



California Regulatory Notice Register

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APRIL 21, 2023

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

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

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

CONFLICT-OF-INTEREST CODE

AMENDMENT

MULTI-COUNTY: Yucaipa Valley Water District

A written comment period has been established commencing on April 21, 2023 and closing on June 5, 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 code will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code will be submitted to the Commission for review.

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the

proposed conflict-of-interest code. Any written comments must be received no later than June 5, 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 code 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 code 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 code shall approve code as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

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

CONTACT

Any inquiries concerning the proposed conflict-of-interest code 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 CODE**

Copies of the proposed conflict-of-interest code 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. STATE COMPENSATION INSURANCE FUND

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE STATE COMPENSATION INSURANCE FUND

NOTICE IS HEREBY GIVEN that the **State Compensation Insurance Fund**, 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 24, 2023 and closing on June 8, 2023. All inquiries should be directed to the contact listed below.

The **State Compensation Insurance Fund** 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 newly added and deleted positions, department restructures, removing positions that do not meet the filing requirements, and makes other technical changes.

The proposed amendment and explanation of the reasons can be obtained from the agency's contact.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than June 8, 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 30, 2023.

The **State Compensation Insurance Fund** 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:

Jorrell Sorensen,
Director of Employee Relations
(916) 924-6895
Form700@scif.com

TITLE 4. POLLUTION CONTROL FINANCING AUTHORITY

The California Pollution Control Financing Authority ("CPCFA" or the "Authority") proposes to implement, interpret, and make specific Sections of the Act by adding Sections 8078.1 of Title 4 of the California Code of Regulations (the "Proposed Regulations") concerning the administration of the California Pollution Control Financing Authority's California Capital Access Loan Program ("CalCAP") for Small Business Program ("CalCAP/SB"), and the Collateral Support Program ("CalCAP/CSP"). These Proposed Regulations are necessary to ensure program clarity and continuity, and to refine and clarify program features of the California Pollution Control Financing Authority Act (the "Act"). The Proposed Regulations have been approved by the Office of Administrative Law ("OAL") on an emergency basis, and this proposed rulemaking would make these changes permanent.

AUTHORITY AND REFERENCE

Authority: Sections, 44520(a), 44520(b), 44559.5(f), Health and Safety Code.

Reference: Sections 44559-44559.9 of the Health and Safety Code.

Reference: 12 U.S. Code § 5703(b)(4)

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law establishes the Capital Access Loan Program and authorizes the Authority to contract with specified financial institutions to make loans to eligible small businesses that fall just outside of most conventional underwriting standards. (Health and Safety Code, § 44559.2.)

The proposed amendment to the regulations will add language conforming to the U.S. Treasury and the State Small Business Credit Initiative (SSBCI) Program requirements for loans enrolled in the CalCAP for Small Business Program. The Federal Funds allocated to the State of California, and CalCAP specifically, as part of the American Rescue Plan Act of 2021, will benefit California small business owners by strengthening our existing State programs by creating

billions of dollars in lending and investments to small businesses that are otherwise not getting the support needed to expand and create jobs.

The Authority has performed a search of existing regulations and has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations.

§ 8078.1 Federal Capital Access Program and Funding

Section 8078.1 (a) through 8078.1 (j). These sections add the U.S. Treasury requirements for loans enrolled under the State Small Business Credit Initiative enacted pursuant to the American Rescue Plan Act (H.R. 1319, Public Law Number 117–2).

Necessity. The proposed amendments are necessary to implement the requirements for enrolling loans in the CalCAP for Small Business Program utilizing federal funds.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Authority has made the following determinations regarding the effect of the Proposed Regulations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

Other non–discretionary cost or savings imposed on local agencies: None.

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

Significant effect on housing costs: None.

Cost impact on a representative private person or business: The Authority 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: The proposed regulations will not have an effect on small business because the program is voluntary for any small business that seeks to apply for financial assistance in any of the CalCAP Programs.

Significant, statewide, adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: The Authority has made an initial determination that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Assessment regarding effect on jobs/businesses: The proposed regulations will not have a significant effect on the creation or elimination of jobs in California, significantly affect the creation of new businesses or elimination of existing businesses within California, or significantly affect the expansion of businesses currently doing business in California.

Benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment: The broad objective of the regulations is to provide sustainable access to capital for small businesses that have difficulty obtaining financing.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13) the Authority must determine that no reasonable alternative to the proposed regulations considered by the Authority or that has otherwise been identified and brought to the attention of the Authority would be more effective in carrying out the purpose for which the proposed regulations are 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.

The Authority invites interested parties to present statements with respect to alternatives to the Proposed Regulations during the written comment period.

AGENCY CONTACT PERSON

Written comments, inquiries, and any questions regarding the substance of the Proposed Regulations must be submitted or directed to:

Doreen Smith, Program Manager
California Pollution Control Financing Authority
P.O. Box 942809
Sacramento, CA 94209–0001
Telephone: (916) 653–3993
Fax: (916) 589–2805
Email: Doreen.Smith@treasurer.ca.gov

Kamika McGill, Associate Treasury Program Officer
California Pollution Control Financing Authority
P.O. Box 942809
Sacramento, CA 94209–0001
Telephone: (916) 653–0289
Fax: (916) 589–2805
Email: Kamika.McGill@treasurer.ca.gov

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the Proposed Regulations to the Authority. The written comment period on the Proposed Regulations ends at **5:00 p.m. (PT) on June 6, 2023**. All comments must be submitted in writing to the Agency Contact Person identified in this Notice by that time and day in order to be considered by the Authority.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority's office at 801 Capitol Mall, Second Floor, Sacramento, California 95814, during normal business working hours. As of the date this Notice is published in the California Regulatory Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the Proposed Regulations. Copies of these items and all the information upon which the proposed rulemaking is based are available upon request from the Agency Contact Person designated in this Notice or at the Authority's website located at <http://www.treasurer.ca.gov/cpcfai/index.asp>.

PUBLIC HEARING

CPCFA does not intend to conduct a Public Hearing on the matter of these regulations, unless requested. Any interested person may submit a written request for a public hearing no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested pursuant to Section 11346.8 of the Government Code, the Authority may adopt the Proposed Regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least fifteen (15) calendar days before the Authority adopts the proposed regulations, as modified. Inquiries about and requests for copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice. The Authority will accept written comments

on the modified regulations for fifteen (15) calendar days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon completion, a copy of the Final Statement of Reasons may be requested from the Agency Contact Person designated in this Notice or found on the Authority's website at <http://www.treasurer.ca.gov/cpcfai/index.asp>.

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, ABC 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 June 6, 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 "Priority Drawings" in the subject line of your email.

AUTHORITY AND REFERENCE

Authority: Sections 23816, 23817, 23820, 23821, 23959, 23961, 23962, 24070, and 24079, Business and Professions Code.

Reference: Sections 494.5, 23394, 23396, 23396.1, 23396.2, 23396.3, 23691, 23816, 23817, 23818, 23820, 23821, 23826, 23826.5, 23826.7, 23826.9, 23826.10, 23826.11, 23826.12, 23826.13, 23826.14, 23827, 23950,

23951, 23952, 23953, 23954, 23954.6, 23956, 23957, 23958, 23958.4, 23959, 23961, 23962, and 24070, Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action is designed to further clarify terms regularly used by the industry and to further establish the processes and procedures for the Department of Alcoholic Beverage Control to conduct yearly priority drawings by expanding and refining on the regulations promulgated in 2022.

Summary of Existing Laws and Regulations

Business and Professions Code section 23961 describes the situation that a priority drawing is necessary and the requirements to participate in such drawings.

Summary of Effect

The broad objective of this regulation is to further refine the uniform process of selecting priority applications for hopeful ABC license holders.

Comparable Federal Statute or Regulations

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

Policy Statement Overview

The mission of the Department of Alcoholic Beverage Control is to provide the highest level of service and public safety to the people of California through licensing, education, and enforcement. ABC values trust, innovation, and professionalism. This proposed regulation further refines the process for a fair and uniform process for priority drawings.

Benefits Anticipated

By better refining the process for priority drawings, ABC anticipates a more fair and timely process for participating licensees. The anticipated benefit of this action will not only clarify commonly used terms but also ensure a fair and uniform process through all county priority drawings conducted by ABC.

Determination of Inconsistency/Incompatibility with Existing State Regulations

ABC has reviewed the existing applicable state statutes and regulations. After this review, ABC determined that this proposed regulatory action is not inconsistent or incompatible with existing state regulations or law.

Effect upon Small Businesses in California

Although licensees are often small business owners, this proposed regulation will have no regulatory effect on them. The intent of this proposed regulation is to further clarify the longstanding practice of conducting annual priority drawings for applicants seeking available alcohol licenses. The priority drawing pro-

cess is for the privilege to apply for new licenses and will have no effect on existing alcohol license holders throughout the state. This will benefit potential small business owners as it allows for a more efficient and streamlined process.

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: Any additional cost will be absorbed into ABC's current budget.
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 any jobs, (3) that the proposal will not likely create any 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. It is unlikely that the proposed legislation will impact the State's environment or worker safety.

As stated above under 'Benefits Anticipated', the proposed regulation will further ensure that priority drawings will be fair and equitable for all priority applicants and ensure alcohol licenses are distributed in a fair and equitable manner throughout the state. The implementation of the proposed priority drawing regulations will benefit the health and welfare of California residents through the uniform statewide stan-

dards for the priority drawing process and issuance of priority licenses.

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

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 person or business would necessarily incur in reasonable compliance with the proposed action.

The Need to Require Report from Businesses

The proposed regulation does not require any reports from ABC licensees or any other business.

CONSIDERATION OF ALTERNATIVES

ABC must determine that no reasonable alternative considered by ABC or that has otherwise been identified and brought to the attention of ABC would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to effected private persons than the proposed action or would be more cost-effective to effected private persons and equally effective in implementing the statutory policy or other provision of law. ABC invites interested persons to present statement 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) Shelby Pender, Associate Governmental Program Analyst, Law and Policy Unit, (916) 285-8517 or via email at RPU@abc.ca.gov.

AVAILABILITY OF DOCUMENTS

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 February 18, 2022.

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 ABC 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 ABC 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 5. EDUCATION AUDIT APPEALS PANEL

***SUPPLEMENT TO AUDITS OF K-12
LOCAL EDUCATION AGENCIES
FISCAL YEAR 2022-23 AS OF
MARCH 1, 2023***

The Education Audit Appeals Panel (EAAP) proposes to adopt an Audit Guide for Fiscal Year 2022-23, Supplemented as of March 1, 2023, as well as the Guide's incorporating regulation, as described below, after considering all comments, objections, and recommendations regarding the proposed action. The Supplemented Audit Guide will be derived from and incorporated in Section 19810.

PUBLIC HEARING

A public hearing regarding this proposal is not currently scheduled. Not later than 15 days prior to the close of the written comment period, any interested person, or his or her authorized representative, may make a written request for a public hearing pursuant to Government Code section 11346.8, and a public hearing will be held. Requests for a public hearing should be addressed to Mary Kelly.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. The written comment period closes on **Monday, June 5, 2023**. EAAP will consider only written comments received by that time. Written comments for EAAP's consideration should be directed to:

Mary Kelly, Executive Officer
Education Audit Appeals Panel
770 L Street, Suite 1100
Sacramento, CA 95814
Fax: (916) 445-7626
email: mkelly@eaap.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Section 14502.1, Education Code.
Reference: Sections 14502.1, 14503, 42010, and 41024 of the Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking amends title 5, California Code of Regulations, section 19810 to clarify the incorporation by reference language and make reference to the audit guide. It also adopts the Audit Guide for 2022–23, supplemented as of March 1, 2023, with any technical and clarifying revisions and legislative changes that will affect audits and possibly the conditions for apportionment of school funding. This supplemental filing ensures that audits include subjects pertinent to and/or required by legislation through January 1, 2023.

This rulemaking meets the requirements of Education Code section 14502.1, which mandates that an annual audit guide be adopted by EAAP, and the additional laws and Constitutional provisions listed under “Authority cited” below the proposed amended text of Section 19810, as shown below. The purpose of the audit guide is to define terms and specify procedures to guide accountants in the conduct of statutorily required financial and compliance audits of K–12 local education agencies. The Controller, in letters dated January 30, 2023 and February 14, 2023, pursuant to Education Code section 14502.1, proposed supplemental changes to be reflected in the 2022–23 audit guide. The proposed changes derive from the Controller's proposals and also contain changes designed to clarify audit steps.

