.5, 81130, 81133, 81138, 81141-81143, and 81147.

The Division of the State Architect is proposing this regulatory action based on Education Code sections 17310 and 81142.

INFORMATIVE DIGEST

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

Summary of Existing Laws

Health and Safety Code, Section 18949.1, transfers the responsibilities of DSA to adopt regulations relat-

ing to building standards, to the California Building Standards Commission.

Sections 17280–17317 and 81130–81147 are known and cited as the “Field Act”. 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.

Section 17372 of the Education Code requires that buildings not constructed to “Field Act” standards shall not be used for elementary or secondary school purposes. It also stipulates that buildings examined and found to be unsafe for school use shall not be used until repaired or reconstructed in accordance with requirements.

Section 81050 defines buildings used, or designed to be used, for community colleges purposes as a “school building” and therefore must satisfy “Field Act” requirements. Section 81050.5 stipulates that buildings used or intended to be used by a community college district as “residential housing” are not a “school building”.

Summary of Existing Regulations

Existing building standards which prescribe the administrative requirements for building design and construction of state–owned or state–leased essential services buildings, public elementary and secondary schools, and community colleges are promulgated by the Division of the State Architect. These regulations are contained in California Code of Regulation, title 24, part 1, and are based on provisions within the adopted model building code.

Summary of Effect

The proposed action amends the current 2022 edition of the California Administrative Code (CAC) (Title 24, Part 1, California Code of Regulations). In addition to editorial updates, the proposed action will:

- Modify Section 4–310 and definition of “school building” in 4–314 to align with new Education Code Sections 17283.5 and 81050.5 that were enacted because of AB 306 (2021), excluding teacher and district employee personal residences from compliance with the Field Act.

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 amending the current edition of the California Administrative Code.

Evaluation of Consistency

There are no regulations being proposed that will be inconsistent or incompatible within this submittal and with current California Administrative Code and stat-

utory requirements of the Education Code and Health and Safety Code.

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).

DSA 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).

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.

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

Estimate: DSA has determined that this proposed action makes only clarifying changes to existing code language and would have no change in regulatory effect. This proposal does not impose new mandates on local agencies that would require state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

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 relied upon to support its initial determination of no effect.

DSA 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 editorial and technical modifications to the existing code that are in alignment with statutory requirements and national referenced 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.

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 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 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.

DSA has determined that this proposed action will not affect the creation of new or the elimination of existing business within the State of California.

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

DSA has determined that this proposed action 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.

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).

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. In addition, no reasonable alternative considered by DSA or that has otherwise been identified

tified and brought to the attention of DSA 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*: dgs.ca.gov/BSC.

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*: dgs.ca.gov/BSC.

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. The statement shall note that providing the accessible 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:

Irina Brauzman, Associate Architect
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-0916

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE OR TECH- NICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

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

Primary Contact:

Diane Gould
Principal Structural Engineer
Division of the State Architect
(916) 324-6959
Diane.Gould@dgs.ca.gov

Back up Contact:

Ryan P. Huxley
Supervising Structural Engineer
Division of the State Architect
(916) 323-9877
ryan.huxley@dgs.ca.gov

TITLE 24. BUILDING STANDARDS COMMISSION/DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

HCD 03/22

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Department of Housing and Community Development (HCD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 2. HCD is proposing amendments to the 2022 California Building Code (CBC).

PUBLIC COMMENT PERIOD

Reference: Government Code (GC) section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **April 7, 2023**, until midnight on **May 22, 2023**.

Comments may be submitted to CBSC via:

e-Comment form: dgs.ca.gov/BSC/e-comments

U.S. Mail postmarked no later than **May 22, 2023**:
California Building Standards Commission
Attention: Public Comments
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Note: Only comments received in an accessible format will be viewable via CBSC's website. Use the e-Comment form to ensure accessibility.

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 written and oral comments regarding the proposed action on building standards at a public meeting to be conducted by 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 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 Section 18949.5. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code (HSC) Sections 17040, 17042, 17921, 17922, 17922.6, 17922.15, 18300, 18400, 18620, 18866, 18873, 18938.3, 18941, 19984, 19990 and 19991; Business and Professions Code Sections 5537 and 6737.1; and Government Code Section 12955.1.

HCD is proposing this regulatory action based on HSC Sections 17040, 17920.9, 17921, 17922, 17922.6, 17926, 17928, 17958.12, 18552, 18620, 18871.3, 18873, 18873.5, 18938.3 and 19990; and Government Code Sections 12955.1.

INFORMATIVE DIGEST

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

Summary of Existing Laws

HSC 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, re-

pair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing."

HSC Section 17042 requires HCD to not adopt or publish a building standard as defined in Section 18909, unless the provisions of Sections 18930, 18933, 18938, 18940, 18943, 18944, and 18945 are expressly excepted in the statute under which the authority to adopt rules, regulations, or orders is delegated.

HSC Section 17920.9 requires HCD to propose the adoption, amendment, or repeal by the California Building Standards Commission of regulations necessary for the provision of minimum fire safety and fire-resistant standards relating to the manufacture, composition, and use of foam building systems manufactured for use, or used, in construction of buildings subject to this part, mobile homes or factory-built housing, for the protection of the health and safety of persons occupying those buildings, mobile homes, or factory-built housing.

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

HSC Section 17922 states that the most recent editions of the international or uniform codes referred to in the section shall be considered adopted one year after the date of publication of the international or uniform codes.

HSC Section 17922.6 establishes HCD's authority to prepare and adopt minimum standards that establish uniform minimum noise insulation requirements for hotels, motels, apartment houses, and dwellings other than detached single-family dwellings.

HSC Section 17922.15 establishes HCD's authority to investigate possible changes to the building standards in the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations) that promote aging-in-place design and are limited to all of the following:

- (1) The location of doorbells, light switches, and heating, ventilation, and air-conditioning (HVAC) controls that are reachable by those with mobility impairments.
- (2) The installation of support backing for the later installation of grab bars in one or more bathrooms.
- (3) The provision of a 32-inch clearance in the width opening for one bathroom door and one bedroom door on the ground floor, or, in the case of a two- or three-story single-family dwelling, on the second or third floor of the dwelling if a bathroom or bedroom is not located on the ground floor.
- (b) If the department determines that one or more of the changes described in subdivision (a) can be incorporated into the California Residential Code without significantly

increasing the cost of construction, the department may propose building standards to that effect for consideration by the California Building Standards Commission. The department shall include in any proposed building standard, regarding the 32-inch clearance width for a bathroom and bedroom door described in paragraph (3) of subdivision (a), a finding whether a delay of 18 months in the effective date of that proposed building standard is warranted to provide adequate time for industry to incorporate this change into standard designs.

HSC Section 17926 establishes HCD's authority to propose the adoption of a building standard to the California Building Standards Commission pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 to adopt regulations regarding installation of carbon monoxide detectors in hotel and motel dwelling units intended for human occupancy.

HSC Section 17928 requires HCD establishes HCD's authority to propose the adoption of a building standard to the California Building Standards Commission for adoption of green building standards.

HSC Section 17958.12 establishes HCD's authority to propose the adoption of a building standard to the California Building Standards Commission pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13 to authorize, when a record of the issuance of a building permit for the construction of an existing residential unit does not exist, a local enforcement official to determine the date of construction of that residential unit, apply this part, the building standards in the California Building Standards Code, and other specified rules and regulations in effect on that date of construction to that residential unit, and issue a retroactive building permit for that construction.

HSC Sections 18300 require HCD to adopt building standards for mobilehome parks and special occupancy parks.

HSC Section 18400 establishes HCD's authority to enter and inspect all parks, and accommodations in order to secure the enforcement of the mobile parks act regulations.

HSC Section 18552 establishes HCD's authority to propose the adoption of a building standard to the California Building Standards Commission pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 to adopt regulations for manufactured home or mobilehome accessory buildings or structures. The regulations adopted by the department shall provide for the construction, location, and use of manufactured home or mobilehome accessory buildings or structures to protect the health and safety of the occupants and the public and shall be enforced by the appropriate enforcement agency.

HSC Section 18620 establishes HCD's authority to propose the adoption of a building standard to the California Building Standards Commission pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 to adopt regulations regarding the construction of buildings in parks that it determines are reasonably necessary for the protection of life and property.

HSC Section 18866 and 18871.3 requires HCD to enforce the rules and regulations related to special occupancy park act.

HSC Section 18873 establishes HCD's authority to propose the adoption of a building standard to the California Building Standards Commission pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 to adopt regulations regarding the construction of buildings in parks that it determines are reasonably necessary for the protection of life and property.

HSC Section 18873.5 establishes HCD's authority to propose the adoption of a building standard to the California Building Standards Commission pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 to adopt regulations regarding accessory buildings or structures located in a park. The regulations shall provide for the construction, location, and use of accessory buildings or structures located in a special occupancy park to protect the health and safety of the occupants and the public.

HSC Section 18938.3 establishes HCD's authority to adopt model codes.

HSC Section 18941 requires HCD to administer building standards, written on a performance basis consistent with state and nationally recognized standards for building construction in view of the use and occupancy of each structure to preserve and protect the public health and safety.

HSC Section 18949.5 transfers HCD's responsibilities for adopting building standards to the California Building Standards Commission.

HSC Section 19984 requires HCD to enforce the rules and regulations related to factory-built housing.

HSC Section 19990 requires HCD to adopt building standards for factory-built housing.

HSC Section 19991 requires HCD to enforce he building standards published in the State Building Standards Code relating to factory-built housing.

Business and Professional Code Section 5537 and 6737.1 establishes building's official authority to require the preparation of plans, drawings, specification or calculations in compliance with conventional framing requirements for woodframe construction found in the most recent edition of Title 24 of the California Code of Regulations.

Summary of Existing Regulations

The California Building Standards Code, Title 24, Part 2, 2022 CBC, adopted by reference the 2021 International Building Code (IBC) with California

amendments and is effective on January 1, 2023. Existing CBC regulations specifically related to the proposed changes include section 1202.3 which covers unvented attics, unvented enclosed roof framing assemblies, related vapor retarders and climate zones as well as sections 1404.3 and 1404.3.2 which cover the application of the different classes of vapor retarders in specific climate zones.

Summary of Effect

HSC Section 17922 directs HCD to adopt substantially the same requirements as specified in the current version of the model codes. Therefore, HCD is proposing to repeal existing California amendments referencing California Climate Zones and provisions for vapor retarders and insulation. The California Energy Commission has also provided a cross reference for International Energy Conservation Code Climate Zones vs. California Climate Zones for code user convenience. HCD also proposes the adoption of Table 1404.3(3) from the 2021 International Building Code to address use of vapor retarders.

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations.

Policy Statement Overview

The proposed amendments for the 2022 CBC will repeal the remaining existing HCD amendments related to California Climate Zones. If approved, HCD will then be in compliance with Health and Safety Code 17922 by adopting substantially the same requirements as in the 2021 IBC.

Evaluation of Consistency

HCD has determined that the proposed repeals 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**.
- 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 has determined that the repeal will have no fiscal effect since the IBC has substantially the same requirements.

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 repeal of these amendments 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 relied upon to support its initial determination of no effect.

HCD has determined that the repeal of these HCD amendments will have no effect since the adopted 2021 IBC has substantially the same requirements.

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:

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 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.

HCD's proposed amendments will provide benefits for the health and welfare of California residents, worker safety, and state's environment as provided for in the adoption of the International Building Code (model code).

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

Reference: Government Code Section 11346.5(a)(12).
None.

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. The proposed regulations adopt specific sections of the 2021 IBC with substantially the same requirements.

**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*: dgs.ca.gov/BSC.

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*: dgs.ca.gov/BSC.

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. The statement shall note that providing the accessible 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:

Irina Brauzman, Associate Architect
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-0916

PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE OR TECH-
NICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS

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

Primary Contact:

Randall Enrico
California Department of Housing and
Community Development
State Housing Law Program
(916) 490-7584
Randall.Enrico@hcd.ca.gov

Back up Contact:

Tom Martin
California Department of Housing and
Community Development
State Housing Law Program
(916) 263-3272
Thomas.G.Martin@hcd.ca.gov

**TITLE 24. BUILDING STANDARDS
COMMISSION/OFFICE OF
STATEWIDE HEALTH
PLANNING AND DEVELOPMENT**

OSHPD 01/22

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 1. OSHPD is proposing building standards related to the construction of hospitals, skilled nursing and intermediate care 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 **April 7, 2023**, until midnight on **May 22, 2023**.

Comments may be submitted to CBSC via:

e-Comment form: dgs.ca.gov/BSC/e-comments

U.S. Mail postmarked no later than **May 22, 2023**:
California Building Standards Commission
Attention: Public Comments
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Note: Only comments received in an accessible format will be viewable via CBSC's website. Use the e-Comment form to ensure accessibility.

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 written and oral comments regarding the proposed action on building standards at a public meeting to be conducted by 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 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, Section 18949.3. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code, Sections 129785, 129850, 130002, 130006, 130055, 130065, 130066.5, 130075, 130076, 130077, 130078, 130079.

OSHPD is proposing this regulatory action based on Health and Safety Code, Sections 1275, 18929, 18949.3, 129675-130070.

INFORMATIVE DIGEST

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

Summary of Existing Laws

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

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

Health and Safety Code, Section 18949.3 transfers the responsibilities of OSHPD to adopt regulations relating to building standards, including but not limited to, responsibilities specified under the Alfred E. Alquist Hospital Facilities Seismic Safety Act to the California Building Standards Commission.

Health and Safety Code, Sections 129675–130070 authorizes OSHPD to provide plan review and construction observation for hospitals, skilled nursing facilities and intermediate care facilities to assure that these health facilities are compliant with the California Building Standards Code.

Health and Safety Code, Section 129785 authorizes the Office to develop regulations specifying fees to cover the cost of administering the Alfred E. Alquist Hospital Facilities Seismic Safety Act.

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

Health and Safety Code, Sections 130002, 130006, 130055, 130065, and 130066.5 provides the provisions for hospital seismic safety public notices and annual status updates for hospital buildings per Assembly Bill (AB) 1882 (Chapter 584, Statutes of 2022).

Health and Safety Code, Sections 130075, 130076, 130077, 130078, 130079 establishes the Small and Rural Health Relief Program per Senate Bill (SB) 395 (Chapter 489, Statutes of 2021) for the purpose of funding seismic safety compliance with respect to small hospitals, rural hospitals, and critical access hospitals in the state.

Summary of Existing Regulations

Title 24, Part 1, California Administrative Code (CAC) contains regulations pertaining to the design and construction of hospitals, skilled nursing and intermediate care facilities, licensed clinics, and correctional treatment centers. Requirements governing the structural design and construction of OSHPD regulated health facilities are currently found in Part 2, Volumes 1 and 2 of the 2022 California Building Code.