EAAP does not anticipate that these proposed amendments would create specific benefits for the protection of public health and safety, worker safety, or the environment, the prevention of discrimination, the

promotion of fairness or social equity, nor the increase in openness and transparency in business and government. The regulations direct accountants to perform the steps necessary for the annual audits required by Education Code Section 41020. EAAP has determined that the proposed amendments will ultimately benefit the welfare of California residents by ensuring that local education agencies are complying with regulatory requirements, and that educational funds are being properly utilized, which would ultimately affect the quality of students' educational experiences. In developing the rulemaking, EAAP evaluated the proposed changes to regulations and determined that they are not inconsistent or incompatible with existing regulations, state or federal.

A description of proposed changes to section 19810, and a discussion of revisions to the audit guide, follow.

Title 5, Division 1.5

Chapter 3. Audits of California K–12 Local Education Agencies

Article 1 General Provisions

§ 19810. Annual Audit Guides.

The “2022–23 Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting,” (March 1, 2023), adopted by the Education Audit Appeals Panel, is incorporated by reference. The guide provides the audit steps, reporting requirements, and other guidance for the required annual financial and compliance audits, subject to auditor judgment where alternative or additional audit steps may be appropriate. The annual guide is superseded by a supplemental audit guide, if needed, adopted before March 1 of each fiscal year. Each annual guide, including Appendices A, B and C and any applicable supplement, is available on www.eaap.ca.gov/audit-guide, with paper or electronic copies available on request.

Note: Authority cited: Article XIII, Section 36 and Article XIII A, Section 1, California Constitution; and Sections 14502.1 and 47612, Education Code. Reference: Article XIII B, Section 1.5, California Constitution; and Sections 2574, 14501, 14502.1, 14503, 37700, 41020, 41480, 42238.02, 43500, 43501, 43502, 43504, 43505, 43509, 43520, 43521, 43522, 44258.9, 45037, 46146, 46300, 47605, 47612, 47614, 47634, 48000, 48206, 48306, 48313, 51747, 51749, 52060, 53071, 56026, 56340 and 76004, Education Code.

Audit Guide Amendments

The proposed supplemental 2022–23 Audit Guide includes the following deletions, amendments and additions:

Deletions:

Section DZ. Expanded Learning Opportunities Program is deleted (for 2022–23 only) because subdivision (c) of amended Education Code section 46120 requires that audits of the Expanded Learning Oppor-

tunities Program commence with the 2023–24 school year.

Amendments:

Section D. Independent Study is amended to add and modify procedures, to ensure alignment with the amended provisions of independent study contained in Education Code section 51747.

Section W. Unduplicated Local Control Funding Formula Pupil Counts is amended to make technical amendments to Procedure 1 to change the title of the 1.18 report to LCFF Unduplicated Pupil Student List, and to remove obsolete language regarding age eligibility.

Section X. Local Control and Accountability Plan has a technical amendment to add “estimated” to Procedure 3 to conform to Education Code section 52064(b)(7).

Section Y. Independent Study — Course Based is amended to incorporate requirements of Education Code sections 51749.5 and 51749.6 into Procedures 1 and 2.

Section AZ. Educator Effectiveness is amended to change Procedures 1 and 2, and add Procedures 3 and 4, as a result of changes in Education Code section 41480. Procedures 1 and 2 remove verification of the annual report and add language to determine whether LEAs developed and adopted a plan, and to include return of funds if not. Procedures 3 and 4 were added to address fees charged for services.

Section BZ. Expanded Learning Opportunities Grant (ELO–G) is amended to make technical amendments to Procedure 2, and to delete Procedures 3 and 4, which pertained to one-time funding and distance learning.

Section CC. Nonclassroom–Based Instruction/Independent Study is amended to add and modify procedures to ensure alignment with the amended provisions of independent study contained in Education Code section 51747 (AB181).

Additions:

Section TT. Home–To–School Transportation adds procedures for a new program that increases transportation funding to school districts and county offices of education. The procedures verify LEAs’ compliance with requirements of Education Code sections 41850.1 and 39800.1, specifically the development of a plan describing transportation services it will offer to pupils, including prioritization of services.

Section EZ. Transitional Kindergarten (TK) adds procedures for a new two-year kindergarten program to provide early education to ensure younger pupils obtain the necessary preparation to succeed in school. The procedures will verify LEAs and charter schools’ compliance with requirements of Education Code section 48000, including average class enrollment and adult to pupil ratio requirements.

Section UU. Independent Study Certification for ADA Loss Mitigation adds procedures to verify compliance with requirements of Education Code section 42238.023, which would increase an LEAs 2021–22 average daily attendance for the Local Control Funding Formula, to mitigate the negative impact COVID–19 had on attendance rates. LEAs are eligible for the ADA Loss Mitigation funding if they meet specific requirements related to offering independent study programs or received a waiver.

The proposed supplemental 2022–23 Audit Guide includes the following changes to Appendices B and C:

Appendix B — Amendment

This rulemaking proposes technical amendments and additional audit procedures regarding modular school facilities piggyback contracts entered after August 21, 2022. Six sub-procedures were added to each of the following sections:

- I. Initial Steps, B. Documents Needed to Audit — All Projects Procedures 1
- II. Non-Financial Hardship Projects, A. Closeout Audit, Procedures 8
- II. Non-Financial Hardship Projects, B. Reduced to Costs Incurred, Procedures 15
- III. Financial Hardship Projects, A. Closeout Audit, Procedures 9
- III. Financial Hardship Projects, B. Reduced to Costs Incurred, Procedures 16
- IV. Career Technical Education, A. Closeout Audit, Procedures 8
- IV. Career Technical Education, B. Reduced to Costs Incurred, Procedures 8
- V. Charter School Facilities Program, A. Closeout Audit, Procedures 9
- V. Charter School Facilities Program, B. Reduced to Costs Incurred, Procedures 8

Appendix B — Addition and Deletion

This rulemaking adds additional procedures related to savings to each section of Appendix B, and deletes two procedures related to savings and unspent funds in each section, as follows:

- III. Financial Hardship Projects, A. Closeout Audit, Procedures 22–23
- III. Financial Hardship Projects, C. Savings Audit, Procedures 1–3
- IV. Career Technical Education, A. Closeout Audit, Procedures 14–16
- IV. Career Technical Education, C. Savings Audit, Procedures 1–3
- V. Charter School Facilities Program, A. Closeout Audit, Procedures 22–23

V. Charter School Facilities Program, C. Savings Audit, Procedures 1–3

Appendix C — Amendment

This rulemaking proposes technical amendments and additional audit procedures regarding modular school facilities piggyback contracts entered after August 21, 2022. Six sub-procedures were added to each of the following sections:

- I. Initial Steps, A., Procedures 1 (b), Reduction to Costs Incurred
- I. Initial Steps, B. Documents Needed to Audit — All Projects, Procedures 1
- II. Full-Day Kindergarten Program, A. Closeout Audit, Procedures 8

NOTE: The changes described above are already in effect on an emergency basis.

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

1. Mandate on local agencies and school districts: None.
2. Cost to any local agency or school district which must be reimbursed: None.
3. Cost or savings to any state agency: None.
4. Other non-discretionary cost or savings imposed upon local agencies: None.
5. Cost or savings in federal funding to the state: None.
6. Significant effect on housing costs: None.
7. Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.
8. The Economic Impact Assessment found that adoption of these regulations will not:
 - create or eliminate jobs within California;
 - create new businesses or eliminate existing businesses within California; or,
 - affect the expansion of businesses currently doing business within California.
 - benefit or harm worker safety or the state’s environment.

As stated in the Informative Digest/Policy Statement Overview above, EAAP has determined that the proposed amendments will ultimately benefit the welfare of California residents by ensuring that local education agencies follow regulatory requirements, and that education funds are being properly utilized, which would ultimately affect the quality of pupils and students’ educational experiences.

9. Cost impact on a representative private person or business: EAAP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
10. Business report requirements: None.
11. Effect on small businesses: The proposed regulations will have no effect on small businesses because they do not materially alter the requirements for LEA audits.

**TECHNICAL, THEORETICAL, OR
EMPIRICAL STUDIES, REPORTS,
OR DOCUMENTS**

EAAP relied upon the Controller’s Office letters dated January 30, 2023 and February 14, 2023, which proposed changes to the 2022–23 Audit Guide.

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF RULEMAKING FILE

The entire rulemaking file will be available for inspection and copying throughout the rulemaking process at EAAP’s office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, and the Economic Impact Assessment. A copy may be obtained by contacting Timothy Morgan at the above address. The bill analyses are also available online at <http://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml>.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

Following the comment period, a hearing, if requested, and consideration of all timely and relevant comments received, EAAP may adopt the proposed regulations substantially as described in this notice. If EAAP makes modifications that are sufficiently related to the originally proposed text, the modified

text (with changes clearly indicated) will be available to the public for at least 15 days before EAAP adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of Timothy Morgan at the address stated above. EAAP will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, Initial Statement of Reasons, text of the regulations in underline and strikeout, any changed or modified text, and the Final Statement of Reasons will be accessible through the EAAP website: www.eaap.ca.gov

CONTACT PERSONS

Direct inquiries concerning the proposed administrative action, or requests for the proposed text, the Initial Statement of Reasons, any modified text of the regulations, or technical information supporting the rulemaking to Timothy Morgan, Staff Attorney, (916)445-7745, tmorgan@eaap.ca.gov, or Mary C. Kelly, Executive Officer, (916)445-7745, mkelly@eaap.ca.gov.

TITLE 16. DENTAL HYGIENE BOARD

TEMPORARY LICENSURE MILITARY SPOUSES OR PARTNERS

NOTICE IS HEREBY GIVEN that the Dental Hygiene Board of California (Board) is proposing to take the rulemaking action described below under the heading Informative Digest/Policy Statement Overview. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this Notice, must be received by the Board at its office on **Tuesday, June 6, 2023 by 5:00 p.m.**

The Board has not scheduled a public hearing on this proposed action. The Board will, however, 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 prior to the close of the written comment period.

The Board may, after considering all timely and relevant comments, adopt the proposed regulations substantially as described in this notice, or may modify the proposed regulations if such modifications are sufficiently related to the original text. With the ex-

ception 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 the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Business and Professions Code (BPC) sections 115.6, 1905, and 1906, and to implement, interpret or make specific BPC sections 115.6, 141, 480, 490, 1902.3, 1905, 1906, 1916, 1926.3, 1927, 1931, 1949, 1950, 1950.5, 1952, 1954, 1955, 1956, 1958.1, and 1962, the Board is considering changes to Division 11 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Dental Hygiene Board of California (Board or DHBC) is charged with oversight of registered dental hygienists (RDHs), registered dental hygienists in alternative practice (RDHAPs), and registered dental hygienists in extended functions (RDHEFs). The Board carries out its regulatory authority through enforcement of statutory provisions of the Dental Practice Act, Business and Professions Code (BPC) sections 1900 through 1967.4, and Title 16 of the CCR. The Board's core functions are issuing licenses to qualified applicants, investigating consumer complaints filed against licensees, disciplining licensees for sustained violations of the BPC and Title 16 of the CCR, regulating and approving RDH educational programs, and monitoring licensees placed on disciplinary probation by the Board.

Existing law requires specific boards (not DHBC) within the Department of Consumer Affairs (DCA) to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements. These requirements include supplying evidence satisfactory to the Board the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders (military spouse/partner).

Assembly Bill 107 (Salas, Chapter 693, Statutes of 2021) (AB 107) expanded the requirement to issue temporary licenses to practice a profession or vocation to include licenses issued by any board within DCA, and amended BPC section 115.6 of the Code to include the DHBC. BPC section 115.6 authorizes the Board to issue temporary licenses to military spouse/partner

applicants within 30 days of receiving required documentation and upon passing a California law and ethics examination. Additionally, AB 107 amended BPC section 115.6 providing temporary licenses are non-renewable and shall expire 12 months after issuance. (Bus. & Prof. Code, § 115.6, subdivision (h).)

This proposal implements AB 107 by providing a means for a military spouse/partner to apply for temporary RDH licensure.

The Board approved the proposed language after review at the November 19, 2022, Board meeting and delegated authority to the Board's EO to make any technical, non-substantive changes, if necessary.