Summary of Effect

The proposal makes minor editorial and technical modifications for clarification; provides consistency within Title 24 and provides coordination with Title 22, Licensing and Certification requirements, and includes requirements for laws passed that influence standards.

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations related to this proposed action.

Policy Statement Overview

OSHPD is responsible for the development of regulations regarding the physical plant for hospitals, skilled nursing and intermediate care facilities, licensed clinics, and correctional treatment centers. The proposal provides editorial and minor technical modifications to administrative regulations for clarification and consistency and includes requirements for laws passed that influence standards.

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: **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: Not Applicable.

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 relied 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 editorial and technical modifications to the existing code that are in alignment with health facility licensing requirements and national referenced 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 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 significant 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).

OSHPD has assessed whether 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 building standards and regulations regarding the design and construction of licensed health facilities ensure protection of the public's health, safety, and welfare of California residents through updated amendments. 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 proposed 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 OSHDP or that has otherwise been identified and brought to the attention of OSHDP 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. In addition, no reasonable alternative considered by OSHDP or that has otherwise been identified and brought to the attention of OSHDP 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*: dgs.ca.gov/BSC.

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*: dgs.ca.gov/BSC.

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. The statement shall note that providing the accessible 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:

Irina Brauzman, Associate Architect
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-0916

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE OR TECH- NICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

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

Primary Contact:

Richard Tannahill, Deputy Division Chief
Health Facilities Review, Supervisor, Building
Standards Unit
Department of Health Care Access and
Information
Office of Statewide Health Planning and
Development
(916) 440-8300
regsunit@oshpd.ca.gov

Back up Contact:

Lori Campbell, Building Standards Unit
Department of Health Care Access and
Information
Office of Statewide Health Planning and
Development
Building Standards Unit
(916) 440-8300
regsunit@oshpd.ca.gov

TITLE 24. BUILDING STANDARDS COMMISSION/OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

OSHDP 02/22

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT (OSHDP) 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. OSHDP is proposing building standards related to the construction of hospitals, skilled nursing and intermediate care 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 **April 7, 2023**, until midnight on **May 22, 2023**.

Comments may be submitted to CBSC via:

e-Comment form: dgs.ca.gov/BSC/e-comments

U.S. Mail postmarked no later than **May 22, 2023**:
California Building Standards Commission
Attention: Public Comments
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Note: Only comments received in an accessible format will be viewable via CBSC's website. Use the e-Comment form to ensure accessibility.

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 written and oral comments regarding the proposed action on building standards at a public meeting to be conducted by 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 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, Section 18949.3. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code, Sections 1250.3, 1275, 129680, 129850, 129675–130070.

The OSHPD is proposing this regulatory action based on Health and Safety Code, Sections 1275, 18929, 18949.3, 129850, 129675–130070.

INFORMATIVE DIGEST

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

Summary of Existing Laws

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

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

Health and Safety Code, Section 18949.3 transfers the responsibilities of OSHPD to adopt regulations relating to building standards, including but not limited to, responsibilities specified under the Alfred E. Alquist Hospital Facilities Seismic Safety Act to the California Building Standards Commission.

Health and Safety Code, Sections 129675–130070 authorizes OSHPD to provide plan review and construction observation for hospitals, skilled nursing facilities and intermediate care facilities to assure that these health facilities are compliant with the California Building Standards Code.

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

Health and Safety Code, Section 1250.3 provides the provisions for a Chemical dependency recovery hospital per Assembly Bill 2096 (Chapter 233, Statutes 2022) into regulations.

Health and Safety Code, Section 129680 provides that hospital buildings that house patients who have less than the capacity of normally healthy persons to protect themselves, and that must be reasonably capable of providing services to the public after a disaster, shall be designed and constructed to resist, insofar as practical, the forces generated by earthquakes, gravity, and winds. In order to accomplish this purpose, the department shall propose proper building standards for earthquake resistance based upon current knowledge, and provide an independent review of the design and construction of hospital buildings.

Summary of Existing Regulations

Title 24, Part 2, Volume 1, California Building Code (CBC) is based on the 2021 International Building

Code with California amendments. The CBC contains regulations pertaining to the design and construction of hospitals, skilled nursing and intermediate care facilities, licensed clinics, and correctional treatment centers. Requirements governing the structural design and construction of OSHPD regulated health facilities are currently found in Part 2, Volumes 1 and 2 of the 2022 California Building Code.

Summary of Effect

The proposal makes minor editorial and technical modifications for clarification; provides consistency within Title 24 and provides coordination with Title 22, Licensing and Certification requirements. Also included are new regulations in accordance with Assembly Bill 2096 (Chapter 233, Statutes of 2022) which adds the requirements for Chemical Dependency Recovery Hospitals (CDRH).

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations related to this proposed action.

Policy Statement Overview

OSHPD is responsible for the development of regulations regarding the physical plant for hospitals, skilled nursing and intermediate care facilities, licensed clinics, and correctional treatment centers. The proposal provides editorial and minor technical modifications to regulations for clarification and consistency.

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: Not Applicable.

**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 relied 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 editorial and technical modifications to the existing code that are in alignment with health facility licensing requirements and national referenced 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 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:

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).

OSHDP has assessed whether 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 building standards and regulations regarding the design and construction of licensed health facilities ensure protection of the public's health, safety, and welfare of California residents through updated amendments. 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 proposed 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 OSHDP or that has otherwise been identified and brought to the attention of OSHDP 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. In addition, no reasonable alternative considered by OSHDP or that has otherwise been identified and brought to the attention of OSHDP 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*: dgs.ca.gov/BSC.

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*: dgs.ca.gov/BSC.

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. The statement shall note that providing the accessible 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:

Irina Brauzman, Associate Architect
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-0916

PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE OR TECH-
NICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS

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

Primary Contact:

Richard Tannahill, Deputy Division Chief
Health Facilities Review, Supervisor, Building
Standards Unit
Department of Health Care Access and
Information
Office of Statewide Health Planning and
Development
(916) 440-8300
regsunit@oshpd.ca.gov

Back up Contact:

Lori Campbell, Building Standards Unit
Department of Health Care Access and
Information
Office of Statewide Health Planning and
Development
Building Standards Unit
(916) 440-8300
regsunit@oshpd.ca.gov

**TITLE 24. BUILDING STANDARDS
COMMISSION/OFFICE OF
STATEWIDE HEALTH
PLANNING AND DEVELOPMENT**

OSHPD 03/22

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. OSHPD is proposing building standards related to the construction of hospitals, skilled nursing and intermediate care 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 **April 7, 2023**, until midnight on **May 22, 2023**.

Comments may be submitted to CBSC via:

e-Comment form: dgs.ca.gov/BSC/e-comments

U.S. Mail postmarked no later than **May 22, 2023**:

California Building Standards Commission
Attention: Public Comments
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Note: Only comments received in an accessible format will be viewable via CBSC's website. Use the e-Comment form to ensure accessibility.

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 written and oral comments regarding the proposed action on building standards at a public meeting to be conducted by 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 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 Section 18949.3. The purpose of these building standards is to implement, interpret, or make specific the provisions of 129850.

The OSHPD is proposing this regulatory action based on Health and Safety Code, Sections 1275, 18949.3, 129675-130070.

INFORMATIVE DIGEST

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

Summary of Existing Laws

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

Health and Safety Code, Section 18949.3 transfers the responsibilities of OSHPD to adopt regulations relating to building standards, including but not limited to, responsibilities specified under the Alfred E. Alquist Hospital Facilities Seismic Safety Act to the California Building Standards Commission.

Health and Safety Code, Sections 129675–130070 authorizes OSHPD to provide plan review and construction observation for hospitals, skilled nursing facilities and intermediate care facilities to assure that these health facilities are compliant with the California Building Standards Code.

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

Summary of Existing Regulations

Title 24, Part 2, Volume 2, California Building Code (CBC) is based on the 2021 International Building Code with California amendments. The CBC contains regulations pertaining to the design and construction of hospitals, skilled nursing and intermediate care facilities, licensed clinics, and correctional treatment centers. Requirements governing the structural design and construction of OSHPD regulated health facilities are currently found in Part 2, Volumes 1 and 2 of the 2022 California Building Code.

Summary of Effect

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

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations related to this proposed action.

Policy Statement Overview

OSHPD is responsible for the development of regulations regarding the physical plant for hospitals, skilled nursing and intermediate care facilities, licensed clinics, and correctional treatment centers. The proposal provides editorial and minor technical modifications to regulations for clarification and consistency.

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: Not Applicable.

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 relied 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 editorial and technical modifications to the existing code that are in alignment with health facility licensing requirements and national referenced 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 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).

OSHPD has assessed whether 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 building standards and regulations regarding the design and construction of licensed health facilities ensure protection of the public’s health, safety, and welfare of California residents through updated amendments. 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 proposed 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. In addition, no reasonable alternative considered by OSHPD or that has otherwise been identified and brought to the attention of OSHPD 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*: dgs.ca.gov/BSC.

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*: dgs.ca.gov/BSC.

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. The statement shall note that providing the accessible 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:

Irina Brauzman, Associate Architect
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-0916

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

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

Primary Contact:
Richard Tannahill, Deputy Division Chief
Health Facilities Review, Supervisor, Building Standards Unit
Department of Health Care Access and Information
Office of Statewide Health Planning and Development
(916) 440-8300
regsunit@oshpd.ca.gov

Back up Contact:

Lori Campbell, Building Standards Unit
Department of Health Care Access and Information
Office of Statewide Health Planning and Development
Building Standards Unit
(916) 440-8300
regsunit@oshpd.ca.gov

TITLE 24. BUILDING STANDARDS COMMISSION/OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

OSHPD 07/22

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. OSHPD is proposing building standards related to the construction of hospitals, skilled nursing and intermediate care 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 **April 7, 2023**, until midnight on **May 22, 2023**.

Comments may be submitted to CBSC via:

e-Comment form: dgs.ca.gov/BSC/e-comments

U.S. Mail postmarked no later than **May 22, 2023**:
California Building Standards Commission
Attention: Public Comments
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Note: Only comments received in an accessible format will be viewable via CBSC's website. Use the e-Comment form to ensure accessibility.

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 written and oral comments regarding the proposed action on building standards at a public meeting to be conducted by 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 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 Section 18949.3. The purpose of these building standards is to implement, interpret, or make specific the provisions of 129850.

The OSHPD is proposing this regulatory action based on Health and Safety Code, Sections 1275, 18949.3, 129675–130070.

INFORMATIVE DIGEST

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

Summary of Existing Laws

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

Health and Safety Code, Section 18949.3 transfers the responsibilities of OSHPD to adopt regulations relating to building standards, including but not limited to, responsibilities specified under the Alfred E. Alquist Hospital Facilities Seismic Safety Act to the California Building Standards Commission.

Health and Safety Code, Sections 129675–130070 authorizes OSHPD to provide plan review and construction observation for hospitals, skilled nursing facilities and intermediate care facilities to assure that these health facilities are compliant with the California Building Standards Code.

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

Summary of Existing Regulations

Title 24, Part 10, California Existing Building Code (CEBC) is based on the 2021 International Existing Building Code with California amendments. The CEBC contains regulations pertaining to the design and construction of hospitals, skilled nursing and intermediate care facilities, licensed clinics, and correctional treatment centers. Requirements governing the structural design and construction of OSHPD regulated health facilities are currently found in Part 2, Volumes 1 and 2 of the 2022 California Building Code.

Summary of Effect

The proposed action makes minor editorial and technical modifications for clarification; provides consistency within Title 24; and provides coordination with Title 22, Licensing and Certification requirements.

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations related to this proposed action.

Policy Statement Overview

OSHPD is responsible for the development of regulations regarding the physical plant for hospitals, skilled nursing and intermediate care facilities, licensed clinics, and correctional treatment centers. The proposal provides editorial and minor technical modifications to regulations for clarification and consistency.

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: Not Applicable.

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 relied 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 editorial and technical modifications to the existing code that are in alignment with health facility licensing requirements and national referenced 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 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).

OSHPD has assessed whether 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 building standards and regulations regarding the design and construction of licensed health facilities ensure protection of the public's health, safety, and welfare of California

residents through updated amendments. 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 proposed 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. In addition, no reasonable alternative considered by OSHPD or that has otherwise been identified and brought to the attention of OSHPD 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*: dgs.ca.gov/BSC.

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*: dgs.ca.gov/BSC.

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. The statement shall note that providing the accessible 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:

Irina Brauzman, Associate Architect
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-0916

**PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE OR TECH-
NICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS**

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

Primary Contact:

Richard Tannahill, Deputy Division Chief
Health Facilities Review, Supervisor, Building
Standards Unit
Department of Health Care Access and
Information
Office of Statewide Health Planning and
Development
(916) 440-8300
regsunit@oshpd.ca.gov

Back up Contact:

Lori Campbell, Building Standards Unit
Department of Health Care Access and
Information
Office of Statewide Health Planning and
Development
Building Standards Unit
(916) 440-8300
regsunit@oshpd.ca.gov

**TITLE 24. BUILDING STANDARDS
COMMISSION/OFFICE OF STATE
FIRE MARSHAL**

SFM 01/22

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of State Fire Marshal (SFM) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24,

Part 1. The SFM is proposing building standards related to 2022 Intervening rulemaking code 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 **April 7, 2023**, until midnight on **May 22, 2023**.

Comments may be submitted to CBSC via:

e-Comment form: dgs.ca.gov/BSC/e-comments

U.S. Mail postmarked no later than **May 22, 2023**:
California Building Standards Commission
Attention: Public Comments
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Note: Only comments received in an accessible format will be viewable via CBSC's website. Use the e-Comment form to ensure accessibility.

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 written and oral comments regarding the proposed action on building standards at a public meeting to be conducted by 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 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 Section 18949.2. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Sections 13143, 13143.2, 13143.6, 13145, 13146, 13210, 13211; Government Code Sections 51176, 51177, 51178, 51179, 51189; Public Resources Code Sections 4201 through 4204.

The State Fire Marshal is proposing this regulatory action based on Health and Safety Code Sections 13108, 13108.5, 13113, 13114, 13132, 16022.5, 17921, 18949.2 and Education Code Section 17074.50.

INFORMATIVE DIGEST

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

Summary of Existing Laws

Health and Safety Code Section 13108 (a).

The State Fire Marshal shall prepare and adopt building standards related to the means of egress, the installation of fire alarms and fire extinguishing systems in any state-owned building or in any state-occupied building.

Health and Safety Code Section 13108.5.

(a) The State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, shall, pursuant to Section 18930, propose fire protection building standards for roofs, exterior walls, structure projections, including, but not limited to, porches, decks, balconies, and eaves, and structure openings, including, but not limited to, attic and eave vents and windows of buildings in fire hazard severity zones, including very high fire hazard severity zones designated by the Director of Forestry and Fire Protection pursuant to Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code.

Health and Safety Code Section 13113.

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

Health and Safety Code Section 13114 (a).

The State Fire Marshal shall adopt regulations and standards to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and that no person shall market, distribute, offer for sale, or sell any fire alarm system or fire alarm device in this state unless the system or device has been approved and listed by the State Fire Marshal.

Health and Safety Code Section 13132.

Every person, firm, or corporation maintaining or operating any facility for the care of the mentally handicapped shall file a statement with the fire authority having jurisdiction within five days of the admission or readmission of a patient stating that such patient is an ambulatory or a 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.

Health and Safety Code Section 13143.

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

Health and Safety Code Section 13143.2.

The State Fire Marshal shall enforce building standards published in the California Building Standards Code and those other rules and regulations adopted by the State Fire Marshal for the provision of structural fire safety and fire-resistant exits in multiple-story structures existing on January 1, 1975, let for human habitation, including, and limited to, apartment houses, hotels, and motels wherein rooms used for sleeping are let above the ground floor.

Health and Safety Code Section 13143.6 (a).

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

Health and Safety Code Section 13145.

The State Fire Marshal, the chief of any city, county, or city and county fire department or district providing fire protection services, or a Designated Campus Fire

Marshal, and their authorized representatives, shall enforce in their respective areas building standards relating to fire and panic safety adopted by the State Fire Marshal and published in the California Building Standards Code and other regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic.

Health and Safety Code Section 13146.

(a) The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be as follows:

- (1) The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to R-3 dwellings, as described in Section 310.5 of Part 2 of the California Building Standards Code, to either of the following:
 - (A) The chief of the fire authority of the city, county, or city and county, or the chief's authorized representative.
 - (B) The chief building official of the city, county, or city and county, or the official's authorized representative.

Health and Safety Code Section 13210.

- (a) "Existing high-rise structure" means a high-rise structure, the construction of which is commenced or completed prior to July 1, 1974.
- (b) "High-rise structure" means every building of any type of construction or occupancy having floors used for human occupancy located more than 75 feet above the lowest floor level having building access, except buildings used as hospitals, as defined in Section 1250.
- (c) "New high-rise structure" means a high-rise structure, the construction of which is commenced on or after July 1, 1974.

Health and Safety Code Section 13211.

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

Health and Safety Code Section 16022.5.

Following completion of construction of a state-owned or state-occupied essential services building, the State Fire Marshal may conduct regular inspections of those buildings for compliance with building standards relating to fire and panic safety.

Health and Safety Code Section 17921 (b).

The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy:

Health and Safety Code Section 18949.2.

(a) HSC Section 18949.2 transfers the responsibilities of SFM to adopt regulations relating to building standards, to the California Building Standards Commission.

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

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

Government Code Section 51176 through 51179.

The purpose of this chapter is to classify lands in the state in accordance with whether a very high fire hazard is present so that public officials are able to identify measures that will retard the rate of spread, and reduce the potential intensity, of uncontrolled fires that threaten to destroy resources, life, or property, and to require that those measures be taken.

Government Code Section 51189.

No later than January 31, 2020, the State Fire Marshal, in consultation with the director and the Director of Housing and Community Development, shall, pursuant to Section 18930 of the Health and Safety Code, recommend updated building standards that provide for comprehensive site and structure fire risk reduction to protect structures from fires spreading from adjacent structures or vegetation and to protect vegetation from fires spreading from adjacent structures, based on information learned from the 2017 wildfire season

Education Code 17074.50.

(a) On and after July 1, 2002, all new construction projects submitted to the Division of the State Architect pursuant to this chapter, including, but not limited to, hardship applications, that require the approval of the Department of General Services shall include an automatic fire detection, alarm, and sprinkler system as set forth in Section 17074.52 and approved by the State Fire Marshal.

Public Resources Code 4201 through 4204

The purpose of this article is to provide for the classification of lands within state responsibility areas in accordance with the severity of fire hazard present for the purpose of identifying measures to be taken to retard the rate of spreading and to reduce the potential intensity of uncontrolled fires that threaten to destroy resources, life, or property.

Summary of Existing Regulations

The SFM existing regulations in Part 1 are the administrative provisions for the Office of the State Fire Marshal.

Summary of Effect

The general purpose of this proposed action is principally intended to adopt and implement additional necessary amendments to the 2022 California Administrative Code (California Code of Regulations, Title 24, Part 1) based upon updated information or recent actions of the SFM.

Comparable Federal Statute or Regulations

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

Policy Statement Overview

The purpose of these proposed regulatory actions is to make clear the intent of Health and Safety Code 13146 (A)(5) which reads, The State Fire Marshal (SFM) shall enforce the building standards and other regulations of the State Fire Marshal on all University of California campuses and properties administered or occupied by the University of California and on all California State University campuses and properties administered or occupied by the California State University. For each university campus or property, the State Fire Marshal may delegate that responsibility to the person of the State Fire Marshal's choice who shall be known as the Designated Campus Fire Marshal.

The University of California (UC) currently has a memorandum of understanding (MOU) with the State Fire Marshal. The authority of the State Fire Marshal has been delegated to the Designated Campus Fire Marshal's through the MOU.

Evaluation of Consistency

The proposed regulations are consistent with existing state regulations.

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

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

The SFM has determined that there are no other prescribed statutes or any specific regulation or class of regulation applicable to the amendments and building standards relating to the 2022 California Administrative Code.

MANDATE ON LOCAL AGENCIES
OR SCHOOL DISTRICTS

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

SFM 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).

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.

SFM 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).

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

The SFM affirms that this rulemaking action complies with existing regulations and administrative provisions of the Office of the State Fire Marshal.

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:

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

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

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

The SFM has assessed whether 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 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 clarify specified state 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).
The SFM did not identify any impact on housing.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).
SFM has determined that no reasonable alternative considered by SFM or that has otherwise been identified and brought to the attention of SFM would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. In addition, no reasonable alternative considered by SFM or that has otherwise been identified and brought to the attention of SFM 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 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*: dgs.ca.gov/BSC.

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*: dgs.ca.gov/BSC.

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

SFM 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. The statement shall note that providing the accessible 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:

Irina Brauzman, Associate Architect
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-0916

**PROPOSING STATE AGENCY CONTACT PER-
SON FOR SUBSTANTIVE OR TECHNICAL
QUESTIONS ON THE PROPOSED CHANGES
TO BUILDING STANDARDS**

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

Primary Contact:

Greg Andersen, Acting Division Chief
CALFIRE/Office of the State Fire Marshal
Code Development and Analysis Division
(626) 712-4260
Greg.Andersen@fire.ca.gov

Back up Contact:

Crystal Sujeski, DSFM III Acting Supervisor
CALFIRE/Office of the State Fire Marshal
Code development and Analysis Division
(510) 846-1276
Crystal.Sujeski@fire.ca.gov

**TITLE 24. BUILDING STANDARDS
COMMISSION/OFFICE OF
STATE FIRE MARSHAL**

SFM 02-22

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of State Fire Marshal (SFM) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 2. The SFM is proposing building standards related to 2022 Intervening rulemaking code 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 **April 7, 2023**, until midnight on **May 22, 2023**.

Comments may be submitted to CBSC via:

e-Comment form: dgs.ca.gov/BSC/e-comments

U.S. Mail postmarked no later than **May 22, 2023**.

California Building Standards Commission
Attention: Public Comments
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Note: Only comments received in an accessible format will be viewable via CBSC's website. Use the e-Comment form to ensure accessibility.

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 written and oral comments regarding the proposed action on building standards at a public meeting to be conducted by 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 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 Section 18949.2. The purpose of these building standards is to implement, interpret, or make specific the

provisions of Health and Safety Code Sections 13108, 13108.5, 13113, 13113.5, 13114, 13132, 13132.7, 13133, 13135, 13143, 13143.1, 13143.2, 13143.6, 13143.9, 13145, 13146, 13210, 13211, 16022.5 and 17921.

The SFM is proposing this regulatory action based on Health and Safety Code Sections 1250, 1502, 1568.02, 1569.72, 1569.78, 1597.44 through 1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13145, 13146, 13211, 16022.5, 17921, 18928, 18949.2, 25500 through 25545; Government Code Sections 51176, 51177, 51178, 51179 and 51189; Education Code 17074.50; Public Resources Code Sections 4201 through 4204.

INFORMATIVE DIGEST

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

Summary of Existing Laws

Health and Safety Code Section 1250.

As used in this chapter, "health facility" means a facility, place, or building that is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, physical or mental, including convalescence and rehabilitation and including care during and after pregnancy, or for any one or more of these purposes, for one or more persons, to which the persons are admitted for a 24-hour stay or longer.

Health and Safety Code Section 1502.

General provisions and Definitions for the California's Community Care Facilities Act

Health and Safety Code Section 1568.02, 1569.72 and 1569.78.

General provisions and Levels of Care for Residential Care Facilities for the Elderly

Health and Safety Code Section 1597.44 through 1597.65.

General and Licensing provisions for Family Day Care

Health and Safety Code Section 13108 (a).

The State Fire Marshal shall prepare and adopt building standards related to the means of egress, the installation of fire alarms and fire extinguishing systems in any state-owned building or in any state-occupied building.

Health and Safety Code Section 13108.5.

(a) The State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, shall, pursuant to Section 18930, propose fire protection building standards for roofs, exterior walls, structure projections, including, but not limited to, porches, decks, balconies, and eaves, and structure openings, including, but not limited to, attic and eave vents and windows of buildings in fire hazard severity zones, including very high fire hazard severity

zones designated by the Director of Forestry and Fire Protection pursuant to Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code.

Health and Safety Code Section 13113.

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

Health and Safety Code Section 13113.5.

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

Health and Safety Code Section 13114 (a).

The State Fire Marshal shall adopt regulations and standards to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and that no person shall market, distribute, offer for sale, or sell any fire alarm system or fire alarm device in this state unless the system or device has been approved and listed by the State Fire Marshal.

Health and Safety Code Section 13132.

Every person, firm, or corporation maintaining or operating any facility for the care of the mentally handicapped shall file a statement with the fire authority having jurisdiction within five days of the admission or readmission of a patient stating that such patient is an ambulatory or a 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.

Health and Safety Code Section 13132.7.

Shall require fire retardant roof coverings in fire hazard severity zones.

Health and Safety Code Section 13133 (a).

The State Fire Marshal shall develop and adopt regulations establishing new occupancy classifications and specific fire safety standards appropriate for residential facilities, and residential care facilities for the elderly. These fire safety standards shall apply uniformly throughout the state.

Health and Safety Code Section 13135.

The State Fire Marshal shall adopt regulations for alcoholism or drug abuse recovery or treatment facilities based on whether the residents or patients of the facilities are non-ambulatory.

Health and Safety Code Section 13143.

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

Health and Safety Code Section 13143.1 (a).

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

Health and Safety Code Section 13143.2.

The State Fire Marshal shall enforce building standards published in the California Building Standards Code and those other rules and regulations adopted by the State Fire Marshal for the provision of structural fire safety and fire-resistant exits in multiple-story structures existing on January 1, 1975, let for human habitation, including, and limited to, apartment houses, hotels, and motels wherein rooms used for sleeping are let above the ground floor.

Health and Safety Code Section 13143.6 (a).

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

Health and Safety Code Section 13143.9.

The State Fire Marshal shall establish minimum requirements for the storage, handling, and use of hazardous materials.

Health and Safety Code Section 13145.

The State Fire Marshal, the chief of any city, county, or city and county fire department or district providing fire protection services, or a Designated Campus Fire Marshal, and their authorized representatives, shall enforce in their respective areas building standards relating to fire and panic safety adopted by the State Fire Marshal and published in the California Building Standards Code and other regulations that have been formally adopted by the State Fire Marshal for the pre-

vention of fire or for the protection of life and property against fire or panic.

Health and Safety Code Section 13146.

(a) The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be as follows:

- (1) The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to R-3 dwellings, as described in Section 310.5 of Part 2 of the California Building Standards Code, to either of the following:
 - (A) The chief of the fire authority of the city, county, or city and county, or the chief's authorized representative.
 - (B) The chief building official of the city, county, or city and county, or the official's authorized representative.

Health and Safety Code Section 13210.

(a) "Existing high-rise structure" means a high-rise structure, the construction of which is commenced or completed prior to July 1, 1974.

(b) "High-rise structure" means every building of any type of construction or occupancy having floors used for human occupancy located more than 75 feet above the lowest floor level having building access, except buildings used as hospitals, as defined in Section 1250.

(c) "New high-rise structure" means a high-rise structure, the construction of which is commenced on or after July 1, 1974.

Health and Safety Code Section 13211.

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

Health and Safety Code Section 16022.5.

Following completion of construction of a state-owned or state-occupied essential services building, the State Fire Marshal may conduct regular inspections of those buildings for compliance with building standards relating to fire and panic safety.

Health and Safety Code Section 17921 (b).

The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings,

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

Health and Safety Code Section 18928 (a).

Requires each state agency adopting or proposing adoption of a model code, national standards, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

Health and Safety Code Section 18949.2.

(a) HSC Section 18949.2 transfers the responsibilities of SFM to adopt regulations relating to building standards, to the California Building Standards Commission.

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

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

Health and Safety Code Section 25500 through 25545.

(a) The Legislature declares that, to protect the public health and safety and the environment, it is necessary to establish business and area plans relating to the handling and release or threatened release of hazardous materials. The establishment of a statewide environmental reporting system for these plans is a statewide requirement. Basic information on the location, type, quantity, and health risks of hazardous materials handled, used, stored, or disposed of in the state, which could be accidentally released into the environment, is required to be submitted to firefighters, health officials, planners, public safety officers, health care providers, regulatory agencies, and other interested persons. The information provided by business and area plans is necessary to prevent or mitigate the damage to the health and safety of persons and the environment from the release or threatened release of hazardous materials into the workplace and environment.

Government Code Section 51176 through 51179.

The purpose of this chapter is to classify lands in the state in accordance with whether a very high fire hazard is present so that public officials can identify measures that will retard the rate of spread, and reduce the potential intensity, of uncontrolled fires that threaten to destroy resources, life, or property, and to require that those measures be taken.

Government Code Section 51189.

No later than January 31, 2020, the State Fire Marshal, in consultation with the director and the Director of Housing and Community Development, shall, pursuant to Section 18930 of the Health and Safety Code, recommend updated building standards that provide for comprehensive site and structure fire risk reduction to protect structures from fires spreading from adjacent structures or vegetation and to protect vegetation from fires spreading from adjacent structures, based on information learned from the 2017 wildfire season

Education Code 17074.50.

(a) On and after July 1, 2002, all new construction projects submitted to the Division of the State Architect pursuant to this chapter, including, but not limited to, hardship applications, that require the approval of the Department of General Services shall include an automatic fire detection, alarm, and sprinkler system as set forth in Section 17074.52 and approved by the State Fire Marshal.

Public Resources Code 4201 through 4204.