Anticipated Benefits of the Proposed Regulation:

The anticipated benefits of the proposed regulation are:

- First, this proposal will allow an RDH licensed in another state to practice their chosen profession. This promotes safety of the public because the Board will ensure the military spouse/partner meets California licensing requirements and only issue temporary RDH licensure to those applicants meeting all Board requirements.
- Second, this proposal will allow a military spouse/partner to work and provide income for their family while the military member is assigned to a duty station in California. This promotes the welfare of the public by providing a military member who is devoted to protecting our country the means to offset the financial hardship and burden for the relocating military member, and their family.

Determination of Inconsistency and Incompatibility with Existing State Regulations:

During the process of developing this regulation, the Board has conducted a search of any similar regulations on this topic and has concluded the proposed regulatory action is not inconsistent or incompatible with existing state regulations.

Document Incorporated by Reference: Application for Temporary Licensure to Practice Dental Hygiene (Military Spouses/Partners), Form DHBC TEMP-01 (New 11/2022).

**DISCLOSURES REGARDING
PROPOSED ACTION**

The DHBC has made the following initial determinations:

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

Under the proposed regulations, the Board anticipates the following fiscal impact:

A typical license review takes approximately 3.2 hours (1.5 hours of review time plus 1.7 hours to receive and process application (30 minutes), cashier and data entry (20 minutes), respond to any inquiries (20 minutes), and the issuance of the license (20 minutes.) The work is conducted by a Staff Services Analyst at a cost of approximately \$241 per license application.

The Board estimates receipt of 10 military spouses/partners temporary licensure applicants per year, based on historical data. The total costs to the Board to issue 10 license applications is estimated to be \$2,460 in year—one of implementation (with a 3 percent staffing costs annual growth factor) and up to \$28,128 over a ten-year period.

The Department of Justice will receive revenues of \$32 per applicant related to processing fingerprint background checks, which would result in estimated revenues of \$320 per year and up to \$3,200 over a ten-year period.

The regulations do not result in costs or savings in federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to any Local Agency or School District for which Government Code Sections 17500 through 17630 Require Reimbursement: None.

Business Impact

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

This regulation will have a positive impact on businesses. This initial determination is based on the following facts:

The proposed regulatory language defines parameters for the Board to issue temporary licensure to military spouses/partners and will provide additional, qualified licensees for businesses to employ. Based on historical numbers regarding expedited military license applications, the Board estimates approximately 10 applicants will apply for temporary licensure, thereby increasing the employment pool of qualified RDHs.

Cost Impacts on a Representative Private Person or Businesses:

The Board has determined this regulatory action may have a minor impact on individuals applying for temporary licensure based on the cost for fingerprint processing of approximately \$75. This cost consists of a fingerprint processing center fee of \$26, a Department of Justice processing fee \$32, and a Federal Bureau of Investigation processing fee \$17, with all fees going to the respective businesses and state/federal agencies.

Additionally, a temporary licensure applicant is required to take a California Law and Ethics exam with an exam cost of \$29, with the fee going directly to the exam center (PSI Services.)

This regulation will have a slight economic impact on private businesses. This initial determination is based on the following facts:

As mentioned above, private businesses providing fingerprint processing for temporary licensure applicants will collect a fee of \$26 per applicant, which will result in estimated revenues of \$260 per year.

Significant Effect on Housing Costs: None.

Business Reporting Requirement:

This regulation does not have any business reporting requirements.

Results of the Economic Impact Analysis/Assessment:

Impact on Jobs/Businesses: The Board has determined this regulatory action may impact job availability slightly within the State of California because the proposed language in the regulation allows military spouses/partners licensed in other states to become employed as dental hygienists, thereby possibly decreasing the ability for currently licensed dental hygienists to gain employment in California.

The Board determined this regulatory action will not create new businesses or eliminate existing businesses, and will not affect the expansion of businesses currently doing business within the State of California. The proposed language in the regulation defines parameters for the Board to issue temporary licensure to military spouses/partners.

The Board has determined this regulatory action would not impact new businesses within the State of California. The proposed language in the regulation defines parameters for the Board to issue temporary licensure to military spouses/partners.

Benefits of the Proposed Action: This regulatory proposal positively impacts the health and welfare of California residents as the proposed language in the regulation ensures only qualified military spouses/partners become licensed as dental hygienists.

This regulatory proposal will not impact worker safety because this proposed regulation does not involve worker safety.

This regulatory proposal will not affect the state's environment because this proposed regulation does not involve environmental issues.

Effect on Small Business: The Board determined this regulatory action would have a positive impact on small businesses, including the ability of small business to compete in this state because the proposed language in the regulation defines parameters for the Board to issue temporary licensure to military spouses/partners and will provide additional, qualified licensees for small businesses to employ.

CONSIDERATION OF ALTERNATIVES

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

Interested persons are invited to present statements or arguments in writing relevant to the above determinations during the written comment period.

CONTACT PERSONS

Inquiries or comments concerning the proposed regulatory action may be directed to the following designated agency contact persons:

Dental Hygiene Board of California
Attention: Adina A. Pineschi-Petty DDS
2005 Evergreen St, Ste. 1350
Sacramento, CA 95815
Phone: 916-576-5002
Email: adina.petty@dca.ca.gov

Backup Contact Person:

Attention: Anthony Lum
2005 Evergreen St, Ste. 1350
Sacramento, CA 95815
Phone: 916-576-5004
Email: anthony.lum@dca.ca.gov

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, or other information upon which the rulemaking is based to Dr. Pineschi-Petty at the above address. In her absence, please contact the designated back-up contact person.

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

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Board may adopt the amendments as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that was noticed to the public. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for review and or written comment at least 15 days before it is adopted. The public may request a copy of the modified regulatory text by contacting Dr. Pineschi-Petty at the address above.

AVAILABILITY OF FINAL STATEMENT OF REASONS

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting Dr. Pineschi-Petty at the address above.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to Dr. Pineschi-Petty at the address above or by accessing the website listed below.

TEXT OF THE PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the ISOR, and all of the information on which the proposal is based, may be obtained upon request from the Board at 2005 Evergreen Street, Suite 1350, Sacramento, California 95815, or by accessing the Board's website at <https://www.dhbc.ca.gov/lawsregs/index.shtml>.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the ISOR, and the text of the regulations can be accessed through the Board's website at <https://www.dhbc.ca.gov/lawsregs/index.shtml>.

TITLE 22. EMERGENCY MEDICAL SERVICES AUTHORITY

NOTICE IS HEREBY GIVEN that the Emergency Medical Services Authority (EMSA) is proposing to take the action described in the Informative Digest. Written comments, including those sent by mail, fac-

simile, or email to addresses listed under *Contact Person* in this Notice, must be received by EMSA at its office by May 31, 2023. The EMSA has not scheduled a public hearing on this proposed action. However, the EMSA 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. EMSA may thereafter adopt the proposal substantially as described below or may modify the proposal 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 the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: The Health and Safety Code Section 1797.107 authorizes EMSA to adopt the proposed regulations, which would implement, interpret, clarify, or make specific Section 1797.112 of the Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act (Health and Safety Code Division 2.5) created EMSA and outlined its authorities, duties, and responsibilities. Included in the act are the authority and procedures for promulgating regulation (Health and Safety Code section 1797.107), Health and Safety Code section 1797.112 creates the EMS personnel fund (Fund) along with requirement of the fund, which is maintained by EMSA.

EMSA is part of a two-tier system overseeing Emergency Medical Services. EMSA serves as the agency that sets statewide EMS system operation, data collection, communications, manpower, and training standards and a Local Emergency Medical Service Agency (LEMSA) provides EMS system oversight at the local level. Today, there are 34 LEMSAs in California. Most LEMSAs serve a single county, but other LEMSAs serve multiple counties.

The availability of pain-relieving medications is known to be susceptible to supply shortages. This issue has been exacerbated during the Covid-19 pandemic and subsequent supply chain disruptions. Having a shortage of any medication poses a serious obstacle when attempting to aid patients experiencing severe and intractable pain, often interfering with treatment and transportation. The current opioid epidemic further magnifies the need for alternative medications to

administer for pain management in patients currently addicted to or avoiding use of opioid medications.

In addition, advances in medical science have shown a survival benefit in certain trauma patients who receive tranexamic acid as early as possible after injury, as this medication can slow or stop internal bleeding. Conclusive survival benefits in randomized clinical trials have now made the use of tranexamic acid in the pre-hospital setting the “standard of care” for certain trauma patients. While a LEMSAs can request a local optional scope of practice (LOSOP) to provide these medications, the annual process of drafting, submitting, reviewing, and renewing individual applications for each medication type is a strain on the limited resources of many LEMSAs and must be renewed each year. Many LEMSAs who lack administrative capacity to participate in the LOSOP process cannot begin to pursue adding these additional practices, let alone adding pain relievers that have in the past two years experienced alarming national shortages.

These regulations seek to address this issue. The proposal provides for three pain relieving medications (ketamine, ketorolac, and acetaminophen IV), and one new medication (tranexamic acid) to slow bleeding after major trauma.

Specifically, the regulatory proposal is as follows:

1. Amend section 100146(c)(1)(R) of Division 9 of Title 22 of the California Code of Regulations

Alters the standalone list of approved medications for use statewide to include four new medications without further review or approvals by EMSA on a temporary basis requiring regular renewal.

Anticipated Benefits of the Proposed Regulations:

These regulations will serve to counteract shortages, eliminating the need for LEMSAs to annually request using these medications and reducing the administrative burden in pursuing such a request. Patients will receive improved care and EMS personnel will have fewer concerns when administering treatment, which will improve patient outcomes.

Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, EMSA has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

DOCUMENTS INCORPORATED
BY REFERENCE

None.

DISCLOSURES REGARDING THE
PROPOSED ACTION

Cost Impact on a Representative Private Person or Business: EMSA is not aware of any significant cost impacts that a state agency would incur in reasonable compliance with the proposed action.

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

Local mandate: None.

Nondiscretionary costs or savings to local agencies: None.

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

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.

Cost or savings to any state agency: None.

Effect on small businesses: The proposed regulations will not affect small businesses because it is only updating the list of approved medications.

RESULTS OF ECONOMIC IMPACT
ANALYSIS/ASSESSMENT

Economic Impact Assessment:

The EMSA concludes that it is: (1) unlikely that the proposal will eliminate any jobs or LEMSAs; (2) unlikely the proposal will create any new jobs; (3) unlikely the proposal will create new businesses or any new LEMSAs; (4) unlikely the proposal will eliminate any existing businesses in California or existing LEMSAs; and (5) unlikely the regulations will result in the expansion businesses currently doing business within the state or expansion of LEMSAs currently operating in the state.

The health and welfare of California residents and anyone in California, as well as to a lesser degree worker safety, will benefit from the addition of these medications, by expanding the scope of practice of EMS personnel and providing additional options for providing pain relief through these additional medications.

The proposal does not have any impact on the environment.

CONSIDERATION OF ALTERNATIVES

The EMSA must determine that no reasonable alternative to the regulation or has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective.

tive to affected private persons and equally effective in implementing statutory policy or other provision of law.

Any interested person may present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at the scheduled hearing.

INITIAL STATEMENT OF REASONS, TEXT OF THE PROPOSAL, FINAL STATEMENT OF REASONS, AND RULEMAKING FILE

Copies of the proposed text, any document incorporated by reference, and the initial statement of reasons are available by contacting the person named below.

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

A copy of the final statement of reasons can be obtained once it has been completed, by making a request to the contact person named below or by accessing the website listed below.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text are available on the EMSA website at https://emsa.ca.gov/public_comment/

CONTACT PERSON

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

Name: Ashley Williams, Deputy Director of
Legislative and External Affairs
EMS Authority
Address: 11120 International Drive, Suite 200
Rancho Cordova, CA 95670
Mobile: 916-591-3266
Email: Regulations@emsa.ca.gov

The backup contact person is:

Name: Kim Lew, Division Chief
EMS Authority
Address: 11120 International Drive, Suite 200
Rancho Cordova, CA 95670
Mobile: (916) 639-7846
Email: kim.lew@emsa.ca.gov

TITLE 24. BUILDING STANDARDS COMMISSION

2022 CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 5
(BSC 02/22)

Notice is hereby given that the California Building Standards Commission proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. BSC is proposing building standards related to the 2022 California Plumbing Code (CPC).

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 21, 2023, until midnight on June 5, 2023.**

Comments may be submitted to the commission via:

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

Email: cbcs@dgs.ca.gov

US Mail postmarked no later than **June 5, 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 Building Standards Commission (BSC) 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 BSC adopts, amends, or repeals the regulation(s). BSC 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, 18934.5, 18940.5, 18941.8, and Water Code Section 14877.1.

The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Sections 18931, 18932, 18934.5, 18940.5, 18941.8, 116875, 116876; SB 1194 (Chapter 839, Statutes of 2022).

INFORMATIVE DIGEST

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

Summary of Existing Laws

HSC Section 18931 establishes the duties of BSC 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 Title 24.

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 18940.5 requires agencies to reference or reprint green building standards in other relevant portions of Title 24.

HSC Section 18941.8 requires BSC to adopt gray-water building standards for indoor and outdoor uses in nonresidential occupancies.

HSC Section 116875 specifies that no person shall use any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not lead free in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption, except

when necessary for the repair of leaded joints of cast iron pipes and contains other provisions relative to lead content in plumbing fixtures.

HSC Section 116876 specifies that a person shall not manufacture, and offer for sale in the state, an endpoint device intended to convey or dispense water for human consumption that leaches more than one microgram of lead for test statistic Q or R, when normalized for a first draw sample up to or equal to one liter in volume, as calculated in accordance with the 2020 NSF International Standard 61, which became effective in the year 2020, and certified by an American National Standards Institute–accredited third party and contains other provisions relative to the lead content of endpoint devices.

HSC Section 118507 (SB 1194, Chapter 829, Statutes of 2022) authorizes local jurisdictions to require, by ordinance or resolution, that public restrooms constructed within its jurisdiction be designed to serve all genders, as specified, instead of complying with the plumbing standards set forth in Title 24. This authority will become inoperative and be repealed on the date that standards that address all gender multiuser facilities take effect in Title 24.

Water Code Section 14877.1 shifts the authority of the Department of Water Resources (DWR) for non-residential graywater building standards to BSC.

Summary of Existing Regulations

The existing 2022 CPC is Part 5 of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. The 2022 CPC incorporates, by adoption by the BSC, the 2021 Uniform Plumbing Code (UPC) of the International Association of Plumbing and Mechanical Officials (IAPMO), with amendments for state buildings and buildings constructed by the University of California and California State Universities. Additional BSC amendments reference and/or reprint green building standards into the 2022 CPC, as appropriate, pursuant to HSC Section 18940.5.

Summary of Effect

The proposed action will amend the current 2022 edition of the CPC which is based on the most recent edition of the 2021 UPC. These amendments are applicable to state buildings, state colleges and universities and will do the following:

- Add and amend definitions in Chapter 2 of the CPC.
- Add an exception to the Separate Facilities requirements in CPC Chapter 4, allowing the design of all-gender multi-user restrooms in state buildings, state colleges, and universities as an alternative.

- Restore and revise a pointer to statutes relative to lead content in plumbing fixtures and endpoint devices.
- Make editorial changes to currently adopted amendments to improve clarity and prevent conflict.
- Once filed with Secretary of State, make the proposed amendments be codified and published as supplements 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 objectives of this proposal are to add an exception to the CPC Separate Facilities requirement, allowing for the design of all-gender multi-user restrooms in state buildings, state colleges and universities as an alternative. The proposal also contains editorial amendments that improve clarity and consistency within the CPC, including updated definitions, corrected code section references, and pointers to existing statute and regulations. Providing the proposed exception will allow state buildings, state colleges and universities the ability to accept or require restrooms designed to be more inclusive of all genders. The benefit will be regulations which are more equitable across all genders, including the prevention of discrimination and the promotion of fairness and social equity. Additionally, the benefits of improving clarity and consistency in the CPC include the protection of public health and safety, worker safety, and the environment.

Evaluation of Consistency

BSC has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations. The amendments are intended to provide regulatory consistency for the code user, and in some cases have been coordinated and/or co-adopted with the Division of the State Architect (DSA), the Department of Housing and Community Development (HCD), the Department of Health Care Access and Information (HCAI), and DWR.

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. BSC does not have authority to impose building standards or regulations on school districts. While local agencies (e.g., city and county building departments) are required to enforce the CPC, this proposal does not impose new mandates that would require 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.

- Cost or Savings to any state agency: **Yes — See Economic and Fiscal Impact Statement (STD. 399) form and Attachment A — Cost Analysis**
- Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No cost or savings**
- Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No cost or savings**
- Other nondiscretionary cost or savings imposed on local agencies: **No cost or savings**
- Cost or savings in federal funding to the state: **No cost or savings**

Estimate: **See Economic and Fiscal Impact Statement (STD. 399) form and Attachment A — Cost Analysis**

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.

BSC has made an initial determination that these amendments will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with busi-

nesses in other states. These amendments apply to state buildings, state colleges and universities.

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 affirms that this rulemaking action complies with relevant sections of California Building Standards Law and the Administrative Procedure Act, as well as public participation required by the California Administrative Code (Part 1 of Title 24). BSC has determined that this regulatory action would not result in a significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states. In addition to code changes that ensure clarity and consistency with existing statutes and regulations, Item 2 of this proposal contains an exception to the CPC separate facilities requirements that allows the option of designing newly constructed restrooms for use by all genders in state buildings, state colleges, and universities. Because this is an alternative and not a mandatory requirement in the CPC, BSC anticipates no significant economic impact to business and has vetted the proposal during the pre-cycle phase of the 2022 Intervening Code Cycle.

In early 2022 BSC was contacted by members of the Government Operations Agency's California Leads as an Employer LGBTQIA+ Subcommittee (including representatives from the California Department of Social Services, Department of Corrections and Rehabilitation, Department of Aging, and the Public Employees Retirement Board) with a request to consider proposing an all-gender restroom exception in the 2022 CPC. In April 2022 representatives from BSC and DSA participated in the American Institute of Architects Central Valley's "We All Gotta Go — A Restroom for All" webinar, learning valuable information in the process. Throughout 2022 BSC and DSA closely monitored IAPMO's development of an all-gender multi-user exception in the 2024 UPC, which is expected to be published in late March/early April 2023. In July of 2022 BSC and DSA hosted a virtual All-Gender Plumbing Code precycle workshop attended by over 150 affected stakeholders and subject matter experts, considering different strategies, and receiving valuable feedback both during the meeting and afterwards via a precycle request for comments in September 2022.

While BSC received support letters from various public and private entities, stakeholders also expressed concern with mandating all newly constructed public restrooms be designed to serve all genders. It is important to note that this proposal does not mandate that all

new public restrooms be designed and constructed to serve all genders. Rather, it is an alternative that provides state buildings, state colleges and universities with the option to do so should they choose. BSC and DSA have revised their co-adopted proposals, which "early adopt" the all-gender provisions that will likely be published in the 2024 UPC and further amending them based on stakeholder input. BSC's all-gender multi-user restroom proposal is based on similar provisions being developed by IAPMO for inclusion in the 2024 UPC (see *2024 UPC Report on Comments Items 93 and 94, as published in August 2022*). Additionally, *SB 1194 (Chapter 839, Statutes of 2022)* authorizes city and county building departments to require that public restrooms constructed within its jurisdiction be designed to serve all genders instead of complying with the plumbing standards set forth in the California Building Standards Code. This authority sunsets on the date that standards addressing all gender multiuser facilities take effect in Title 24.

Editorial amendments within this proposal (e.g., revised definition, corrected code section references, pointers to existing statute and regulations, etc.) have been coordinated with HCD, DSA, HCAI, and DWR with no intended change in regulatory effect and no anticipated economic impact on businesses.

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.

No report is required for these proposed amendments to the CPC.

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:

While not mandatory, if the all-gender multi-user restroom exception is utilized by a state building, state college or university it could result in additional costs to design and construct restrooms that serve all genders.

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.

BSC's all-gender multi-user restroom exception—if utilized by the regulated community—could create more jobs in the design and construction of restrooms in state buildings, state colleges and universities.

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

BSC's all-gender multi-user restroom exception—if utilized by the regulated community—could create new business for architects and contractors that design and construct restrooms in state buildings, state colleges and universities.

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

BSC's all-gender multi-user restroom exception—if utilized by the regulated community—could expand existing business for architects and contractors that design and construct restrooms in state buildings, state colleges and universities.

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

By providing the proposed exceptions it will allow the regulated community the ability to accept or require restrooms in state buildings, state colleges and universities to be designed to be more inclusive of all genders. The benefit will be regulations which are more equitable across all genders.

ESTIMATED COST OF COMPLIANCE OF
STANDARDS THAT WOULD
IMPACT HOUSING

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

BSC has determined there would be no cost to comply with these proposed building standards with respect to housing costs as 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).

On July 19, 2022, BSC and DSA considered various alternatives for an all-gender multiuser restroom exception during its All-Gender Plumbing Code Workshop, including the following:

1. Wait to adopt the all-gender provisions in the 2024 UPC during the 2024 Triennial Code Adoption Cycle.
2. Early adopt IAPMO's 2024 UPC All-Gender proposal during the 2022 Intervening Code Adoption Cycle.
3. Amend Chapter 29 of the 2022 California Building Code (Part 2 of Title 24) during the 2022 Intervening Code Cycle (not currently adopted by California).
4. Copy elements of International Building Code Section 2902 into the CPC during the 2022 Intervening Code Cycle (not currently adopted by California).
5. Add a pointer to SB 1194 (Chapter 839, Statutes of 2022).

Based on feedback received during the workshop it was determined that early adopting and further amending IAPMO's 2024 UPC All-Gender proposal (Option 2 above) was the most appropriate and least burdensome path forward as California already adopts the UPC pursuant to State Housing Law and Building Standards Law (see Health and Safety Code Sections 17922, 18916, 18928, and 18928.1). However, waiting to adopt the 2024 UPC (Option 1) was ruled out because those standards would not become effective until January 1, 2026, and stakeholders indicated that the exception for all-gender restrooms is needed much sooner. Alternatives to consider language in Chapter 29 of the CBC/IBC (Options 3 and 4) were rejected because California historically has not adopted this chapter and doing so would have required plumbing standards in multiple Parts of Title 24 which would likely create confusion for the code user. Adding a pointer to recently enacted SB 1194 was ruled out because while it provides the exception to design all-gender restrooms to city and county building departments, it does not address the occupancies under BSC's authority (state buildings, state colleges and universities). BSC has received multiple comments in support of early adopting and further amending IAPMO's 2024 UPC All-Gender proposal, including from the City of Santa Monica, the City of Foster City, the University of California, the Los Angeles Department of Water and Power and the California State Pipe Trades Council.

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 *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)(2.1).

BSC 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.

BSC 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:

Kevin Day, Deputy Executive Director
California Building Standards Commission
(916) 263-5888
Kevin.Day@dgs.ca.gov

Back up Contact:

Beth Maynard, Associate Construction Analyst
California Building Standards Commission
(916) 263-5383
Beth.Maynard@dgs.ca.gov

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

2022 CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 5
(DSA-SS 05/22)

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Division of the State Architect (DSA-AC) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. The DSA-SS and DSA-SS is proposing building standards related to the 2022 California Plumbing Code (CPC).

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 21 April 2023 until midnight on 5 June 2023.

Comments may be submitted to CBSC via:

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

US Mail postmarked no later than 5 June 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, the Building Standards Commission (BSC) 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 BSC adopts, amends, or repeals the regulation(s). BSC 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 18928.

DSA-SS is proposing this regulatory action under the authority granted Education Code Sections 17310 and 81142.

For DSA-SS the purpose of these building standards is to implement, interpret, or make specific the provisions of Education Code Sections 17280 through 17317, and 81130 through 81147 and 81052.

INFORMATIVE DIGEST

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

Summary of Existing Laws

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

Sections 17280 through 17317, Sections 81130 through 81147 and Section 81052 of the Education Code authorizes the Division of the State Architect to oversee the design and construction of all public K-12 schools and Community Colleges respectively.

Summary of Existing Regulations

Part 3, California Electrical Code, which prescribe the design and construction requirements for electrical systems of public elementary and secondary schools, and community colleges.

Part 4, California Mechanical Code, which prescribe the design and construction requirements for

mechanical systems of public elementary and secondary schools and community colleges.