The purpose of this article is to provide for the classification of lands within state responsibility areas in accordance with the severity of fire hazard present for the purpose of identifying measures to be taken to retard the rate of spreading and to reduce the potential intensity of uncontrolled fires that threaten to destroy resources, life, or property.

Summary of Existing Regulations

The SFM currently adopts by reference the California Code of Regulations, Title 24, Part 2, 2022 California Building Code with SFM amendments and additional building standards relating to regulations that establish minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above.

Summary of Effect

The general purpose of this proposed action is principally intended to adopt/amend/repeal certain provisions in the 2022 California Building Code (California Code of Regulations, Title 24, Part 2) based upon updated information or recent actions of the SFM. This proposed action:

Repeal certain amendments to the 2022 California Building Code that are no longer necessary nor justified pursuant with Health and Safety Code 18930(a) (7). The SFM met with stakeholders and other state agencies at the pre-rulemaking workshops to come to a consensus the proposed changes.

Adopt and implement additional necessary amendments to the 2022 California Building Code as they pertain to California laws. Based on discussion at pre-rulemaking meetings, the model code provisions were analyzed and compared to existing state laws. Where conflicts existed, amendments are proposed.

Codify non-substantive editorial and formatting amendments to the 2022 California Building Code. Errata and/or section numbers are proposed to be updated.

Comparable Federal Statute or Regulations

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

Policy Statement Overview

The specific purpose of this rulemaking effort by the SFM is to act in accordance with Health and Safety Code section 18929.1, which requires all proposed regulations to specifically comply with this section regarding the 18-month adoption cycle.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies published in the 2022 California Building Code.

The SFM further proposes to offer new amendments where necessary to ensure that the regulations of the California Building Code, establish and or maintain minimum requirements for the prevention of fire and panic for the protection of life and property against fire and panic in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above.

Evaluation of Consistency

The proposed regulations are consistent with existing state regulations.

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

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

The SFM has determined that there are no other prescribed statutes or any specific regulation or class of regulation applicable to the amendments and build-

ing standards relating to the 2022 California Building Code.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

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

SFM 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).

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.

SFM 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 relied upon to support its initial determination of no effect.

The SFM 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 SFM.

Numerous public workshops were held during the per-rulemaking phase of the intervening code cycle and no comments have been made that the proposed changes would have significant statewide adverse economic impact on businesses.

Therefore, the SFM 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 SFM'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.

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:

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

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

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

The SFM has assessed whether 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 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 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).
The SFM did not identify any impact on housing.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).
SFM has determined that no reasonable alternative considered by SFM or that has otherwise been identified and brought to the attention of SFM would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. In addition, no reasonable alternative considered by SFM or that has otherwise been identified and brought to the attention of SFM 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 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*: dgs.ca.gov/BSC.

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*: dgs.ca.gov/BSC.

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

SFM 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. The statement shall note that providing the accessible 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:

Irina Brauzman, Associate Architect
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-0916

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

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

Primary Contact:
Greg Andersen, Acting Division Chief
CALFIRE/Office of the State Fire Marshal
Code Development and Analysis Division
(626) 712-4260
Greg.Andersen@fire.ca.gov

Back up Contact:
Crystal Sujeski, DSFM III Acting Supervisor
CALFIRE/Office of the State Fire Marshal
Code development and Analysis Division
(510) 846-1276
Crystal.Sujeski@fire.ca.gov

**TITLE 24. BUILDING STANDARDS
COMMISSION/OFFICE OF
STATE FIRE MARSHAL**

SFM 03/22

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

Marshal (SFM) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 2.5. The SFM is proposing building standards related to 2022 Intervening rulemaking code 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 **April 7, 2023**, until midnight on **May 22, 2023**.

Comments may be submitted to CBSC via:

e-Comment form: dgs.ca.gov/BSC/e-comments

U.S. Mail postmarked no later than **May 22, 2023**.

California Building Standards Commission
Attention: Public Comments
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Note: Only comments received in an accessible format will be viewable via CBSC's website. Use the e-Comment form to ensure accessibility.

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 written and oral comments regarding the proposed action on building standards at a public meeting to be conducted by 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 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 Section 18949.2. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Sections 13108, 13108.5, 13113, 13113.5, 13114, 13132, 13132.7, 13133, 13135, 13143, 13143.1, 13143.2, 13143.6, 13143.9, 13145, 13146, 13210, 13211, 16022.5, 17921.

The SFM is proposing this regulatory action based on Health and Safety Code Sections 1250, 1502, 1568.02, 1569.72, 1569.78, 1597.44 through 1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13145, 13146, 13211, 16022.5, 17921, 18928, 18949.2, 25500 through 25545; Government Code Sections 51176, 51177, 51178, 51179 and 51189; Education Code 17074.50; Public Resources Code Sections 4201 through 4204.

INFORMATIVE DIGEST

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

Summary of Existing Laws

Health and Safety Code Section 1250.

As used in this chapter, "health facility" means a facility, place, or building that is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, physical or mental, including convalescence and rehabilitation and including care during and after pregnancy, or for any one or more of these purposes, for one or more persons, to which the persons are admitted for a 24-hour stay or longer.

Health and Safety Code Section 1502.

General provisions and Definitions for the California's Community Care Facilities Act

Health and Safety Code Section 1568.02, 1569.72 and 1569.78.

General provisions and Levels of Care for Residential Care Facilities for the Elderly

Health and Safety Code Section 1597.44 through 1597.65.

General and Licensing provisions for Family Day Care

Health and Safety Code Section 13108 (a).

The State Fire Marshal shall prepare and adopt building standards related to the means of egress, the installation of fire alarms and fire extinguishing systems in any state-owned building or in any state-occupied building.

Health and Safety Code Section 13108.5.

(a) The State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, shall, pursuant to Section 18930,

propose fire protection building standards for roofs, exterior walls, structure projections, including, but not limited to, porches, decks, balconies, and eaves, and structure openings, including, but not limited to, attic and eave vents and windows of buildings in fire hazard severity zones, including very high fire hazard severity zones designated by the Director of Forestry and Fire Protection pursuant to Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code.

Health and Safety Code Section 13113.

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

Health and Safety Code Section 13113.5.

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

Health and Safety Code Section 13114 (a).

The State Fire Marshal shall adopt regulations and standards to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and that no person shall market, distribute, offer for sale, or sell any fire alarm system or fire alarm device in this state unless the system or device has been approved and listed by the State Fire Marshal.

Health and Safety Code Section 13132.

Every person, firm, or corporation maintaining or operating any facility for the care of the mentally handicapped shall file a statement with the fire authority having jurisdiction within five days of the admission or readmission of a patient stating that such patient is an ambulatory or a 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.

Health and Safety Code Section 13132.7.

Shall require fire retardant roof coverings in fire hazard severity zones.

Health and Safety Code Section 13133 (a).

The State Fire Marshal shall develop and adopt regulations establishing new occupancy classifications and specific fire safety standards appropriate for residential facilities, and residential care facilities for the

elderly. These fire safety standards shall apply uniformly throughout the state.

Health and Safety Code Section 13135.

The State Fire Marshal shall adopt regulations for alcoholism or drug abuse recovery or treatment facilities based on whether the residents or patients of the facilities are non-ambulatory.

Health and Safety Code Section 13143.

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

Health and Safety Code Section 13143.1 (a).

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

Health and Safety Code Section 13143.2.

The State Fire Marshal shall enforce building standards published in the California Building Standards Code and those other rules and regulations adopted by the State Fire Marshal for the provision of structural fire safety and fire-resistant exits in multiple-story structures existing on January 1, 1975, let for human habitation, including, and limited to, apartment houses, hotels, and motels wherein rooms used for sleeping are let above the ground floor.

Health and Safety Code Section 13143.6 (a).

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

Health and Safety Code Section 13143.9.

The State Fire Marshal shall establish minimum requirements for the storage, handling, and use of hazardous materials.

Health and Safety Code Section 13145.

The State Fire Marshal, the chief of any city, county, or city and county fire department or district providing fire protection services, or a Designated Campus Fire

Marshal, and their authorized representatives, shall enforce in their respective areas building standards relating to fire and panic safety adopted by the State Fire Marshal and published in the California Building Standards Code and other regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic.

Health and Safety Code Section 13146.

(a) The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be as follows:

- (1) The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to R-3 dwellings, as described in Section 310.5 of Part 2 of the California Building Standards Code, to either of the following:
 - (A) The chief of the fire authority of the city, county, or city and county, or the chief's authorized representative.
 - (B) The chief building official of the city, county, or city and county, or the official's authorized representative.

Health and Safety Code Section 13210.

- (a) "Existing high-rise structure" means a high-rise structure, the construction of which is commenced or completed prior to July 1, 1974.
- (b) "High-rise structure" means every building of any type of construction or occupancy having floors used for human occupancy located more than 75 feet above the lowest floor level having building access, except buildings used as hospitals, as defined in Section 1250.
- (c) "New high-rise structure" means a high-rise structure, the construction of which is commenced on or after July 1, 1974.

Health and Safety Code Section 13211.

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

Health and Safety Code Section 16022.5.

Following completion of construction of a state-owned or state-occupied essential services building, the State Fire Marshal may conduct regular inspections of those buildings for compliance with building standards relating to fire and panic safety.

Health and Safety Code Section 17921 (b).

The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.

Health and Safety Code Section 18928 (a).

Requires each state agency adopting or proposing adoption of a model code, national standards, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

Health and Safety Code Section 18949.2.

(a) HSC Section 18949.2 transfers the responsibilities of SFM to adopt regulations relating to building standards, to the California Building Standards Commission.

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

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

Health and Safety Code Section 25500 through 25545.

(a) The Legislature declares that, to protect the public health and safety and the environment, it is necessary to establish business and area plans relating to the handling and release or threatened release of hazardous materials. The establishment of a statewide environmental reporting system for these plans is a statewide requirement. Basic information on the location, type, quantity, and health risks of hazardous materials handled, used, stored, or disposed of in the state, which could be accidentally released into the environment, is required to be submitted to firefighters, health officials, planners, public safety officers,

health care providers, regulatory agencies, and other interested persons. The information provided by business and area plans is necessary to prevent or mitigate the damage to the health and safety of persons and the environment from the release or threatened release of hazardous materials into the workplace and environment.

Government Code Section 51176 through 51179.

The purpose of this chapter is to classify lands in the state in accordance with whether a very high fire hazard is present so that public officials can identify measures that will retard the rate of spread, and reduce the potential intensity, of uncontrolled fires that threaten to destroy resources, life, or property, and to require that those measures be taken.

Government Code Section 51189.

No later than January 31, 2020, the State Fire Marshal, in consultation with the director and the Director of Housing and Community Development, shall, pursuant to Section 18930 of the Health and Safety Code, recommend updated building standards that provide for comprehensive site and structure fire risk reduction to protect structures from fires spreading from adjacent structures or vegetation and to protect vegetation from fires spreading from adjacent structures, based on information learned from the 2017 wildfire season

Education Code 17074.50.

(a) On and after July 1, 2002, all new construction projects submitted to the Division of the State Architect pursuant to this chapter, including, but not limited to, hardship applications, that require the approval of the Department of General Services shall include an automatic fire detection, alarm, and sprinkler system as set forth in Section 17074.52 and approved by the State Fire Marshal.

Public Resources Code 4201 through 4204.

The purpose of this article is to provide for the classification of lands within state responsibility areas in accordance with the severity of fire hazard present for the purpose of identifying measures to be taken to retard the rate of spreading and to reduce the potential intensity of uncontrolled fires that threaten to destroy resources, life, or property.

Summary of Existing Regulations

The SFM currently adopts by reference the California Code of Regulations, Title 24, Part 2.5, 2019 California Residential Code with SFM amendments and additional building standards relating to regulations that establish minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above.

Summary of Effect

The general purpose of this proposed action is principally intended to adopt/amend/repeal certain provisions in the 2022 California Residential Code (California Code of Regulations, Title 24, Part 2.5) based upon updated information or recent actions of the SFM. This proposed action:

Repeal certain amendments to the 2022 California Residential Code that are no longer necessary nor justified pursuant with Health and Safety Code 18930(a) (7).

Adopt and implement additional necessary amendments to the 2022 California Residential Code as they pertain to California laws.

Codify non-substantive editorial and formatting amendments to the 2022 California Residential Code.

Comparable Federal Statute or Regulations

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

Policy Statement Overview

The specific purpose of this rulemaking effort by the SFM is to act in accordance with Health and Safety Code section 18929.1, which requires all proposed regulations to specifically comply with this section regarding the 18-month adoption cycle.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies published in the 2022 California Residential Code.

The SFM further proposes to offer new amendments where necessary to ensure that the regulations of the California Residential Code, establish and or maintain minimum requirements for the prevention of fire and panic for the protection of life and property against fire and panic in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above.

Evaluation of Consistency

The proposed regulations are consistent with existing state regulations.

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

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

The SFM has determined that there are no other prescribed statutes or any specific regulation or class of regulation applicable to the amendments and build-

ing standards relating to the 2022 California Residential Code.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

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

SFM 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).

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.

SFM 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 relied upon to support its initial determination of no effect.

The SFM 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 SFM.

Numerous public workshops were held during the per-rulemaking phase of the intervening code cycle and no comments have been made that the proposed changes would have significant statewide adverse economic impact on businesses.

Therefore, the SFM 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 SFM'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

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:

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

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

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

The State Fire Marshal has assessed whether 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 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 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).
The SFM did not identify any impact on housing.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).
SFM has determined that no reasonable alternative considered by SFM or that has otherwise been identified and brought to the attention of SFM would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. In addition, no reasonable alternative considered by SFM or that has otherwise been identified and brought to the attention of SFM 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*: dgs.ca.gov/BSC.

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*: dgs.ca.gov/BSC.

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

SFM 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. The statement shall note that providing the accessible 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:

Irina Brauzman, Associate Architect
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-0916

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

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

Primary Contact:

Greg Andersen, Acting Division Chief
CALFIRE/Office of the State Fire Marshal
Code Development and Analysis Division
(626) 712-4260
Greg.Andersen@fire.ca.gov

Back up Contact:

Crystal Sujeski, DSFM III Acting Supervisor
CALFIRE/Office of the State Fire Marshal
Code development and Analysis Division
(510) 846-1276
Crystal.Sujeski@fire.ca.gov

**TITLE 24. BUILDING STANDARDS
COMMISSION/OFFICE OF
STATE FIRE MARSHAL**

SFM 07/22

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

Marshal (SFM) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 9. The SFM is proposing building standards related to 2022 Intervening rulemaking code 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 **April 7, 2023**, until midnight on **May 22, 2023**.

Comments may be submitted to CBSC via:

e-Comment form: dgs.ca.gov/BSC/e-comments

U.S. Mail postmarked no later than **May 22, 2023**.
California Building Standards Commission
Attention: Public Comments
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Note: Only comments received in an accessible format will be viewable via CBSC's website. Use the e-Comment form to ensure accessibility.

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 written and oral comments regarding the proposed action on building standards at a public meeting to be conducted by 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 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 Section 18949.2. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Sections 13108, 13108.5, 13113, 13113.5, 13114, 13132, 13132.7, 13133, 13135, 13143, 13143.1, 13143.2, 13143.6, 13143.9, 13145, 13146, 13210, 13211, 16022.5 and 17921.

The SFM is proposing this regulatory action based on Health and Safety Code Sections 1250, 1502, 1568.02, 1569.72, 1569.78, 1597.44 through 1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13145, 13146, 13211, 16022.5, 17921, 18928, 18949.2, 25500 through 25545; Government Code Sections 51176, 51177, 51178, 51179 and 51189; Education Code 17074.50; Public Resources Code Sections 4201 through 4204.

INFORMATIVE DIGEST

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

Summary of Existing Laws

Health and Safety Code Section 1250.

As used in this chapter, "health facility" means a facility, place, or building that is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, physical or mental, including convalescence and rehabilitation and including care during and after pregnancy, or for any one or more of these purposes, for one or more persons, to which the persons are admitted for a 24-hour stay or longer.

Health and Safety Code Section 1502.

General provisions and Definitions for the California's Community Care Facilities Act

Health and Safety Code Section 1568.02, 1569.72 and 1569.78.

General provisions and Levels of Care for Residential Care Facilities for the Elderly

Health and Safety Code Section 1597.44 through 1597.65.

General and Licensing provisions for Family Day Care

Health and Safety Code Section 13108 (a).

The State Fire Marshal shall prepare and adopt building standards related to the means of egress, the installation of fire alarms and fire extinguishing systems in any state-owned building or in any state-occupied building.

Health and Safety Code Section 13108.5.

(a) The State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, shall, pursuant to Section 18930,

propose fire protection building standards for roofs, exterior walls, structure projections, including, but not limited to, porches, decks, balconies, and eaves, and structure openings, including, but not limited to, attic and eave vents and windows of buildings in fire hazard severity zones, including very high fire hazard severity zones designated by the Director of Forestry and Fire Protection pursuant to Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code.

Health and Safety Code Section 13113.

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

Health and Safety Code Section 13113.5.

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

Health and Safety Code Section 13114 (a).

The State Fire Marshal shall adopt regulations and standards to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and that no person shall market, distribute, offer for sale, or sell any fire alarm system or fire alarm device in this state unless the system or device has been approved and listed by the State Fire Marshal.

Health and Safety Code Section 13132.

Every person, firm, or corporation maintaining or operating any facility for the care of the mentally handicapped shall file a statement with the fire authority having jurisdiction within five days of the admission or readmission of a patient stating that such patient is an ambulatory or a 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.

Health and Safety Code Section 13132.7.

Shall require fire retardant roof coverings in fire hazard severity zones.

Health and Safety Code Section 13133 (a).

The State Fire Marshal shall develop and adopt regulations establishing new occupancy classifications and specific fire safety standards appropriate for residential facilities, and residential care facilities for the

elderly. These fire safety standards shall apply uniformly throughout the state.

Health and Safety Code Section 13135.

The State Fire Marshal shall adopt regulations for alcoholism or drug abuse recovery or treatment facilities based on whether the residents or patients of the facilities are non-ambulatory.

Health and Safety Code Section 13143.

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

Health and Safety Code Section 13143.1 (a).

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

Health and Safety Code Section 13143.2.

The State Fire Marshal shall enforce building standards published in the California Building Standards Code and those other rules and regulations adopted by the State Fire Marshal for the provision of structural fire safety and fire-resistant exits in multiple-story structures existing on January 1, 1975, let for human habitation, including, and limited to, apartment houses, hotels, and motels wherein rooms used for sleeping are let above the ground floor.

Health and Safety Code Section 13143.6 (a).

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

Health and Safety Code Section 13143.9.

The State Fire Marshal shall establish minimum requirements for the storage, handling, and use of hazardous materials.

Health and Safety Code Section 13145.

The State Fire Marshal, the chief of any city, county, or city and county fire department or district providing fire protection services, or a Designated Campus Fire

Marshal, and their authorized representatives, shall enforce in their respective areas building standards relating to fire and panic safety adopted by the State Fire Marshal and published in the California Building Standards Code and other regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic.

Health and Safety Code Section 13146.

(a) The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be as follows:

- (1) The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to R-3 dwellings, as described in Section 310.5 of Part 2 of the California Building Standards Code, to either of the following:
 - (A) The chief of the fire authority of the city, county, or city and county, or the chief's authorized representative.
 - (B) The chief building official of the city, county, or city and county, or the official's authorized representative.

Health and Safety Code Section 13210.

- (a) "Existing high-rise structure" means a high-rise structure, the construction of which is commenced or completed prior to July 1, 1974.
- (b) "High-rise structure" means every building of any type of construction or occupancy having floors used for human occupancy located more than 75 feet above the lowest floor level having building access, except buildings used as hospitals, as defined in Section 1250.
- (c) "New high-rise structure" means a high-rise structure, the construction of which is commenced on or after July 1, 1974.

Health and Safety Code Section 13211.

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

Health and Safety Code Section 16022.5.

Following completion of construction of a state-owned or state-occupied essential services building, the State Fire Marshal may conduct regular inspections of those buildings for compliance with building standards relating to fire and panic safety.

Health and Safety Code Section 17921 (b).

The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.

Health and Safety Code Section 18928 (a).

Requires each state agency adopting or proposing adoption of a model code, national standards, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

Health and Safety Code Section 18949.2.

- (a) HSC Section 18949.2 transfers the responsibilities of SFM to adopt regulations relating to building standards, to the California Building Standards Commission.
- (b) The State Fire Marshal shall remain the state agency responsible for developing building standards to implement the state's fire and life safety policy. In its role as the fire and life safety standard developing agency, the State Fire Marshal shall continue its existing activities and forums designed to facilitate compromise and consensus among the various individuals and groups involved in development of the state's codes related to fire and life safety.
- (c) The state's fire and life safety building standards, as developed by the State Fire Marshal and as adopted by the commission, shall continue to be based on the state's fire and life safety policy goals and mandates as they existed prior to the enactment of this chapter and as they are amended.

Health and Safety Code Section 25500 through 25545.

- (a) The Legislature declares that, to protect the public health and safety and the environment, it is necessary to establish business and area plans relating to the handling and release or threatened release of hazardous materials. The establishment of a statewide environmental reporting system for these plans is a statewide requirement. Basic information on the location, type, quantity, and health risks of hazardous materials handled, used, stored, or disposed of in the state, which could be accidentally released into the environment, is required to be submitted to firefighters, health officials, planners, public safety officers,

health care providers, regulatory agencies, and other interested persons. The information provided by business and area plans is necessary to prevent or mitigate the damage to the health and safety of persons and the environment from the release or threatened release of hazardous materials into the workplace and environment.

Government Code Section 51176 through 51179.

The purpose of this chapter is to classify lands in the state in accordance with whether a very high fire hazard is present so that public officials can identify measures that will retard the rate of spread, and reduce the potential intensity, of uncontrolled fires that threaten to destroy resources, life, or property, and to require that those measures be taken.

Government Code Section 51189.

No later than January 31, 2020, the State Fire Marshal, in consultation with the director and the Director of Housing and Community Development, shall, pursuant to Section 18930 of the Health and Safety Code, recommend updated building standards that provide for comprehensive site and structure fire risk reduction to protect structures from fires spreading from adjacent structures or vegetation and to protect vegetation from fires spreading from adjacent structures, based on information learned from the 2017 wildfire season

Education Code 17074.50.

(a) On and after July 1, 2002, all new construction projects submitted to the Division of the State Architect pursuant to this chapter, including, but not limited to, hardship applications, that require the approval of the Department of General Services shall include an automatic fire detection, alarm, and sprinkler system as set forth in Section 17074.52 and approved by the State Fire Marshal.

Public Resources Code 4201 through 4204.

The purpose of this article is to provide for the classification of lands within state responsibility areas in accordance with the severity of fire hazard present for the purpose of identifying measures to be taken to retard the rate of spreading and to reduce the potential intensity of uncontrolled fires that threaten to destroy resources, life, or property.

Summary of Existing Regulations

The SFM currently adopts by reference the California Code of Regulations, Title 24, Part 9, 2022 California Fire Code with SFM amendments and additional building standards relating to regulations that establish minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above.

Summary of Effect

The general purpose of this proposed action is principally intended to adopt/amend/repeal certain provisions in the 2022 California Fire Code (California Code of Regulations, Title 24, Part 9) based upon updated information or recent actions of the SFM. This proposed action:

Repeal certain amendments to the 2022 California Fire Code that are no longer necessary nor justified pursuant with Health and Safety Code 18930(a)(7). The SFM met with stakeholders and other state agencies at pre-rulemaking workshops to come to a consensus on the proposed changes.

Adopt and implement additional necessary amendments to the 2022 California Fire Code as they pertain to California laws. Based on discussion at pre-rulemaking meetings, the model code provisions were analyzed and compared to existing state laws. Where conflicts existed, amendments are proposed.

Codify non-substantive editorial and formatting amendments to the 2022 California Fire Code. Errata and/or section numbers are proposed to be updated.

Comparable Federal Statute or Regulations

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

Policy Statement Overview

The specific purpose of this rulemaking effort by the SFM is to act in accordance with Health and Safety Code section 18929.1, which requires all proposed regulations to specifically comply with this section regarding the 18-month adoption cycle.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies published in the 2022 California Fire Code.

The SFM further proposes to offer new amendments where necessary to ensure that the regulations of the California Fire Code, establish and or maintain minimum requirements for the prevention of fire and panic for the protection of life and property against fire and panic in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above.

Evaluation of Consistency

The proposed regulations are consistent with existing state regulations.

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

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

The SFM has determined that there are no other prescribed statutes or any specific regulation or class of regulation applicable to the amendments and building standards relating to the 2022 California Fire Code.

**MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

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

SFM 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 SIGNIF-
ICANT 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.

SFM 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 relied upon to support its initial determination of no effect.

The SFM 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 SFM.

Numerous public workshops were held during the per-rulemaking phase of the intervening code cycle and no comments have been made that the proposed changes would have significant statewide adverse economic impact on businesses.

Therefore, the SFM 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 SFM'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.

**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:

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

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

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

The SFM has assessed whether 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 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 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).
The SFM did not identify any impact on housing.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).
SFM has determined that no reasonable alternative considered by SFM or that has otherwise been identified and brought to the attention of SFM would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. In addition, no reasonable alternative considered by SFM or that has otherwise been identified and brought to the attention of SFM 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 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*: dgs.ca.gov/BSC.

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*: dgs.ca.gov/BSC.

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

SFM 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. The statement shall note that providing the accessible 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:

Irina Brauzman, Associate Architect
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-0916

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

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

Primary Contact:

Greg Andersen, Acting Division Chief
CALFIRE/Office of the State Fire Marshal
Code Development and Analysis Division
(626) 712-4260
Greg.Andersen@fire.ca.gov

Back up Contact:

Crystal Sujeski, DSFM III Acting Supervisor
CALFIRE/Office of the State Fire Marshal
Code development and Analysis Division
(510) 846-1276
Crystal.Sujeski@fire.ca.gov

**TITLE 24. BUILDING STANDARDS
COMMISSION/OFFICE OF
STATE FIRE MARSHAL**

SFM 08/22

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of State Fire Marshal (SFM) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 10. The SFM is proposing building standards related to 2022 Intervening rulemaking code 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 **April 7, 2023**, until midnight on **May 22, 2023**.

Comments may be submitted to CBSC via:

e-Comment form: dgs.ca.gov/BSC/e-comments

U.S. Mail postmarked no later than **May 22, 2023**.

California Building Standards Commission
Attention: Public Comments
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Note: Only comments received in an accessible format will be viewable via CBSC's website. Use the e-Comment form to ensure accessibility.

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 written and oral comments regarding the proposed action on building standards at a public meeting to be conducted by 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 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 Section 18949.2. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Sections 13108, 13108.5, 13113, 13113.5, 13114, 13132, 13132.7, 13133, 13135, 13143, 13143.1, 13143.2, 13143.6, 13143.9, 13145, 13146, 13210, 13211, 16022.5 and 17921.

The SFM is proposing this regulatory action based on Health and Safety Code Sections 1250, 1502, 1568.02, 1569.72, 1569.78, 1597.44 through 1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13145, 13146, 13211, 16022.5, 17921, 18928, 18949.2, 25500 through 25545; Government Code Sections 51176, 51177, 51178, 51179 and 51189; Education Code Section 17074.50; Public Resources Code Sections 4201 through 4204.

INFORMATIVE DIGEST

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

Summary of Existing Laws

Health and Safety Code Section 1250.

As used in this chapter, "health facility" means a facility, place, or building that is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, physical or mental, including convalescence and rehabilitation and including care during and after pregnancy, or for any one or more of these purposes, for one or more persons, to which the persons are admitted for a 24-hour stay or longer.

Health and Safety Code Section 1502.

General provisions and Definitions for the California's Community Care Facilities Act

Health and Safety Code Section 1568.02, 1569.72 and 1569.78.

General provisions and Levels of Care for Residential Care Facilities for the Elderly

Health and Safety Code Section 1597.44 through 1597.65.

General and Licensing provisions for Family Day Care

Health and Safety Code Section 13108 (a).

The State Fire Marshal shall prepare and adopt building standards related to the means of egress, the installation of fire alarms and fire extinguishing systems in any state-owned building or in any state-occupied building.

Health and Safety Code Section 13108.5.

(a) The State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, shall, pursuant to Section 18930, propose fire protection building standards for roofs, exterior walls, structure projections, including, but not limited to, porches, decks, balconies, and eaves, and structure openings, including, but not limited to, attic and eave vents and windows of buildings in fire hazard severity zones, including very high fire hazard severity zones designated by the Director of Forestry and Fire Protection pursuant to Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code.

Health and Safety Code Section 13113.

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

Health and Safety Code Section 13113.5.

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

Health and Safety Code Section 13114 (a).

The State Fire Marshal shall adopt regulations and standards to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and that no person shall market, distribute, offer for sale, or sell any fire alarm system or fire alarm device in this state unless the system or device has been approved and listed by the State Fire Marshal.

Health and Safety Code Section 13132.

Every person, firm, or corporation maintaining or operating any facility for the care of the mentally handicapped shall file a statement with the fire authority having jurisdiction within five days of the admission or readmission of a patient stating that such patient is an ambulatory or a 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.

Health and Safety Code Section 13132.7.

Shall require fire retardant roof coverings in fire hazard severity zones.

Health and Safety Code Section 13133 (a).