Part 5, California Plumbing Code, which prescribe the design and construction requirements for plumbing systems of public elementary and secondary schools, and community colleges.

Part 6, the California Energy Code, which contains minimum energy efficiency standards for the non-residential buildings in California promulgated by the California Energy Commission (CEC).

Part 11, the California Green Building Standards Code (CALGreen), which contains mandatory and voluntary green building standards for residential and non-residential facilities and mandatory measures for public schools and community colleges.

Other relevant CCR titles:

Title 17 includes regulations for air quality promulgated by the California Air Resources Board.

Summary of Effect

The proposed action will amend the current 2022 edition of the CPC which is based on the most recent edition of the 2021 Uniform Plumbing Code (UPC). These amendments are applicable to elementary and secondary public schools and community colleges and will do the following:

- Add and amend definitions in Chapter 2 of the CPC.
- Add an exception to the Separate Facilities requirements in CPC Chapter 4, allowing the design of all-gender multi-user restrooms in state buildings, state colleges, and universities as an alternative.
- Amend to add an enumerated section and renumber the following section to preserve sequencing.
- Once filed with Secretary of State, make the proposed amendments be codified and published as supplements 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 DSA.

Policy Statement Overview

The broad objectives of this proposal are to add an exception to the CPC Separate Facilities requirement, allowing for the design of all-gender multi-user restrooms in public elementary and secondary schools and community colleges. The proposal also contains updated definitions, renumbered code section references. Providing the proposed exception will allow public schools and community colleges to provide restrooms designed to be more inclusive of all genders. The benefit will be regulations which are more equitable across all genders, including the prevention of discrimination and the promotion of fairness and social equity. Additionally, the benefits of improving

clarity and consistency in the CPC include the protection of public health and safety, worker safety, and the environment.

Evaluation of Consistency

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

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

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

There are no other matters prescribed by statute applicable to DSA, 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. This proposal does not impose new mandates that would require 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: **YES — See Economic and Fiscal Impact Statement (STD. 399) form and Attachment 1 — Cost Analysis**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No cost or savings**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No cost or savings**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO cost or savings**
- E. Cost or savings in federal funding to the state: **No cost or savings**

Estimate: **See Economic and Fiscal Impact Statement (STD. 399) form and Attachment 1**

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 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. These amendments apply to elementary and secondary public schools and community colleges.

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 affirms, and DSA concurs, that this rulemaking action complies with relevant sections of California Building Standards Law and the Administrative Procedure Act, as well as public participation required by the California Administrative Code (Part 1 of Title 24). DSA has determined that this regulatory action would not result in a significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states. In addition to code changes that ensure clarity and consistency with existing statutes and regulations, Item 2 of this proposal contains an exception to the CPC Separate Facilities requirements that allows the option of designing newly constructed restrooms for use by all genders in state buildings, state colleges, and universities. Because this is an alternative and not a mandatory requirement in the CPC, DSA anticipates no significant economic impact to business and has vetted the proposal during the precycle phase of the 2022 Intervening Code Cycle.

In early 2022 BSC was contacted by members of the Government Operations Agency's California Leads as an Employer LGBTQIA+ Subcommittee (including representatives from the California Department of Social Services, Department of Corrections and Rehabilitation, Department of Aging, and the Public Employees Retirement Board) with a request to consider proposing an all-gender restroom exception in the 2022 CPC. In April 2022 representatives from BSC and DSA participated in the American Institute of Ar-

chitects Central Valley’s “We All Gotta Go — A Restroom for All” webinar, learning valuable information in the process. In May of 2022 DSA presented to schools stakeholders during the “Safe Schools Bathrooms Ad Hoc Committee” meeting hosted by CDE. During this meeting DSA received input from a broad range of participants. Throughout 2022 BSC and DSA have closely monitored IAPMO’s development of an all-gender multi-user exception in the 2024 UPC, which is expected to be published in Spring 2023. In July of 2022 BSC and DSA hosted a virtual All-Gender Plumbing Code precycle workshop attended by over 150 affected stakeholders and subject matter experts, considering different strategies, and receiving valuable feedback both during the meeting and afterwards via a precycle request for comments in September 2022.

While BSC received, and forwarded to DSA, support letters from various public and private entities, stakeholders also expressed concern with mandating all newly constructed public restrooms be designed to serve all genders. It is important to note that this proposal does not mandate that all new public restrooms be designed and constructed to serve all genders. Rather, it is an alternative that provides elementary and secondary schools and community colleges with the option to do so should they choose. DSA and BSC have revised their co-adopted proposals, which “early adopt” the all-gender provisions that will likely be published in the 2024 UPC and further amending them based on stakeholder input.

DSA’s and BSC’s co-adopted all-gender multi-user restroom proposal is based on similar provisions being developed by IAPMO for inclusion in the 2024 UPC (see *2024 UPC Report on Comments Items 93 and 94, as published in August 2022*). Additionally, *SB 1194 (Chapter 839, Statutes of 2022)* authorizes city and county building departments to require that public restrooms constructed within its jurisdiction be designed to serve all genders instead of complying with the plumbing standards set forth in the California Building Standards Code. This authority sunsets on the date that standards addressing all gender multiuser facilities take effect in Title 24.

Editorial amendments within this proposal (e.g., revised definition, and revised code section references) have been coordinated with HCD, DSA, HCAI, and DWR with no intended change in regulatory effect and no anticipated economic impact on businesses.

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.

No report is required for these proposed amendments to the CPC.

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:

While not mandatory, if the all-gender multi-user restroom exception is utilized by a public elementary or secondary school or a community college it could result in additional costs to design and construct restrooms that serve all genders.

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

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

DSA 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’s all-gender multi-user restroom exception—if utilized by the regulated community—could create more jobs in the design and construction of restrooms in public schools and community colleges.

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

DSA’s all-gender multi-user restroom exception—if utilized by the regulated community—could create new business for architects and contractors that design and construct restrooms in public schools and community colleges.

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

DSA’s all-gender multi-user restroom exception — if utilized by the regulated community — could expand existing business for architects and contractors that design and construct restrooms in public schools and community colleges

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

By providing the proposed exceptions it will allow the regulated community the ability to accept or require restrooms in public schools and community colleges to be designed to be more inclusive of all genders. The benefit will be regulations which are more equitable across all genders.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

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

DSA has determined there would be no cost to comply with these proposed building standards with respect to housing at a place of public education costs. DSA does not have authority to impose building standards or regulations applicable to housing under Housing and Community Development authority.

CONSIDERATION OF ALTERNATIVES

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

On July 19, 2022, BSC and DSA considered various alternatives for an all-gender multiuser restroom exception during its All-Gender Plumbing Code Workshop, including the following:

1. Wait to adopt the all-gender provisions in the 2024 UPC during the 2024 Triennial Code Adoption Cycle.
2. Early adopt IAPMO's 2024 UPC All-Gender proposal during the 2022 Intervening Code Adoption Cycle.
3. Amend Chapter 29 of the 2022 California Building Code (Part 2 of Title 24) during the 2022 Intervening Code Cycle (not currently adopted by California).
4. Copy elements of International Building Code Section 2902 into the CPC during the 2022 Intervening Code Cycle (not currently adopted by California).
5. Add a pointer to SB 1194 (Chapter 839, Statutes of 2022).

Based on feedback received during the workshop it was determined that early adopting and further amending IAPMO's 2024 UPC All-Gender proposal (Option #2 above) was the most appropriate and least burdensome path forward as California already adopts the UPC pursuant to State Housing Law and Building Standards Law (see Health and Safety Code Sections 17922, 18916, 18928, and 18928.1). However, waiting to adopt the 2024 UPC (Option #1) was ruled out because those standards would not become effective

until January 1, 2026, and stakeholders indicated that the exception for all-gender restrooms is needed much sooner. Alternatives to consider language in Chapter 29 of the CBC/IBC (Options 3 and 4) were rejected because California historically has not adopted this chapter and doing so would have required plumbing standards in multiple Parts of Title 24 which would likely create confusion for the code user. Adding a pointer to recently enacted SB 1194 was ruled out because while it provides the exception to design all-gender restrooms to city and county building departments, it does not address the occupancies under DSA's authority (public schools and community colleges). BSC has received, and forwarded to DSA, multiple comments in support of early adopting and further amending IAPMO's 2024 UPC All-Gender proposal, including from the City of Santa Monica, the City of Foster City, the University of California, the Los Angeles Department of Water and Power and the California State Pipe Trades Council.

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 *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).

BSC 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.

BSC 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:

Eric Driever, Principal Architect
Division of the State Architect
Headquarters, Codes and Policies
(916) 443-9829
eric.driever@dgs.ca.gov

Back up Contact:

Michelle Golden, Senior Architect
Division of the State Architect
(858) 674-5453
michelle.golden@dgs.ca.gov

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

2022 CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 5
(HCD 02/22)

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 5. HCD is proposing building standards related to the adoption of the 2023 California Plumbing Code.

PUBLIC COMMENT PERIOD

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

A public hearing has not been scheduled; however, written comments will be accepted from April 21, 2023, until midnight on June 5, 2023.

Comments may be submitted to CBSC via:

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

US Mail postmarked no later than June 5, 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 Business and Professions Code Division 5; Health and Safety Code sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, 18938.3, 19960 through 19997, and 116875 and 116876; Civil Code sections 1101.3, 1101.4, 1101.5, 1954.201 and 1954.202; and Government Code sections 12955.1, 12955.1.1 and 65852.2;

Water Code Sections 516 and 517; and California Code of Regulations, Title 20, sections 1605.1, 1605.3 and 1607.

The Department of Housing and Community Development is proposing this regulatory action based on authority granted in Health and Safety Code sections 17040, 17920.9, 17921, 17921.5, 17921.10, 17922, 17922.12, 17922.14, 17928, 18552, 18554, 18620, 18630, 18640, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1, 18873.2, 18938.3, 18944.11, and 19990; and Government Code sections 12955.1 and 12955.1.1.

INFORMATIVE DIGEST

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

Summary of Existing Laws

Health and Safety Code, section 17000 through 17062.5, establishes requirements for permits, fees, and responsibilities of employee housing operators and enforcement agencies, including the HCD.

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

Health and Safety Code, section 17910 through 17995.5, assures the availability of affordable housing and uniform statewide code enforcement to protect the health, safety, and general welfare of the public and occupants of housing and accessory buildings. As part of this responsibility, HCD may propose regulations (building standards) related to construction of hotels, motels, lodging houses, apartments, dwellings and accessory buildings thereto; and maintenance, use, occupancy, repair, alteration, moving, and demolition of existing hotels, motels, lodging houses, apartments, dwellings, and accessory buildings. The building standards are published in the California Code of Regulations, title 24, known as the California Building Standards Code.

Health and Safety Code, section 17920.9, requires HCD to adopt, amend, or repeal regulations 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 mobilehomes, or factory-built housing, for the protection of the health and safety of persons occupying those buildings, mobilehomes, or factory-built housing.

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

Health and Safety Code, section 17921.5, requires HCD to research and develop building standards for recycled water systems for new single- family and multifamily residential buildings.

Health and Safety Code, section 17921.10, requires HCD to propose standards for voluntary and mandatory requirements for environmentally preferable water using devices and measures.

Health and Safety Code, section 17922, requires that the building standards be essentially the same as the most recent editions of the international and uniform industry codes.

Health and Safety Code, section 17922.12, requires HCD to adopt and submit for approval building standards for the construction, installation, and alteration of graywater systems for indoor and outdoor uses.

Health and Safety Code, section 17922.14, requires HCD to develop and propose for adoption, building standards requiring the installation of water meters or submeters in newly constructed multiunit residential structures or mixed-use residential and commercial structures.

Health and Safety Code, section 17928, requires HCD to review green building guidelines and propose mandatory building standards to be cost-effective and feasible to promote greener construction.

Health and Safety Code, section 18200 through 18700, establishes requirements for the permits, fees, and responsibilities of park operators and enforcement agencies, including the Department of Housing and Community Development, and requires the Department to develop and enforce both the regulations and the laws. As related to this rulemaking, permanent buildings within mobilehome parks are required to comply with the building standards in the California Building Standards Code (California Code of Regulations, Title 24).

Health and Safety Code, section 18552, requires HCD to adopt and submit building standards for manufactured home or mobilehome accessory buildings or structures.