The State Fire Marshal shall develop and adopt regulations establishing new occupancy classifications and specific fire safety standards appropriate for residential facilities, and residential care facilities for the elderly. These fire safety standards shall apply uniformly throughout the state.

Health and Safety Code Section 13135.

The State Fire Marshal shall adopt regulations for alcoholism or drug abuse recovery or treatment facilities based on whether the residents or patients of the facilities are non-ambulatory.

Health and Safety Code Section 13143.

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

Health and Safety Code Section 13143.1 (a).

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

Health and Safety Code Section 13143.2.

The State Fire Marshal shall enforce building standards published in the California Building Standards Code and those other rules and regulations adopted by the State Fire Marshal for the provision of structural fire safety and fire-resistant exits in multiple-story structures existing on January 1, 1975, let for human habitation, including, and limited to, apartment houses, hotels, and motels wherein rooms used for sleeping are let above the ground floor.

Health and Safety Code Section 13143.6 (a).

The State Fire Marshal shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire in any building or structure used intended for use as a home or institution for the housing of any person of any age for protective social care and supervision services by any governmental agency,

certified family care homes, out-of-home placement facilities, and halfway houses.

Health and Safety Code Section 13143.9.

The State Fire Marshal shall establish minimum requirements for the storage, handling, and use of hazardous materials.

Health and Safety Code Section 13145.

The State Fire Marshal, the chief of any city, county, or city and county fire department or district providing fire protection services, or a Designated Campus Fire Marshal, and their authorized representatives, shall enforce in their respective areas building standards relating to fire and panic safety adopted by the State Fire Marshal and published in the California Building Standards Code and other regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic.

Health and Safety Code Section 13146.

(a) The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be as follows:

- (1) The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to R-3 dwellings, as described in Section 310.5 of Part 2 of the California Building Standards Code, to either of the following:
 - (A) The chief of the fire authority of the city, county, or city and county, or the chief's authorized representative.
 - (B) The chief building official of the city, county, or city and county, or the official's authorized representative.

Health and Safety Code Section 13210.

- (a) "Existing high-rise structure" means a high-rise structure, the construction of which is commenced or completed prior to July 1, 1974.
- (b) "High-rise structure" means every building of any type of construction or occupancy having floors used for human occupancy located more than 75 feet above the lowest floor level having building access, except buildings used as hospitals, as defined in Section 1250.
- (c) "New high-rise structure" means a high-rise structure, the construction of which is commenced on or after July 1, 1974.

Health and Safety Code Section 13211.

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

Health and Safety Code Section 16022.5.

Following completion of construction of a state-owned or state-occupied essential services building, the State Fire Marshal may conduct regular inspections of those buildings for compliance with building standards relating to fire and panic safety.

Health and Safety Code Section 17921 (b).

The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.

Health and Safety Code Section 18928 (a).

Requires each state agency adopting or proposing adoption of a model code, national standards, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

Health and Safety Code Section 18949.2.

- (a) HSC Section 18949.2 transfers the responsibilities of SFM to adopt regulations relating to building standards, to the California Building Standards Commission.
- (b) The State Fire Marshal shall remain the state agency responsible for developing building standards to implement the state's fire and life safety policy. In its role as the fire and life safety standard developing agency, the State Fire Marshal shall continue its existing activities and forums designed to facilitate compromise and consensus among the various individuals and groups involved in development of the state's codes related to fire and life safety.
- (c) The state's fire and life safety building standards, as developed by the State Fire Marshal and as adopted by the commission, shall continue to be based on the state's fire and life safety policy goals and mandates as they existed prior to the enactment of this chapter and as they are amended.

Health and Safety Code Section 25500 through 25545.

- (a) The Legislature declares that, to protect the public health and safety and the environment, it is necessary to establish business and area plans

relating to the handling and release or threatened release of hazardous materials. The establishment of a statewide environmental reporting system for these plans is a statewide requirement. Basic information on the location, type, quantity, and health risks of hazardous materials handled, used, stored, or disposed of in the state, which could be accidentally released into the environment, is required to be submitted to firefighters, health officials, planners, public safety officers, health care providers, regulatory agencies, and other interested persons. The information provided by business and area plans is necessary to prevent or mitigate the damage to the health and safety of persons and the environment from the release or threatened release of hazardous materials into the workplace and environment.

Government Code Section 51176 through 51179.

The purpose of this chapter is to classify lands in the state in accordance with whether a very high fire hazard is present so that public officials can identify measures that will retard the rate of spread, and reduce the potential intensity, of uncontrolled fires that threaten to destroy resources, life, or property, and to require that those measures be taken.

Government Code Section 51189.

No later than January 31, 2020, the State Fire Marshal, in consultation with the director and the Director of Housing and Community Development, shall, pursuant to Section 18930 of the Health and Safety Code, recommend updated building standards that provide for comprehensive site and structure fire risk reduction to protect structures from fires spreading from adjacent structures or vegetation and to protect vegetation from fires spreading from adjacent structures, based on information learned from the 2017 wildfire season

Education Code 17074.50.

(a) On and after July 1, 2002, all new construction projects submitted to the Division of the State Architect pursuant to this chapter, including, but not limited to, hardship applications, that require the approval of the Department of General Services shall include an automatic fire detection, alarm, and sprinkler system as set forth in Section 17074.52 and approved by the State Fire Marshal.

Public Resources Code 4201 through 4204.

The purpose of this article is to provide for the classification of lands within state responsibility areas in accordance with the severity of fire hazard present for the purpose of identifying measures to be taken to retard the rate of spreading and to reduce the potential intensity of uncontrolled fires that threaten to destroy resources, life, or property.

Summary of Existing Regulations

The SFM currently adopts by reference the California Code of Regulations, Title 24, Part 9, 2022 California Fire Code with SFM amendments and additional building standards relating to regulations that establish minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above.

Summary of Effect

The general purpose of this proposed action is principally intended to adopt/amend/repeal certain provisions in the 2022 California Existing Building Code (California Code of Regulations, Title 24, Part 10) based upon updated information or recent actions of the SFM. This proposed action will:

Repeal amendments to the 2022 California Existing Building Code that are no longer necessary nor are justified pursuant with Health and Safety Code 18930(a)(7). The SFM met with stakeholders and other state agencies at the pre-rulemaking workshops to come to a consensus on the proposed changes.

Adopt and implement additional necessary amendments to the 2022 California Existing Building Code as they pertain to California laws. Based on discussion to adopt Chapters 6–11 and Chapter 13, the model code provisions were analyzed and compared to existing state laws. Where conflicts existed, amendments are proposed.

Codify non-substantive editorial and formatting amendments to the 2022 California Existing Building Code.

Comparable Federal Statute or Regulations

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

Policy Statement Overview

The specific purpose of this rulemaking effort by the SFM is to act in accordance with Health and Safety Code section 18929.1, which requires all proposed regulations to specifically comply with this section regarding the 18-month adoption cycle.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies published in the 2022 California Existing Building Code.

The SFM further proposes to offer new amendments where necessary to ensure that the regulations of the California Existing Building Code, establish and or maintain minimum requirements for the prevention of fire and panic for the protection of life and property

against fire and panic in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above.

Evaluation of Consistency

The proposed regulations are consistent with existing state regulations.

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

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

The SFM has determined that there are no other prescribed statutes or any specific regulation or class of regulation applicable to the amendments and building standards relating to the 2022 California Existing Building Code.

**MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

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

SFM 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 SIGNIF-
ICANT 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.

SFM 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 relied upon to support its initial determination of no effect.

The SFM 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 SFM.

Numerous public workshops were held during the per-rulemaking phase of the intervening code cycle and no comments have been made that the proposed changes would have significant statewide adverse economic impact on businesses.

Therefore, the SFM has determined that there are no other facts, evidence, documents, testimony, or other evidence upon which SFM 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 SFM'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

**COST IMPACT ON REPRESENTATIVE PRI-
VATE 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:

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

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

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

The SFM has assessed whether 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 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 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).

The SFM did not identify any impact on housing.

CONSIDERATION OF ALTERNATIVES

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

SFM has determined that no reasonable alternative considered by SFM or that has otherwise been identified and brought to the attention of SFM would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. In addition, no reasonable alternative considered by SFM or that has otherwise been identified and brought to the attention of SFM 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 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*: dgs.ca.gov/BSC.

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*: dgs.ca.gov/BSC.

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

SFM 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. The statement shall note that providing the accessible 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:

Irina Brauzman, Associate Architect
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-0916

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

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

Primary Contact:

Greg Andersen, Acting Division Chief
CALFIRE/Office of the State Fire Marshal
Code Development and Analysis Division
(626) 712-4260
Greg.Andersen@fire.ca.gov

Back up Contact:

Crystal Sujeski, DSFM III Acting Supervisor
CALFIRE/Office of the State Fire Marshal
Code development and Analysis Division
(510) 846-1276
Crystal.Sujeski@fire.ca.gov

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

SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
PROPOSITION 65

AMENDMENT TO SECTION 25705

|SPECIFIC REGULATORY LEVELS POSING
NO SIGNIFICANT RISK:
ETHYLENE OXIDE

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to update a Proposition 65¹ No Significant Risk Level (NSRL) for ethylene oxide by amending Title 27, California Code of Regulations, Section 25705(b)². The proposed updated NSRL for ethylene oxide is 0.058 micrograms per day.

PUBLIC PROCEEDINGS

Written Comment Period

Any written comments concerning this proposed regulatory action, regardless of the form or method of transmission, must be received by OEHHA no later than **May 23, 2023**, the designated close of the written comment period. OEHHA strongly recommends that comments be submitted electronically, rather than in paper form.

Comments may be submitted electronically through our website at <https://oehha.ca.gov/comments>.

Comments submitted in paper form can be mailed, faxed, or delivered in person to the address below, but delays may occur if staff are unable to timely access them.

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

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

Electronic Submission (preferred):

Through OEHHA website at:
<https://oehha.ca.gov/comments>

Mailed Submission:

Esther Barajas-Ochoa
Office of Environmental Health Hazard
Assessment
P. O. Box 4010
Sacramento, CA 95812-4010

In-person delivery submission:

Attention: Esther Barajas-Ochoa
Office of Environmental Health Hazard
Assessment
1001 I Street, 23rd Floor
Sacramento, CA 95814

OEHHA encourages all commenters to submit their comments in a format compliant with Section 508 of the federal Rehabilitation Act, Web Content Accessibility Guidelines 2.0³ and California Government Code sections 7405 and 11135, so that they can be read using screen reader technology and those with visual impairments are able to listen to them.

OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. If you provide comments, please be aware that your name, address, and email may be available to third parties.

Inquiries concerning the action described in this notice may be directed to Esther Barajas-Ochoa, in writing at the address given above, by email at esther.barajas-ochoa@oehha.ca.gov, or by telephone at: (916) 445-6900,

PUBLIC HEARING

A public hearing on these proposed regulatory amendments is not currently scheduled. Pursuant to Government Code section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing no later than 15 days prior to the close of the written comment period. The hearing would be web-based due to the COVID-19 emergency⁴. To request a hearing, send an email to Esther Barajas-Ochoa at esther.barajas-ochoa@oehha.ca.gov or letter to the address listed above by no later than **May 8, 2023**. If one is scheduled, OEHHA will electronically mail a notice of the hearing to the requester and to interested parties on the Proposition 65 mailing list for regulatory public hearings. The notice will also be posted on the OEHHA web site at least ten days before the public hearing date. The

³ <https://www.w3.org/WAI/standards-guidelines/wcag/>

⁴ Senate Bill Number 189 (2022).

notice will provide the date, time, and instructions for participating in the hearing.

CONTACT

Please direct inquiries concerning the proposed regulatory action described in this notice to Esther Barajas-Ochoa at (916) 445-6900, or by email to esther.barajas-ochoa@oehha.ca.gov. Kristi Morioka is a back-up contact person for inquiries concerning processing of this action and is available at (916) 322-5624 or kristi.morioka@oehha.ca.gov.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Proposition 65 prohibits a person, in the course of doing business, from knowingly and intentionally exposing any individual to a chemical that has been listed as known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual⁵. The Act also prohibits a business from knowingly discharging a listed chemical into water or onto or into land where such chemical passes or probably will pass into any source of drinking water⁶.

For carcinogens, an exemption from the warning requirement is provided by the Act when the exposure for which the person is responsible can be demonstrated to produce no significant risk, or when a discharge which otherwise complies with all applicable requirements would not cause any significant amount of the discharged or released chemical to enter any source of drinking water⁷. A determination that a level of exposure poses no significant risk may be made utilizing regulations that have previously been adopted by OEHHA (Sections 25701-25721). Section 25701 describes alternative methods for making such a determination. Section 25705 sets forth the process for determining “no significant risk” levels for purposes of Proposition 65 and establishes those levels for certain listed chemicals.

Details on the basis for the proposed NSRL for ethylene oxide are provided in the Initial Statement of Reasons for this regulatory amendment, which is available on request from Esther Barajas-Ochoa at esther.barajas-ochoa@oehha.ca.gov and is posted on the OEHHA website at www.oehha.ca.gov.

This proposed amendment to Section 25705 would change the existing NSRL for ethylene oxide by amending Section 25705(b) as follows (provided in underline and strikeout below):

(b) Chemical name	Level (micrograms per day)
Acrylonitrile	0.7

...

Ethylene oxide	≥ 0.058
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...

To develop the proposed updated NSRL for ethylene oxide, OEHHA incorporated significant new data relevant to the estimation of the NSRL that have become available since the existing NSRL for ethylene oxide was adopted in 1988. This includes new data from cancer epidemiology studies and studies of genotoxicity and pharmacokinetics. The proposed level is based on the cancer potency value developed in a 2016 U.S. Environmental Protection Agency (US EPA) risk assessment⁸ based on epidemiologic data from a cohort of more than 18,000 workers with quantitative estimates of exposure to ethylene oxide, assembled by NIOSH^{9,10,11}.

The NSRL for ethylene oxide is based upon the results of the most sensitive scientific study deemed to be of sufficient quality¹².

Anticipated Benefits of the Proposed Regulation

The proposed regulatory amendment provides updated voluntary compliance assistance for businesses subject to the Act. In general, increasing compliance with the Act helps to protect the health and welfare of the California public, in line with the public health goal of Proposition 65. Updating this NSRL using the best available science also provides more accurate and current information about risk levels and a greater public health benefit to Californians. The updated NSRL does not require, but may encourage, businesses to reduce exposures to the listed chemical to a level that does not cause a significant exposure, thereby providing a public health benefit to Californians. This in turn may reduce resident, worker and environmental exposures to ethylene oxide.

⁸ U.S. Environmental Protection Agency (US EPA 2016a). Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide (CASRN 75-21-8) in Support of Summary Information on the Integrated Risk Information System (IRIS). Washington, DC, EPA/635/R-16/350Fa. Available from: https://ordspub.epa.gov/ords/eims/eimscomm.getfile?p_download_id=529970.