Health and Safety Code, section 18554, makes it unlawful to permit any wastewater or sewage from any plumbing fixtures in a mobilehome park, a manufactured home, mobilehome, recreational vehicle, accessory structure, or permanent building in the mobilehome parks, to be discharged onto or deposited upon the surface of the ground.

Health and Safety Code, section 18620 and 18873, requires HCD to adopt building standards for permanent buildings in mobilehome parks and special occupancy parks.

Health and Safety Code, section 18630, requires HCD to adopt regulations regarding plumbing in mobilehome parks for permanent buildings.

Health and Safety Code, section 18640, requires HCD to propose and adopt regulations for toilet, shower, and laundry facilities in mobilehome parks.

Health and Safety Code, section 18690, requires HCD to adopt regulations regarding fuel gas equipment and installations in (mobilehome) parks.

Health and Safety Code, section 18691, requires HCD to adopt rules and regulations that are reasonably consistent with generally recognized fire protection standards, for the prevention of fire or for the protection of life and property against fire in (mobilehome) parks.

Health and Safety Code, section 18860 through 18874, establishes requirements for the permits, fees, and responsibilities of park operators and enforcement agencies, including the Department of Housing and Community Development, and require the Department to develop and enforce both the regulations and the laws. As related to this rulemaking, permanent buildings within special occupancy parks are required to comply with the building standards in the California Building Standards Code (California Code of Regulations, Title 24).

Health and Safety Code, section 18865, allows HCD to adopt regulations to interpret and make specific how any city, county, or city and county may assume the responsibility for, and jurisdiction over, the enforcement of both mobilehome parks and special occupancy parks.

Health and Safety Code, section 18871.3, requires HCD to propose and adopt building standards and regulations for accessory buildings or structures located in special occupancy parks.

Health and Safety Code, section 18871.4, makes it unlawful to permit any wastewater or sewage, from any plumbing fixtures in a manufactured home, mobilehome, recreational vehicle, accessory structure, or permanent building in the special occupancy parks, to be discharged onto or deposited upon the ground.

Health and Safety Code, section 18873.1, requires HCD to adopt regulations regarding the construction of all permanent buildings in special occupancy parks.

Health and Safety Code, section 18873.2, requires HCD to adopt regulations for toilet, shower, and laundry facilities in special occupancy parks.

Health and Safety Code, section 18901 through 18949.31, directs the California Building Standards Commission to administer the processes related to the adoption, approval, publication, and implementation of California's building codes. These building codes serve as the basis for the design and construction of buildings in California. HCD, as a proposing agency, follows the regulatory procedures established by the Commission for submission and approval of building standards.

Health and Safety Code, section 18938.3, building permits issued are valid for 12 months and can be extended 180 days per extension.

Health and Safety Code, section 18944.11, requires BSC and HCD to research and develop standards for electric vehicle charging stations for multi-family dwelling, hotels, and motels.

Health and Safety Code, section 19960 through 19997, ensures the health and safety of persons using or purchasing factory-built homes or FBH building components and provides California residents with reduced housing costs through mass production techniques resulting from a factory production environment. FBH structures are required to comply with the building standards in the California Building Standards Code (California Code of Regulations, Title 24).

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

Health and Safety Code, section 116875, provides for lead free installations or repairs of any public water system or any plumbing in a facility providing water for human consumption.

Health and Safety Code, section 116876, provides lead leaching standards for any endpoint device used to convey or dispense water for human consumption.

Government Code, section 12955.1.1, defines "Covered multifamily dwellings" and "Multistory dwelling unit."

Government Code, section 65852.2, allows a local agency, by ordinance, to provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use.

Business and Professions Code, division 5, addresses statutory requirements for procedures and devices related to weights and measures. This section was referenced for standards related to water submeters required in the California Plumbing Code.

Civil Code, section 1101.3, defines "Noncompliant plumbing fixture" and "Water-conserving plumbing fixture."

Civil Code, section 1101.4, establishes for multifamily residential property, all noncompliant plumbing fixtures must be replaced with water-conserving fixtures.

Civil Code, section 1101.5, establishes for building alterations to single-family residential; all noncompliant plumbing fixtures must be replaced.

Civil Code, section 1954.201, encourages the conservation of water in multifamily residential rental buildings and establishes submetering of dwelling units for water service.

Civil Code, section 1954.202, defines "Submeter", "Water service" and "Water purveyor."

Water Code, section 516, defines "Water meter."

Water Code, section 517, defines "Submeter."

CCR Title 20, section 1605.1, establishes Federal and State energy standards for Federally regulated appliances; Non-commercial refrigerators, refrigerator-freezers, and freezers.

CCR Title 20, section 1605.3, establishes State energy standards for non-federally regulated appliances; refrigerators, refrigerator-freezers, and freezers.

CCR Title 20, section 1607, specifies labeling requirements for the marking of appliances with manufacturer's name, model number, and date of manufacturer, for which there is an energy efficiency, energy consumption, energy design, water efficiency, water consumption, or water design standard.

Summary of Existing Regulations

Existing 2022 CPC regulations provide a reference to allowable lead content in pipes, pipe fittings, and fixtures used to convey water for human consumption; provide references to specified standards used for plumbing fittings; provide for sizing of piping for water supply; and required signage for on-site treated nonpotable gray water; recommendations for sizing water supply systems; and mandatory and voluntary compliance measures.

Summary of Effect

HCD's proposal will provide updated statutory references related to lead content in pipes, pipe fittings, and fixtures used to convey water for human consumption; remove specific dates pertaining to referenced standards; propose adoption of unadopted Appendix M Peak Water Demand Calculator and changes needed to accommodate adoption of the Appendix.

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations.

Policy Statement Overview

The proposed regulations will provide updated references to lead content requirements for plumbing fixtures and fittings for public health purposes; and provide recognition for water supply system sizing that may result in water and cost savings for single-family and multifamily homes.

Evaluation of Consistency

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

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

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

None.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

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

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

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 use of Appendix M, as adopted by HCD, may result in cost savings to newly constructed single-family and multifamily homes due to reduction of water supply system size.

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 **ADOPTIONS** and **AMENDMENTS PROPOSED** in these regulations will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

Declaration of Evidence

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

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

HCD has determined that the proposed adoptions and amendments to existing regulations will not have a significant statewide adverse economic impact to businesses. The proposed changes are editorial, in most cases; and the adoption of Appendix M Peak Water Demand Calculator provides state recognition of a calculation method that has potential to decrease cost of plumbing systems in single-family and multifamily construction due to use of smaller pipe sizes.

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 Department of Housing and Community Development 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.

The adoption of the proposed regulations will provide an updated reference to lead content requirements in plumbing fixtures and fittings used to convey water for human consumption; and the adoption of Appendix M Peak Water Demand Calculator will result in reduced water supply piping systems and reduced wasted water.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

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

There is no mandated increase in costs for compliance since the adoption of Appendix M is a voluntary standard.

CONSIDERATION OF ALTERNATIVES

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

HCD has determined that no reasonable alternative considered by HCD or that has otherwise been identified and brought to the attention of HCD would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. In addition, no reasonable alternative considered by HCD or that has otherwise been identified and brought to the attention of HCD 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).

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
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:

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

Back up Contact:

Jeffrey Cooney, District Representative I
Department of Housing and Community
Development
State Housing Law Program
(916) 820-1532
Jeffrey.Cooney@hcd.ca.gov

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

2022 CALIFORNIA ELECTRICAL CODE
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 3
(OSHDP 04/22)

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 3. 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 21, 2023** until midnight on **June 5, 2023**.

Comments may be submitted to CBSC via:

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

US Mail postmarked no later than **June 5, 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, 1418.22, 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 1418.22 requires that Skilled Nursing Facilities (SNFs) have an alternative source of power to protect resident health and safety for no fewer than 96 hours for power outages that may result from a public safety power shutoff, an emergency, a natural disaster, or other cause.

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.

Summary of Existing Regulations

Title 24, Part 3, California Electrical Code (CEC) is based on the National Electrical Code with California amendments. The CEC contains regulations pertaining to electrical system requirements for the design and construction of hospitals, skilled nursing and intermediate care facilities, licensed clinics, and correctional treatment centers.

Summary of Effect

The proposed action makes editorial and minor technical modifications to electrical building standards. The proposed standards provide clarification and consistency within the code; coordination with National Fire Protection Association (NFPA) 99; and modifications to bring approved changes from the 2023 National Electrical Code into the California Inteventing Code Cycle. Also included are regulations in accordance with Assembly Bill 2511 (Chapter 788, Statutes of 2022) which adds the requirements for the provisions of the new law.

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 intent of this proposal is to provide editorial and minor technical modifications for clarification and consistency within the code; coordinate with the California Building Code; and align the electrical code provisions with nationally recognized 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).

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

ESTIMATE OF COST OR SAVINGS

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

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

- A. Cost or Savings to any state agency: **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: \$1.45 Million.

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

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

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

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

Declaration of Evidence

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

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

OSHDP has not relied on any other facts, evidence, documents, testimony, or other evidence to make its final determination of no statewide adverse economic impact. The scope of the proposed action is to 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.

OSHDP 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).

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
egsunit@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
HOSPITAL PLANNING AND
DEVELOPMENT**

2022 CALIFORNIA MECHANICAL CODE
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 4
(OSHDP 05/22)

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 4. 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 21, 2023** until midnight on **June 5, 2023**.

Comments may be submitted to CBSC via:

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

US Mail postmarked no later than **June 5, 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 4, California Mechanical Code (CMC) is based on the 2021 Uniform Mechanical Code with California amendments. The CMC contains regulations pertaining to mechanical system requirements for the design and construction of hospitals, skilled nursing and intermediate care facilities, licensed clinics, and correctional treatment centers.

Summary of Effect

The proposed action makes editorial and minor technical modifications to mechanical building standards. The proposed standards provide clarification and consistency within the code; coordination with ASHRAE 170, coordination with the California Building Code; and align with national 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 intent of this proposal is to provide editorial and minor technical modifications for clarification and consistency within the code; coordinate with the California Building Code; and align the mechanical code provisions with nationally recognized 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: **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 accom-

modate 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
HOSPITAL PLANNING AND
DEVELOPMENT**

2022 CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 5
(OSHDP 06/22)

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 5. 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 21, 2023** until midnight on **June 5, 2023**.

Comments may be submitted to CBSC via:

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

US Mail postmarked no later than **June 5, 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 5, California Plumbing Code (CPC) is based on the 2021 Uniform Plumbing Code with California amendments. The CPC contains regulations pertaining to plumbing system requirements for the design and construction of hospitals, skilled nursing and intermediate care facilities, licensed clinics, and correctional treatment centers.

Summary of Effect

The proposed action makes editorial and minor technical modifications to plumbing building standards. The proposed standards provide clarification and consistency within the code; coordination with of the California Building Code; and alignment with national 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 intent of this proposal is to provide editorial and minor technical modifications for clarification and consistency within the code; coordinate with the California Building Code; and align the plumbing code provisions with nationally recognized 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: **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/STATE FIRE MARSHAL**

2022 CALIFORNIA ELECTRICAL CODE
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 3
(SFM 04/22)

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 3. 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 21, 2023 until midnight on June 5, 2023.

Comments may be submitted to CBSC via:

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

US Mail postmarked no later than June 5, 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, 1597.44–1597.65, 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 and 51179, 51189, Public 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, 1569.72–1569.78

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

Health and Safety Code Section 1597.44–1597.65

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 protec-

tion 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 (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.

Public 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 has administrative provisions in Chapter 1 Division I in Parts 2, 3, 4, 5, 9, and 10 of Title 24.

Summary of Effect

The general purpose of this proposed action is principally intended to adopt and implement additional necessary amendments to the 2022 California Electrical Code (California Code of Regulations, Title 24, Part 3) 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 Electrical 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, 18949.2(b), and the mandates of the statutory authority of the SFM.

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
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/ STATE FIRE MARSHAL**

2022 CALIFORNIA MECHANICAL CODE
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 4
(SFM 05/22)

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of SFM proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 4. 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 21, 2023** until midnight on **June 5, 2023**.

Comments may be submitted to CBSC via:

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

US Mail postmarked no later than **June 5, 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, 1597.44–1597.65, 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 and 51179, 51189, Public 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, 1569.72–1569.78

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

Health and Safety Code Section 1597.44–1597.65

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.

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Health and Safety Code Section 13114 (a)

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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.

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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.

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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.

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

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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.

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(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.

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Health and Safety Code Section 16022.5

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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 (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

Public 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 4, 2022 California Mechanical 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 Mechanical Code (California Code of Regulations, Title 24, Part 4) based upon updated information or recent actions of the SFM. This proposed action:

Repeal certain amendments to the 2022 California Mechanical 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 Mechanical Code as they pertain to California laws.

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

Comparable Federal Statute or Regulations

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

Policy Statement Overview

The 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 Mechanical Code.

The SFM further proposes to offer new amendments where necessary to ensure that the regulations of the California Mechanical Code, establish and or maintain minimum requirements for the prevention of fire and 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 Mechanical 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.

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/STATE FIRE MARSHAL

2022 CALIFORNIA PLUMBING CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5 (SFM 06/22)

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of SFM proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 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 21, 2023, until midnight on June 5, 2023.

Comments may be submitted to CBSC via:

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

US Mail postmarked no later than June 5, 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 in-

licated, 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, 1597.44–1597.65, 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 and 51179, 51189, Public 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, 1569.72–1569.78

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

Health and Safety Code Section 1597.44–1597.65

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 sec-

tion 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 hous-

ing 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 (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

Public 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 5, 2022 California Plumbing 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 Plumbing Code (California Code of Regulations, Title 24, Part 5) based upon updated information or recent actions of the SFM. This proposed action:

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

Adopt and implement additional necessary amendments to the 2022 California Plumbing 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 Plumbing 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 Plumbing Code.

The SFM further proposes to offer new amendments where necessary to ensure that the regulations of the California Plumbing Code, establish and or maintain minimum requirements for the prevention of fire and 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 Plumbing 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.

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

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

CALIFORNIA ENDANGERED SPECIES ACT CONSISTENCY DETERMINATION NUMBER 2080-2023-003-02

Project: Feather River Salmonid Habitat Improvement Project

Location: Butte County

Applicant: California Department of Water Resources

Background

The California Department of Water Resources (Applicant) proposes to place approximately 16,300 cubic yards of spawning gravel within the Feather River in existing riffles downstream of the Feather River Fish Barrier Dam to enhance adult spawning and juvenile rearing habitat and excavate approximately 800 cubic yards of accumulated streambed material at the inlet and/or outlet of two side channels to improve access to existing salmonid habitat.

The overall objectives of the proposed project are to enhance Feather River in-channel habitat and restore lateral hydrologic connectivity to side channels. The Feather River Salmonid Habitat Improvement Project (Project) includes a 15.8-acre area across five parcels within and adjacent to the Feather River in the city of Oroville (Project Site), which is approximately 5 miles downstream of Lake Oroville Dam near the Feather River Fish Hatchery. High flow releases redistributed spawning gravel in the Project Site, impeding and restricting surface flow through the side channels. The Project Site is critical spawning habitat for salmonids that can no longer reach their historic spawning habitat off the valley floor due to the Oroville Dam. Adult salmonids may be holding over summer at the Project Site during the Project activities. Instream excavation and gravel placement will improve Feather River salmonid spawning conditions, habitat accessibility, and hydraulic connectivity.

The Project activities, specifically the placement of spawning gravel and excavation of instream material, have the potential to take¹ Chinook salmon (*Oncorhynchus tshawytscha*) of the Central Valley spring-

¹ Pursuant to Fish and Game Code section 86, "Take" means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 507 (for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), "take" means to catch, capture or kill").

run Evolutionarily Significant Unit (ESU) (Covered Species) where those activities take place within and along the Feather River between river miles 65 and 67. In particular, the Covered Species could be subject to non-lethal take of up to thirty (30) adults as a result of herding fish away (pursue) from the work area by wading and/or using seine nets. Chinook salmon of the Central Valley spring-run ESU are designated as threatened pursuant to both the federal Endangered Species Act (ESA) and the California Endangered Species Act (CESA). (See Cal. Code Regs., tit. 14, § 670.5, subdivision (b)(2)(C).)

The Covered Species is documented as using the reach of the Feather River adjacent to the Project Site as spawning, holding, and rearing habitat. Due to the possibility of the Covered Species being within the river during gravel placement and instream excavation activities associated with the Project, the National Marine Fisheries Service (Service) determined that the Project has the potential for take of the Covered Species.

According to the Service, with respect to the Covered Species, the Project will result in temporary impacts to 7.6 acres (approximately 3,500 linear feet) of aquatic habitat (gravel placement and instream excavation) and 0.065 acres of riparian habitat (access routes, staging/stockpile areas, and spoil area). The Project will result in an increase in habitat quality and quantity within the Feather River as well as revegetation of the acres of riparian habitat that will be temporarily disturbed by restoration activities.

Because the Project may result in take of a species designated as threatened (Chinook salmon of the Central Valley spring-run ESU) under the federal ESA, the Service consulted internally, and with the U.S. Army Corps of Engineers (USACE) and the U.S. Fish and Wildlife Service (USFWS), as required by the ESA. On August 31, 2018, the Service issued a programmatic biological opinion, entitled National Oceanic and Atmospheric Administration Restoration Center's (NOAA RC) Program to Facilitate Implementation of Restoration Projects in the Central Valley of California, (Service file Number WCR-2017-8532) (PBO) to the NOAA RC, USACE, and USFWS for eligible restoration projects. The PBO describes eligible restoration projects and requires all project applicants operating under the PBO to comply with terms of the PBO and its incidental take statement (ITS). The Applicant submitted a project-specific application with a *Supplemental Information* attachment for the Project dated March 1, 2023, a copy of which is attached hereto and incorporated herein as Exhibit 1. The Service issued a project-specific approval to the Applicant for the Project on March 1, 2023, a copy of which is attached hereto and incorporated herein as Exhibit 2. The Service's project-specific approval for the Project

requires the Applicant to comply with the terms of the ITS, along with the accompanying PBO, project-specific application, and project-specific approval, when carrying out the Project.

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 2080.1 that the ITS, along with the accompanying PBO, project-specific application, and project-specific approval, is consistent with CESA for purposes of the Project and the Covered Species. (Cal. Reg. Notice Register 2023, Number 12-Z page 352.)

Determination

Pursuant to Fish and Game Code section 2080.1, CDFW has determined that the ITS, along with the accompanying PBO, project-specific application, and project-specific approval, is consistent with CESA, Fish and Game Code Chapter 1.5, as to the Project and the Covered Species. This determination is based on measures in the ITS, along with the accompanying PBO, project-specific application, and project-specific approval, including, but not limited to, the following:

Avoidance, Minimization, and Mitigation Measures

The avoidance, minimization, and mitigation measures in the ITS, along with the accompanying PBO, project-specific application, and project-specific approval, include, but are not limited to, the following:

- 1) **Work Windows:** The general construction season shall be from July 1 to August 31. Construction shall occur at lower river flows (approximately 600 to 1500 cubic feet per second (cfs)). Restoration, construction, and fish relocation within any wetted or flowing stream channel shall only occur within this period.
- 2) **Covered Species Relocation:** One or more fisheries biologist(s) shall be on site and will conduct wading and snorkel surveys to determine Covered Species and other fish presence. If fish are present, the fisheries biologist(s) shall herd fish out of the work area by wading and/or using seine nets. No capture shall occur.
- 3) **Gravel Placement:** The gravel placement activities will occur at Table Mountain Riffle, Lower Table Mountain Glide, Top of Auditorium Riffle, mainstem Feather River, Top of Hatchery Pool, Upper Cottonwood Riffle, Upper Hatchery Riffle, and the pool between Cottonwood Riffle and Top of Auditorium Riffle. Before gravel is placed in a stream margin for the first time, Applicant will seine net the margins, herding any fish thereby relocating them downstream of the work area. Operation of equipment and placement of materials within the channel shall be conducted slowly

and deliberately to alert and scare adult and juvenile fish away from the work area. When first entering or crossing the channel each day, a construction monitor shall walk ahead of the equipment working to alert or scare any fish and allow them to move from the work area. Gravel shall be washed and meet a cleanliness value of 85 or higher based on California Test Number 227. Gravel shall also be relatively free of oils, clay debris, and organic material.

- 4) Side Channel Excavation: The excavation of accumulated streambed material will occur at the inlet of Moe's Side Channel and at the inlet and outlet of the Bedrock Park Side Channel. All equipment shall be prewashed, inspected daily, properly maintained to minimize grease and contaminants, and utilize biodegradable hydraulic fluids where possible. Spill containment kits and a spill response plan shall be in place prior to beginning construction.
- 5) In-River Access Routes: All vehicular in-river access routes will be wet or under water, allowing fish to move away from work areas while still allowing vehicles to safely pass. In-river access routes shall be constructed with clean spawning gravel. Once in-river activity is complete, construction equipment shall push the spawning gravel into the river as it backs out of the Project Site. These access routes will be sufficiently lowered to maintain a surface water freeboard of at least one foot depth at 600 cfs to provide additional enhanced spawning habitat within the Project footprint.
- 6) Erosion Control and Sediment: A series of best management practices will be used to reduce sediment release into the Feather River from construction activities. All disturbed soils shall be stabilized with erosion control measures and revegetated as outlined in the *Supplemental Information* attachment in the project-specific application. Water quality monitoring shall be performed throughout the duration of in-water work and work shall cease if water quality parameters are outside of levels outlined in the Section 401 Clean Water Act certification for the Project.

Monitoring and Reporting Measures.

The potential for lethal take is deemed to be low based on the combination of setting and protective measures. The applicant will adhere to the monitoring and reporting requirements outlined in the PBO, including pre- and post-monitoring and reporting

(See section 1.3.7 of the PBO). Post-Project monitoring following restoration will ideally be conducted for 2–5 years, subject to NOAA RC project review. Longer-term monitoring of physical and biological habitat features over time and continued fish use of the restored habitat is recommended to determine the long-term sustainability of the site and whether additional actions are needed to improve habitat function. For revegetation and other site restoration activities, the Applicant has proposed and will adhere to monitoring and reporting measures included in the project-specific application.

Although not a condition of the ITS, or the accompanying PBO, project-specific application, or project-specific approval, CDFW requests a copy of any monitoring reports.

Conclusion

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for take of the Covered Species, provided the Applicant implements the Project as described in the ITS, along with the accompanying PBO, project-specific application, and project-specific approval, including adherence to all measures contained therein, and complies with the measures and other conditions described in the ITS, along with the accompanying PBO, project-specific application, and project-specific approval. If there are any substantive changes to the Project, including changes to the measures, or if the Service amends or replaces the ITS, accompanying PBO, or project-specific approval, the Applicant shall be required to obtain a new consistency determination or a CESA take permit for the Project from CDFW. (See generally Fish & Game Code, §§ 2080.1, 2081).

CDFW's determination that the ITS, along with the accompanying PBO, project-specific application, and project-specific approval, is consistent with CESA is limited to the Covered Species and the Project.

Exhibits:

Exhibit 1 — Project-Specific Application from the Applicant dated March 1, 2023

Exhibit 2 — Project-Specific Approval from the NOAA RC dated March 1, 2023

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)**

**CHEMICALS LISTED EFFECTIVE
APRIL 21, 2023**

**AS KNOWN TO THE STATE OF
CALIFORNIA TO CAUSE CANCER:**

**1,1,1-TRICHLOROETHANE AND
LEUCOMALACHITE GREEN**

Effective April 21, 2023, the Office of Environmental Health Hazard Assessment (OEHHA) is adding 1,1,1-trichloroethane (CAS Registry Number (CAS RN) 71-55-6) and leucomalachite green (CAS RN 129-73-7) to the list of chemicals known to the State of California to cause cancer for purposes of Proposition 65¹. The listing of these chemicals is pursuant to the “Labor Code” listing mechanism².

The basis for the listings was described in a *public notice* published in the March 3, 2023 issue of the California Regulatory Notice Register (Register 2023, Number 9-Z). The title of the notice was “Notice of Intent to List Chemicals by the Labor Code Mechanism: 1,1,1-Trichloroethane and Leucomalachite Green.” The publication of the notice initiated a public comment period (March 3, 2023–April 3, 2023). No comments were received during the comment period.

A [complete, updated Proposition 65 chemical list](#) is available on the OEHHA website.