⁹ U.S. Environmental Protection Agency (US EPA 2016b). Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide. Appendices. (CASRN 75-21-8). In Support of Summary Information on the Integrated Risk Information System (IRIS). Washington, DC, EPA/635/R-16/350Fb. Available from: https://ordspub.epa.gov/ords/eims/eimscomm.getfile?p_download_id=529971.

¹⁰ Steenland K, Stayner L, Deddens J (2004). Mortality analyses in a cohort of 18 235 ethylene oxide exposed workers: follow up extended from 1987 to 1998. *Occup Environ Med* 61(1):2-7.

¹¹ Steenland K, Whelan E, Deddens J, Stayner L, Ward E (2003). Ethylene oxide and breast cancer incidence in a cohort study of 7576 women (United States). *Cancer Causes Control* 14(6):531-9.

¹² Section 25703(a)(4).

⁵ Health and Safety Code section 25249.6.

⁶ Health and Safety Code section 25249.5.

⁷ Health and Safety Code sections 25249.9 and 25249.10.

No Inconsistency or Incompatibility with Existing Regulations

After conducting an evaluation on any related regulations in this area, OEHHA has found that these are the only regulations dealing with Proposition 65 No Significant Risk Levels for this specific chemical. Therefore, OEHHA has determined that the proposed regulation is neither inconsistent nor incompatible with existing state regulations. The proposed regulation does not impose any mandatory requirements on businesses, state or local agencies and does not address compliance with any other law or regulation.

RESULTS OF ECONOMIC IMPACT ANALYSIS

(GOVERNMENT CODE SECTION 11346.3(B))

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

In compliance with Government Code section 11346.3, OEHHA has assessed all the elements pursuant to sections 11346.3(b)(1)(A) through (D). In general, it is not possible to quantify any monetary values for this proposed regulatory action given that use of the NSRL is entirely voluntary and the NSRL only provides compliance assistance for businesses subject to the Act.

This regulatory proposal will not affect the creation or elimination of jobs within the State of California. Proposition 65 requires businesses with ten or more employees to provide warnings prior to exposing people to chemicals that are known to cause cancer. The law also prohibits the discharge of listed chemicals into sources of drinking water. Ethylene oxide is listed under Proposition 65; therefore, businesses that manufacture, distribute, sell or use products with ethylene oxide in the state must provide a warning if their product or activity exposes the public or employees to significant amounts of the chemical. The regulatory proposal does not create additional compliance requirements, but instead provides a “safe harbor” value that aids businesses in determining if they are complying with the law.

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

By updating the safe harbor levels, this regulatory proposal does not require, but may encourage, businesses to lower the amount of the ethylene oxide emitted into the air from facilities or present in their prod-

uct to a level that does not cause a significant exposure, thereby providing a public health benefit to California residents and potentially reducing worker exposure.

Use of the NSRL is entirely voluntary for business compliance with the Act, and there is no method to measure whether this regulation will cause a decrease in the amount of the chemical released into the state’s environment. By updating the safe harbor levels, the regulatory proposal may encourage businesses to lower the amount of the listed chemical emitted into the air or in their product to a level that does not cause a significant exposure, which may have a beneficial impact on the State’s environment.

PEER REVIEW

This notice, the proposed regulatory change, and the Initial Statement of Reasons are being provided to the OEHHA Science Advisory Board’s Carcinogen Identification Committee for review and comment¹³.

AUTHORITY

Health and Safety Code Section 25249.12.

REFERENCE

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

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Because Proposition 65 expressly¹⁴ does not apply to local agencies or school districts, OEHHA has determined the proposed regulatory action would not impose a mandate on local agencies or school districts nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

OTHER NON-DISCRETIONARY COSTS OR SAVINGS

OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

Because Proposition 65 expressly¹⁵ does not apply to any State agency, OEHHA has determined that no

¹³ Title 27, Cal. Code of Regs., section 25701(e)

¹⁴ See Health and Safety Code section 25249.11 (b)

¹⁵ See Health and Safety Code section 25249.11 (b)

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

EFFECT ON FEDERAL FUNDING TO THE STATE

Because Proposition 65 expressly¹⁶ does not apply to any federal agency, OEHHA has determined that no costs or savings in federal funding to the State will result from the proposed regulatory action.

EFFECT ON HOUSING COSTS

OEHHA has determined that the proposed regulatory action will have no effect on housing costs because it provides compliance assistance to businesses subject to Proposition 65 but does not impose any mandatory requirements on those businesses.

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

Because the proposed regulatory level provides compliance assistance to businesses subject to Proposition 65, but do not impose any mandatory requirements on those businesses, OEHHA has made an initial determination that the adoption of the regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The proposed NSRL was developed to provide compliance assistance for businesses in determining whether a warning is required, or a discharge is prohibited. The NSRL provides a level of exposure at or below which a warning is not required, and a discharge is not prohibited. Use of the NSRL is not mandatory. The implementing regulations allow a business to calculate its own level and provide guidance in order to assist businesses in doing so¹⁷. However, conducting such a process can be expensive and time consuming, and the resulting levels may not be defensible in an enforcement action. OEHHA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

¹⁶ See Health and Safety Code section 25249.11 (b)

¹⁷ Title 27, Cal. Code of Regs., section 25701 et seq.

EFFECT ON SMALL BUSINESSES

OEHHA has determined that the proposed regulation will not impose any mandatory requirements on small business. Rather, the proposed NSRL will provide compliance assistance for small businesses subject to Proposition 65 because they will help businesses determine whether or not an exposure for which they are responsible is subject to the warning requirement or discharge prohibition of Proposition 65.

CONSIDERATION OF ALTERNATIVES

Government Code section 11346(a)(13) requires that a rulemaking agency must determine that no reasonable alternative considered by the 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, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice. OEHHA has determined that there is no alternative to the proposed regulation that is less burdensome and equally effective in achieving the purposes of the regulation in a manner that achieves the purposes of the statute.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the regulation, all the information upon which the regulation is based, and the text of the regulation. A copy of the Initial Statement of Reasons, the text of the regulation and the documents relied on to develop the proposed regulation are available upon request from OEHHA at the address and telephone number indicated above. These documents are also posted on OEHHA's website at www.oehha.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of this proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on changed regulations and the full text will be mailed to individuals who testified or submitted written comments at the public hearing, if held, or whose comments were re-

ceived by OEHHA during the public comment period, and anyone who requests notification from OEHHA of the availability of such changes. Copies of the notice and the changed regulation will also be available on the OEHHA website at www.oehha.ca.gov.

FINAL STATEMENT OF REASONS

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

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

NORTHERN CALIFORNIA CONDOR RECOVERY PROGRAM RELEASE AND REHABILITATION

The Department of Fish and Wildlife (Department) received a proposal on March 21, 2023, from Jim Campbell-Spickler, Director of Sequoia Park Zoo, requesting authorization to take California Condors (*Gymnogyps californianus*), a Fully Protected and CESA endangered bird species, for scientific research purposes, consistent with protection and conservation of the species.

Sequoia Park Zoo (SPZ) will be joining agencies and the Yurok Tribe as part of a long-term recovery program for the California Condor that has been in effect since the 1980s. SPZ's primary function is to manage a treatment facility for rehabilitating sick, injured, or orphaned California Condors that are part of a new experimental population being released in northern California. An estimated six California Condors will be transferred from the current captive population to be part of this new northern California population annually. The number of condors in this new experimental population may change due to new births, deaths, or future additional reintroduced condors. No adverse effects on individuals or populations are expected.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize the applicant to carry out the proposed activities. The applicant is also required to have valid federal permits.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected bird species in support of efforts to recover fully protected, threatened, or endangered

species after a 30-day notice period has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it will issue the authorization on or after May 7, 2023, for an initial and renewable term of four years. Contact: Shannon Skalos, Shannon.Skalos@wildlife.ca.gov.

DEPARTMENT OF FISH AND WILDLIFE

HABITAT RESTORATION AND ENHANCEMENT ACT CONSISTENCY DETERMINATION NUMBER 1653-2023-108-001-R3

Project: Little Fallon Creek Restoration Project

Location: Marin County

Applicant:

Damion Ciotti (U.S. Fish and Wildlife Service)

Notifier: Loren Poncia (Property owner)

Background

Project Location:

The Little Fallon Creek Restoration Project (Project) is located at Stemple Creek, 2,000 feet east of the Community of Fallon, California on the northeast side of Highway 1 and Whitaker Road intersection. The upstream coordinates for the Project are 38.28215° North, 122.8957° West and the downstream coordinates for the Project are 38.27767° North, 122.895° West, at a property owned by Loren Poncia. The Project affects Little Fallon Creek, a tributary to Stemple Creek located within the Tomales-Drakes Bay hydrological unit, and supports populations of:

- California red-legged frog (*Rana draytonii*, federally endangered)
- Migratory and resident bird species

Project Description:

Damion Ciotti, representing U.S. Fish and Wildlife Service (Applicant), proposes to enhance or restore habitat within Little Fallon Creek to provide a net conservation benefit for California red-legged frog (*Rana draytonii*) and migratory and resident bird species. The Project proposes to install 45 hand-built beaver dam analog (BDA) structures in the stream channel to mimic beaver dams, natural wood loading, and encourage depositional processes. Wood, native vegetation, and soil from the Project site will be installed into the channel to add complexity and slow the drainage of surface water in the incised channel of Little Fallon Creek. Individual BDAs will be approximately

ten feet long, three feet tall, and ten feet wide, including five feet of structure width and a five-foot buffer area associated with temporary disturbance from construction.

Wood posts (2.5-inch diameter) may be pounded into the stream bed with a hand-held or gas-powered post pounder to provide additional stability to the BDA structures. Posts may be added every two to four feet depending on the need of each BDA structure. Branches sourced from the Project site will be woven, jammed, and layered to form BDAs and pool water in the stream channel. Woody material sources on site will range from small to medium size and will not exceed 15 inches in diameter. Sod, brush, and soil will also be used to fill voids in each BDA structure.

Adaptive management and any required maintenance of the BDA structures will be on-going until project objectives are met for three years.

Project Size:

The total area of ground disturbance associated with the Project is approximately one acre and 450 linear feet. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., title 14, § 15333).

Project Associated Discharge:

Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) approximately 130 cubic yards (cy) of native vegetation and 5 cubic yards of soil from construction of BDA structures.

Project Timeframes:

Start date: June 2023

Completion date: August 2028

Work window:

June 1–August 15 (Approx. 60 days)

Water Quality Certification Background:

Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California and improve riparian habitat for native amphibians and migratory and resident birds, the North Coast Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) Number 1B23013WNMA, Electronic Content Management Identification (ECM PIN) Number CW-886174 for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has

provided a supplemental document that sets forth measures to avoid and minimize impacts to California red-legged frog and migratory bird species.

Receiving Water:

Little Fallon Creek, tributary to Stemple Creek

Filled or Excavated Area:

Permanent area impacted: none

Temporary area impacted: 1.0 acres maximum

Length temporarily impacted: 450 linear feet

Length permanently impacted: 0 linear feet

Dredge Volume:

0 cy of soil

Discharge Volume:

130 cy of native vegetation (BDA structure material) and 5 cy of soil (from disturbance around structure during installation).

Project Location:

Upstream: Latitude 38.2825° North and Longitude 122.8957° West, Downstream: Latitude 38.27767° North and Longitude 122.895° West (NAD 83).

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI) complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

On March 9, 2023, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on March 9, 2023, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2013-0309-01) on March 24, 2023. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

Determination

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HREA as to the Project and meets the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a non-habitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; and (3) the Project meets the eligibility require-

ments of the State Water Resources Control Board's Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

Avoidance and Minimization Measures

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI, which contains the following categories: (1) Measures to avoid and minimize impacts to California red-legged frog; (2) Measures to limit impacts of on-site vegetation sourcing for BDA construction; (3) Nesting bird avoidance measures for BDA construction; (4) Biological Resource Inventory maps. The specific avoidance and minimization requirements are found in an attachment to the NOI and in a supplement to the submitted 1653 form.

Monitoring and Reporting

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the monitoring and reporting plan. The Applicant's Monitoring and Reporting Plan provides a timeline for restoration, performance standards, and monitoring parameters and protocols. Specific requirements of the plan are found in Section VIII. Monitoring and Reporting Plan of the NOI.

Notice of Completion

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires the Applicant to submit a Notice of Completion (NOC) no later than 30 days after the project has been completed. A complete NOC includes at a minimum:

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- WDID number and ECM PIN number indicated above;
- success criteria for the Project.

The NOC shall demonstrate that the Applicant has carried out the Project in accordance with the Project description as provided in the Applicant's NOI. Applicant shall include the project name, WDID number, and ECM PIN number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Applicant shall submit documents electronically to Desiree.Delavega@wildlife.ca.gov.

Project Authorization

Pursuant to Fish and Game Code section 1654, CDFW's approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in

lieu of any other permit, agreement, license, or other approval issued by the department, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA and comply with other conditions described in the NOI.

If there are any substantive changes to the Project or if the Water Board amends or replaces the NOA, the Applicant shall be required to obtain a new consistency determination from CDFW. (See generally Fish & Game Code, § 1654, subdivision (c)).

**DEPARTMENT OF
FISH AND WILDLIFE**

**CESA CONSISTENCY
DETERMINATION REQUEST FOR
GREEN DIAMOND AQUATIC HCP
2080-2023-004-01**

DEL NORTE AND HUMBOLDT COUNTIES

The California Department of Fish and Wildlife (CDFW) received a notice on March 23, 2023, that Green Diamond Resource Company proposes to rely on a federal permit to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves timber operations and other forest management activities. Proposed activities will include, but are not limited to, felling and bucking timber; yarding timber; loading and other landing operations; salvaging timber products; transporting timber and rock products; road construction and maintenance; rock pit construction and use; water drafting; equipment maintenance; planting; vegetation management; and thinning. The proposed project will occur in Del Norte and Humboldt counties on all commercial timberland acreage on the west slopes of the Klamath Mountains and the Coast Range of California where Green Diamond Resource Company owns fee lands and Harvesting Rights.

Green Diamond Resource Company prepared an Aquatic Habitat Conservation Plan and Candidate Conservation Agreement with Assurances (AHCP/CCAA) which considered the effects of the proposed project on state and federally threatened Southern Oregon/Northern California Coast coho salmon (*Oncorhynchus kisutch*) and the federally threatened Northern California distinct population segment of steelhead (*O. mykiss*). A subset of this species, the

summer-run ecotype (Northern California summer steelhead) is designated as endangered pursuant to CESA. The National Marine Fisheries Service issued a federal incidental take permit (ITP)(Permit Number 1613) and Implementing Agreement (IA) to Green Diamond Resource Company on June 12, 2007 for the AHCP/CCAA.