PETITION DECISION

OFFICE OF ADMINISTRATIVE LAW

**NOTICE OF DECISION PURSUANT TO
GOVERNMENT CODE SECTION 11340.7**

As provided in Government Code section 11340.6, on March 8, 2023, Steve Uhler petitioned the Office of Administrative Law (OAL) requesting adoption or amendment of regulations. The petition contained a number of requests, as listed in the Discussion section below, “for enforcement of” Government Code

¹ The Safe Drinking Water and Toxic Enforcement Act of 1986, Health and Safety Code section 25249.5, et seq.

² Health and Safety Code section 25249.8(a) and Cal. Code of Regs., title 27, section 25904.

section 11348. OAL issues this decision pursuant to Government Code section 11340.7(d).

BACKGROUND

Title 2, Division 3, Part 1, Chapter 3.5 of the Government Code (commencing with section 11340) sets forth the requirements of the Administrative Procedure Act (APA) as it relates to agency rulemaking.

Government Code section 11348 states:

Each agency subject to this chapter shall keep its rulemaking records on all of that agency’s pending rulemaking actions, in which the notice has been published in the California Regulatory Notice Register, current and in one central location.

The contents required in regular rulemaking files are set forth in Government Code section 11347.3(b). Government Code section 11347.3(a) specifies the maintenance and public availability requirements for the rulemaking file beginning with the publication of the notice of proposed action. Government Code section 11347.3(c) requires every agency to submit “the rulemaking file or a complete copy of the rulemaking file” to OAL. Government Code section 11347.3(d) provides that “[t]he rulemaking file shall be made available by the agency to the public, and to the courts in connection with the review of the regulation.”

California Code of Regulations (CCR), title 1, sections 6 and 6.5 establish procedures for submitting regulatory actions in hardcopy and electronically, respectively.

Use of the Form 400 is prescribed in CCR, title 1, sections 5, 6, 6.5, 50, and 100. The Form 400 is used by OAL for submission of notices for publication in the California Regulatory Notice Register and to submit completed rulemaking actions to OAL for review and, if approved, for filing with the Secretary of State and printing in the CCR.

Pursuant to Government Code section 11342.4, OAL is vested with the authority to “adopt, amend, or repeal regulations for the purpose of carrying out the provisions of” Title 2, Division 3, Part 1, Chapter 3.5 of the Government Code.

DISCUSSION

The petition contains the following requests:

- 1) “[A] rulemaking for enforcement of GOV 11348, where each agency subject to CHAPTER 3.5. Administrative Regulations and Rulemaking [11340–11361] shall keep its rulemaking records on all of that agency’s pending rulemaking actions, in which the notice has been published in the California Regulatory Notice Register, current and in one central location.”

- 2) "Add a section to Title 1. General Provisions to: Describe methods of enforcing GOV 11348. These methods shall include but not limited [sic] to, timeliness of filing in the agency's rulemaking file. Define when all records required by GOV 11347.3 are to appear in the rulemaking file prior agency [sic] adoption of the regulations."
- 3) "Prohibit submitting paper only rulemaking files to OAL, when electronic files that are interactive, such as videos and websites are filed and deemed to be records in the rulemaking proceeding."
- 4) "Define access rights to the agency's rulemaking records central location for the public's and the OAL's inspections."
- 5) "Amend FORM 400 to require the agency to identify the one central location for its rulemaking proceeding's records."
- 6) "Require FORM 400 to appear in the agency's rulemaking file each time it is submitted to the OAL."

Each petition request is discussed in order below.

Petition Item 1:

"[A] rulemaking for enforcement of GOV 11348, where each agency subject to CHAPTER 3.5. Administrative Regulations and Rulemaking [11340–11361] shall keep its rulemaking records on all of that agency's pending rulemaking actions, in which the notice has been published in the California Regulatory Notice Register, current and in one central location."

Government Code section 11348 and related APA statutes already address this issue.

Government Code 11347.3(a) provides:

Every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. Commencing no later than the date that the notice of the proposed action is published in the California Regulatory Notice Register, and during all subsequent periods of time that the file is in the agency's possession, the agency shall make the file available to the public for inspection and copying during regular business hours.

In addition, Government Code section 11346.5(a)(14) requires an agency to identify an agency representative in the notice of the proposed action, and Government Code section 11346.5(b) requires the identified agency representative to "make available to the public upon request the location of public records, including reports, documentation, and other materials, related to the proposed action."

These statutory provisions require no further rulemaking at this time. OAL is unaware of any significant problems with respect to maintenance of

rulemaking files. The rulemaking agency is required by law to maintain the complete file, make it available to the public and to have identified the appropriate agency person to contact.

Petition Item 2:

"Add a section to Title 1. General Provisions to: Describe methods of enforcing GOV 11348. These methods shall include but not limited [sic] to, timeliness of filing in the agency's rulemaking file. Define when all records required by GOV 11347.3 are to appear in the rulemaking file prior agency [sic] adoption of the regulations."

Government Code section 11347.3(a) already requires an agency to begin compiling the rulemaking file upon publication of the notice of proposed action. Government Code section 11347.3(b) specifies the required contents of the rulemaking file. Government Code section 11347.3(b)(12) requires an agency to submit a closed and complete rulemaking file to OAL and requires an affidavit or a declaration under penalty of perjury from "the agency official who has compiled the rulemaking file, specifying the date upon which the record was closed, and that the file or the copy, if submitted, is complete."

As set forth in Government Code section 11347.3(b)(12), at the time an agency submits a rulemaking file to OAL, it is required to certify under penalty of perjury that the rulemaking file is closed and complete. It is the agency's responsibility to provide OAL with a rulemaking file that contains all documentation required by Government Code section 11347.3(b). The statutory scheme provides for the assurance of a complete record through the use of a declaration. OAL relies upon the agency's statement under penalty of perjury that the file is both closed and complete at the time it is submitted to OAL. Additionally, Government Code section 11347.3(e) establishes the deadline for making changes to the rulemaking record by providing that "[u]pon filing a regulation with the Secretary of State pursuant to Section 11349.3, the office shall return the related rulemaking file to the agency, after which no item contained in the file shall be removed, altered, or destroyed or otherwise disposed of."

Petition Item 3:

"Prohibit submitting paper only rulemaking files to OAL, when electronic files that are interactive, such as videos and websites are filed and deemed to be records in the rulemaking proceeding."

OAL seeks to make submission of rulemaking packages as accessible as possible for over 200 state agencies which have varying resources. As discussed above, agencies are responsible for submitting complete records to OAL. If the APA requires an item to

be included in the rulemaking file, an agency is already required to include it in its submission to OAL.

Petition Item 4:

“Define access rights to the agency’s rulemaking records central location for the public’s and the OAL’s inspections.”

Government Code section 11346.5(b) already prescribes a means of accessing an agency’s rulemaking records. Government Code section 11346.5(a)(14) requires an agency to identify an agency representative in the notice of the proposed action. Government Code section 11346.5(b) requires the agency representative to “make available upon request the location of public records, including reports, documentation, and other materials, related to the proposed action.” Government Code section 11340.85 requires agencies to make many APA documents available on their websites.

Petition Item 5:

“Amend FORM 400 to require the agency to identify the one central location for its rulemaking proceeding’s records.”

Government Code section 11346.5(b) already provides the public with access to the agency’s rulemaking record and existing APA provisions already provide sufficient information regarding the location of, and access to, an agency’s rulemaking records. The agency representative identified in the notice of proposed action is responsible for making available the location of the agency’s rulemaking records. This contact information is readily available in the notice of proposed action as set forth in Government Code section 11346.5(a)(14). The notice of proposed action is broadly distributed as required by Government Code section 11346.4(a), which requires publication in the California Regulatory Notice Register and on the agency’s website (if the agency has a website), as well as additional distribution through mailing. The California Regulatory Notice Register is posted on OAL’s website pursuant to Government Code section 11344.1(c).

Petition Item 6:

“Require FORM 400 to appear in the agency’s rulemaking file each time it is submitted to the OAL.”

Government Code section 11347.3(b) sets forth the statutory requirements for the file of a rulemaking proceeding. The Form 400 is not identified in Government Code section 11347.3(b) as a necessary part of the agency’s rulemaking file. The Form 400 is filed with the Secretary of State as part of the final approval of the regulations. It contains the certification by the head of the rulemaking agency pursuant to Government Code section 11343(g). As such, it is available from the Secretary of State, as well as from the rulemaking agency. The rulemaking file is the record

that substantiates and supports the changes that appear in the regulations being filed with the Secretary of State as certified by the head of the agency.

DECISION

Based on the above, OAL denies the petition at this time. While it is possible that isolated violations may have occurred with respect to the content and availability of rulemaking records, OAL is unaware of pervasive violations that would make the requested regulatory changes necessary at this time. Should OAL become aware that there are violations of Government Code section 11348 exceeding rare isolated incidents, OAL will reevaluate the aforementioned suggestions.

In accordance with Government Code section 11340.7(d), a copy of this decision will be published in the California Regulatory Notice Register.

CONTACT PERSONS

Interested persons have the right to obtain a copy of the petition from OAL and may do so by contacting the OAL Reference Attorney by telephone at (916) 323–6815, by fax at (916) 323–6826, by e-mail at staff@oal.ca.gov, or by mail at:

Office of Administrative Law
Attention: Reference Attorney
300 Capitol Mall, Suite 1250
Sacramento, CA 95814–4339

Any other questions concerning this matter may be directed to:

Anna Lisa Thomas, Attorney
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814
Phone: (916) 323–6225
Email: Anna.Thomas@oal.ca.gov

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.

Department of Health Care Access and Information
File # 2023–0315–08
Conflict-of-Interest Code

This is a Conflict-of-Interest code amendment that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only.

Title 02
Amend: 35101
Filed 04/12/2023
Effective 05/12/2023
Agency Contact:
Heather Cline Hoganson (916) 326–3657

Department of Corrections and Rehabilitation
File # 2023–0228–02
Non-Substantive Changes — 3190 Religious
Personal Property Matrix

This action makes changes without regulatory effect to the Religious Personal Property Matrix (RPPM) which is incorporated by reference in California Code of Regulations, title 15, section 3190.

Title 15
Amend: 3190
Filed 04/11/2023
Agency Contact: Rosie Ruiz (916) 445–2244

California Energy Commission
File # 2023–0223–01
Air Filters

In this regular rulemaking the California Energy Commission is amending Appliance Efficiency Regulations, Cal. Code Regs., Title 20, section 1601, 1602, 1604, 1606, and 1607, relating to air filters. Specifically, the California Energy Commission is amending definitions, test procedures, data submittal requirements, and marking requirements for air filters designed for installation in residential ducted systems.

Title 20
Amend: 1601, 1602, 1604, 1606, 1607
Filed 04/07/2023
Effective 07/01/2024
Agency Contact: Corrine Fishman (916) 805–7452

Department of Pesticide Regulation
File # 2023–0224–01
Neonicotinoid Pesticide Exposure Protection

This action adds new control measures for neonicotinoids, including restrictions on application rates, application timing, and seasonal application rate caps, to protect pollinator health.

Title 03
Adopt: 6990, 6990.1, 6990.2, 6990.3, 6990.4, 6990.5, 6990.6, 6990.7, 6990.8, 6990.9, 6990.10, 6990.11, 6990.12, 6990.13, 6990.14, 6990.15, 6990.16
Filed 04/10/2023
Effective 01/01/2024
Agency Contact: Lauren Otani (916) 445–5781

State Water Resources Control Board
File # 2023–0222–02
Lahontan Regional Water Quality Control Board
Basin Plan Update

The State Water Resources Control Board (“State Water Board”) submitted this action to amend the Water Quality Control Plan for the Lahontan Region. The amendments: clarify beneficial use designations for the Mojave River; describe statewide mercury water quality objectives; update site cleanup, land disposal, and underground storage tanks policy sections; update sections on State Water Board plans and policies; and make other editorial revisions.

Title 23
Adopt: 3959.11
Filed 04/05/2023
Effective 04/05/2023
Agency Contact: Jennifer Watts (530) 542–5491

Department of Corrections and Rehabilitation
File # 2023–0302–01
Program and Credit Earning Revisions

This rulemaking action by the Department of Corrections and Rehabilitation adopts procedures for evaluating an inmate’s educational history.

Title 15
Amend: 3043.3, 3043.5
Filed 04/11/2023
Effective 04/11/2023
Agency Contact: Sarah Pollock (916) 445–2308

**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.