Pursuant to California Fish and Game Code section 2080.1, Green Diamond Resource Company is requesting a determination that the ITP, AHCP/CCAA, and IA are consistent with CESA for purposes of the proposed project. If CDFW determines the ITP, AHCP/CCAA, and IA are consistent with CESA for the proposed project, Green Diamond Resource Company will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project for the Southern Oregon/Northern California Coast coho salmon and Northern California summer steelhead.

DEPARTMENT OF FISH AND WILDLIFE

CESA CONSISTENCY
DETERMINATION REQUEST FOR
TNC SANTA CLARA RIVER
RESTORATION PROJECT
2080R-2023-005-05

VENTURA COUNTY

The California Department of Fish and Wildlife (CDFW) received a notice on March 22, 2023, that The Nature Conservancy (TNC) proposes to rely on a programmatic consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves enhancement and restoration of jurisdictional and riparian areas to a more natural state and habitat. Proposed activities will include, but are not limited to, removal of trash and debris, native re-vegetation efforts, removal of invasive vegetation, re-creation of natural hydrological and topographical functions, and associated property maintenance to support habitat restoration such as maintenance of existing road and trails or vegetation clearance of agricultural drainages for flood protection. The proposed project will occur on 30 properties owned by TNC at various areas within Ventura County, mainly within the Santa Clara River watershed.

The U.S. Fish and Wildlife Service (USFWS) issued a federal programmatic and conference biological opinion (PBO) (FWS Ref. Number 2022-0005149-S7) on the Statewide Programmatic Biological Assess-

ment for Restoration: Multi-Agency Implementation of Aquatic, Riparian, Floodplain and Wetland Restoration Projects to Benefit Fish and Wildlife in California developed by the USFWS, U.S. Army Corps of Engineers, and the National Oceanic and Atmospheric Administration's Restoration Center. TNC submitted an ESA Section 7(a)(2) Review Form (Review Form) for inclusion of the TNC Santa Clara River Restoration Project (Project) under the PBO which was approved by the USFWS on February 17, 2023. For the purpose of the Project, the PBO and Review Form considered the effects of the proposed Project on state and federally endangered least Bell's vireo (*Vireo belii pusillus*).

Pursuant to California Fish and Game Code section 2080.1, TNC is requesting a determination that the Incidental Take Statement (ITS), associated PBO, and Review Form are consistent with CESA for purposes of the proposed project. If CDFW determines the ITS, associated PBO, and Review Form are consistent with CESA for the proposed project, TNC will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project for least Bell's vireo.

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

AIR TOXICS HOT SPOTS PROGRAM

INHALATION UNIT RISK FACTOR
FOR ETHYLENE OXIDE

The Office of Environmental Health Hazard Assessment (OEHHA) is releasing a draft document for public review that summarizes the carcinogenicity data and derives an updated cancer inhalation unit risk factor (IUR) for ethylene oxide. Cancer IURs are used to estimate lifetime cancer risks associated with inhalation exposure to a carcinogen.

OEHHA is required to develop guidelines for conducting health risk assessments under the Air Toxics Hot Spots Program (Health and Safety Code Section 44360(b)(2)). In response to this requirement, OEHHA develops unit risk factors for carcinogens, such as ethylene oxide. The draft ethylene oxide cancer IUR document is being made available today on the OEHHA website. **The posting of the document will commence a 45-day public review period that will end on May 22, 2023.**

Public workshops will be held in Southern and Northern California at the following locations and times.

Southern California
(To Be Determined)

Northern California
May 5, 2023
9:00 a.m.–12:00 p.m.
Sierra Hearing Room
Cal EPA Building
1001 I Street
Sacramento, CA 95814

After the close of the public comment period, the document will be revised as appropriate by OEHHA, and peer reviewed by the state's Scientific Review Panel on Toxic Air Contaminants.

The public is encouraged to submit written information via OEHHA's website, rather than in paper form. Comments may be submitted electronically through the following link: <https://oehha.ca.gov/comments>.

Hard-copy comments may be mailed, faxed, or hand-delivered to the address below:

Dr. Kannan Krishnan
Chief, Air and Site Assessment and Climate
Indicators Branch
Office of Environmental Health Hazard
Assessment
1001 I Street, 12th Floor
Sacramento, CA, 95814
Email: Kannan.Krishnan@oehha.ca.gov
Fax: (916) 323-2265
Telephone: (916) 323-2627

Information about dates and agenda for meetings of the Scientific Review Panel can be obtained from the California Air Resources Board website at <http://www.arb.ca.gov/srp/srp.htm>.

PETITION DECISION

DEPARTMENT OF HEALTH CARE SERVICES

March 9, 2023

Daniel O. Jamison

Dear Mr. Jamison:

This letter is in response to your petition received by the Department of Health Care Services (Department) on February 14, 2023, requesting a repeal and amendment to California Code of Regulations (Cal. Code Regs.), Title 9, section 3400(b)(2), as it applies to Allowable Costs and Expenditures under the Mental Health Services Act (MHSA). Pursuant to Welfare and Institutions Code section 5898, the Department

has authority to develop regulations to implement the MHSA, including section 3400.

The Department has given consideration to your petition in accordance with Government Code section 11340.7, and has determined to deny your petition in whole for the following reasons: (1) your proposed changes to Cal. Code Regs., Title 9, section 3400(b) (2) are inconsistent with the intent of the MHSA, and (2) your assertion that the current language in section 3400(b)(2) is inconsistent with the MHSA and blocks the use of MHSA funds is incorrect.

Proposed Changes are Inconsistent with the MHSA

The MHSA was voted in by California voters under Proposition 63. Per the Legislative Findings and Intent for the systems of care for adults and older adults with severe mental illness, the MHSA is intended to focus on services in the community, not in institutionalizations such as acute or subacute care, and where involuntary services are required, it is intended they will be "temporary." (See Welf. & Inst. Code, § 5801, subdivisions (b)(5), (b)(9); see also § 5813.5 [incorporating § 5801].) The changes that you are proposing in your petition, however, seem to require the use of MHSA funds on a broader scale than intended by the MHSA. These changes are inconsistent with the MHSA, and the Department does not have the authority to promulgate regulations that are inconsistent with statute.

Section 3400(b)(2) is Consistent with the MHSA, and Does Not Block Use of MHSA Funds as Asserted

You argue in your petition that Cal. Code Regs., Title 9, section 3400(b)(2) is inconsistent with the MHSA and "blocks use of the [MHSA] funds for construction and maintenance of high quality locked psychiatric hospitals, other locked mental health care facilities, and for qualified professional staffing of these facilities on an equal basis with funding for voluntary services." However, the current language in section 3400(b)(2) is consistent with the MHSA, and does not outright block the use of MHSA funds for involuntary services, nor does it prevent training and retaining qualified staff to work in a locked facility.

Counties may use MHSA funds for services provided to individuals involuntarily detained pursuant to the LPS Act, including services provided to individuals placed on temporary involuntary holds (pursuant to Welfare and Institutions Code sections 5150 and 5250) and temporary conservatorships (pursuant to Welfare and Institutions Code section 5350). (Welf. & Inst. Code, § 5014, subdivision (a)(1).) Counties may also use MHSA funds for the provision of behavioral health services provided through the Assisted Outpatient Treatment (AOT) Demonstration Project Act of 2002 and the Community Assistance, Recovery, and Empowerment (CARE) Act. (Welf. & Inst. Code, § 5813.5, subdivision (f); see Welf. & Inst. Code, §§ 5347–5348 [addressing the AOT Demonstra-

tion Project Act of 2002]; 5970 et seq. [addressing the CARE Act].)

Counties may also use MHSA funds to train and retain qualified staff to work in a locked psychiatric facility, as well as to construct restrictive/locked facilities. The Workforce, Education and Training (WET) program established under the MHSA is intended to “remedy the shortage of qualified individuals to provide services to address severe mental illnesses.” (Welf. & Inst. Code, § 5820, subdivision (a).) Counties are required to identify personnel shortages to provide the specified services, and Welfare and Institutions Code section 5892, subdivision (b)(1) provides counties with a mechanism to fund identified WET programs. (Welf. & Inst. Code, § 5847, subdivision (b)(6); see Cal. Code Regs., title 9, division 2, chapter 14, art. 8.) These programs include a residency and internship program and a financial incentive program designed to train, and retain, qualified psychiatric staff. (Cal. Code Regs., title 9, §§ 3843, 3844.) Counties are also permitted, in certain circumstances, to use MHSA funds for facilities with restrictive settings, including locked psychiatric facilities. (Welf. & Inst. Code, § 5847, subdivision (b)(5).) Welfare and Institutions Code section 5892, subdivision (b)(1) provides counties with a mechanism to fund these facilities.

Title 9 of the Cal. Code of Regs., section 3400(b)(2) states that:

Programs and/or services provided with MHSA funds shall [b]e designed for voluntary participation. No person shall be denied access based solely on his/her voluntary or involuntary legal status.

The language in section 3400(b)(2) reflects MHSA intent that services and programs be designed with voluntary participation in mind. It also makes clear that individuals cannot be denied access to services or programs funded by MHSA based on their voluntary or involuntary status. This language is consistent with the MHSA, and does not block the uses of MHSA funding as identified above.

If you, or any other interested person, would like a copy of the petition or wish to discuss this matter further, please contact DHCS at MHSA@dhcs.ca.gov Attention: Julia Rojas, or call Julia Rojas at (916) 713–8638.

Sincerely,

/s/

Marlies Perez

Community Services Division

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH THE 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.

Office of Tax Appeals
File # 2023–0316–01
Conflict-of-Interest Code

This is a Conflict-of-Interest code that has been approved by the Fair Political Commission and is being submitted for filing with the Secretary of State and printing only.

Title 02
Adopt: 59850
Filed 03/29/2023
Effective 04/28/2023
Agency Contact: Linda Newson (916) 208–2771

California Department of Tax and
Fee Administration
File # 2023–0207–01
Taxable Sales of Food Products

This action by the California Department of Tax and Fee Administration makes changes without regulatory effect to update existing references to “Food Stamp Coupons” and the “Food Stamp Act of 1977” to “CalFresh Benefits” and the “Nutrition Act of 2008” consistent with Revenue and Taxation Code section 6373, as amended by Statutes 2011, chapter 227 (AB 1400).

Title 18
Amend: 1603
Filed 03/22/2023
Agency Contact: Kim DeArte (916) 309–5227

California Highway Patrol
File # 2023–0210–06
CVSA NAS Out-of-Service Criteria

This change without regulatory effect incorporates by reference the April 1, 2023 version of the Commercial Vehicle Safety Alliance (CVSA) North American Standard (NAS) Out-of-Service Criteria.

Title 13
Amend: 1239
Filed 03/27/2023
Effective 04/01/2023
Agency Contact: J. Lopez (916) 843-3347

Department of Justice
File # 2023-0228-01
California Pawn and Secondhand Dealer System
(CAPSS)

This action without regulatory effect amends the Department of Justice's regulations on the California Pawn and Secondhand Dealer System to conform them to statutory changes made by Senate Bill 1317, Chapter 723, Statutes of 2022.

Title 11
Amend: 999.500, 999.503, 999.504, 999.505, 999.506
Filed 03/27/2023
Agency Contact: Marlon Martinez (213) 269-6437

Fish and Game Commission
File # 2023-0214-05
Commercial Harvest of Kelp and Other
Aquatic Plants

This action makes changes without regulatory effect to regulations for commercial harvest of kelp and other aquatic plants. The changes to section 165 reflect the relocation of the Department of Fish and Wildlife's Los Alamitos office to Seal Beach. The changes to section 705.1 update the dates of forms and the license fee. This action also updates three forms incorporated by reference in section 705.1: DFW 658, DFW 113, and DFW 113A.

Title 14
Amend: 165, 705.1
Filed 03/29/2023
Agency Contact: Sherrie Fonbuena (916) 902-9284

California Privacy Protection Agency
File # 2023-0214-02
California Consumer Privacy Act

This proposed action provides comprehensive instructions and guidance to consumers, businesses, service providers, contractors, and third parties on how to implement and operationalize new consumer privacy rights endowed by the Consumer Privacy Rights Act of 2020 (Prop. 24, as approved by voters, Gen. Elec. (Nov. 3, 2020)).

Title 11
Adopt: 7002, 7003, 7004, 7014, 7015, 7023, 7025, 7027, 7051, 7052, 7053, 7300, 7301, 7302, 7303, 7304
Amend: 7000, 7001, 7010, 7011, 7012, 7013, 7016, 7020, 7021, 7022, 7024, 7026, 7028, 7051 (renumbered to 7050), 7060, 7061, 7062, 7063, 7070, 7071, 7072, 7080, 7081, 7100, 7101, 7102
Repeal: 7031
Filed 03/29/2023
Effective 03/29/2023
Agency Contact: Kevin Sabo (916) 701-3027

Department of Food and Agriculture
File # 2023-0210-01
Mediation Notice

This action by the Department of Food and Agriculture updates the notice of conciliation, mediation, or arbitration labeling requirements for agricultural or vegetable seed.

Title 03
Amend: 3915.1
Filed 03/22/2023
Effective 07/01/2023
Agency Contact: Rachel Avila (916) 403-6813

Secretary of State
File # 2023-0214-03
Experimental Use of a Voting System in a
Pilot Program

This rulemaking action by the Secretary of State adopts a process for the submission, review, approval, and use of voting system pilot programs pursuant to Election Code, section 19209(g).

Title 06
Adopt: 20685, 20686, 20687, 20688, 20689, 20690, 20691
Filed 03/29/2023
Effective 07/01/2023
Agency Contact: Rodney Rodriguez (916) 695-1447

Dental Hygiene Board of California
File # 2023-0307-02
Site Visits, Citation and Fine, Dental Hygiene
Educational Programs

This regular rulemaking action by the Dental Hygiene Board sets forth requirements for the issuance of citations, fines, and orders of abatement to dental hygiene educational programs (DHEP) when the Board determines a DHEP is in violation of any law, regulation, or standard applicable to a DHEP.

Title 16
Adopt: 1104.3
Filed 03/27/2023
Effective 07/01/2023
Agency Contact:
Adina Pineschi-Petty (916) 576-5002

Fish and Game Commission
File # 2023-0214-01
Issuance of Permits for Game Fish Contests
Offering Prizes

This resubmittal action amends regulations relating to the issuance of permits for contests offering prizes for the taking of game fish, including definitions, contest and permit standards, and related forms.

Title 14
Amend: 230
Filed 03/29/2023
Effective 07/01/2023
Agency Contact: Jennifer Bacon (916) 902-9285

**PRIOR REGULATORY
DECISIONS AND CCR
CHANGES FILED WITH THE
SECRETARY OF STATE**

A quarterly index of regulatory decisions by the Office of Administrative Law (OAL) is provided in the California Regulatory Notice Register in the volume published by the second Friday in January, April, July, and October following the end of the preceding quarter. For additional information on actions taken by OAL, please visit oal.ca.gov.

