

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE STATE FIRE MARSHAL
REGARDING THE 2022 CALIFORNIA BUILDING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2
(SFM 02/22)**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a Final Statement of Reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS:

Government Code Section 11346.9(a)(1) requires an update of the information contained in the Initial Statement of Reasons. If the update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the Initial Statement of Reasons, the state agency shall comply with Government Code Section 11347.1.

The State Fire Marshal (SFM) has not added any data (including technical, theoretical, or empirical studies, reports, or similar documents relied upon) that would necessitate an update of the information contained in the Initial Statement of Reasons.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s).

The State Fire Marshal has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. The proposed regulations are minimum standards for the prevention of fire and for the protection of life and property against fire.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).

Government Code Section 11346.9(a)(3) requires a summary of EACH objection or recommendation regarding the specific adoption, amendment, or repeal proposed, and an explanation of how the proposed action was changed to accommodate each objection or recommendation, or the reasons for making no change. This requirement applies only to objections or recommendations specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action, or reasons for making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group.

The text with proposed changes was made available to the public for a 45-day comment period from April 7, 2023, until May 22, 2023. Two comments were received during the comment period.

Item 7-2

Chapter 7A MATERIALS AND CONSTRUCTION METHODS FOR EXTERIOR WILDFIRE EXPOSURE, Section 705A.1 General

The State Fire Marshal proposal is to amend roofing provisions for Fire Hazard Severity Zones.

Commenter(s) and Recommendation:

Aaron R. Phillips, Asphalt Roofing Manufacturers Association (ARMA), Action recommended - Approve as Amended.

It is recommended to remove the words “fire retardant” from the final sentence of Section 705A.1. Although these are the words used in Health and Safety Code Section 13132.7, use within the California Residential Code is not advisable because usages of “fire retardant” throughout the California Residential Code always relate to wood products.

Agency Response:

The State Fire Marshal will consider this recommendation in the next triennial adoption. The subject will be vetted through the long standing SFM Wildland Urban Interface (WUI) workgroup in pre-rulemaking activities.

Item 11-1

Chapter 15 ROOF ASSEMBLIES AND ROOFTOP STRUCTURES, Section 1505.5

The State Fire Marshal proposal is to amend roofing provisions for Fire Hazard Severity Zones.

Commenter(s) and Recommendation:

Aaron R. Phillips, Asphalt Roofing Manufacturers Association (ARMA), Action recommended - Approve as Amended.

ARMA recommends changing section 1505.5 to state, “Nonclassified roofing is approved material that is not listed as a Class A, B or C roof assembly or roof covering.” Both “roof assembly” and “roof covering” are defined terms. However, “roof covering assembly,” which is included in the proposed language, is not defined. Correction of the terminology as recommended will improve clarity of this section. The CAC recommendation to make this change is acknowledged in the ISOR.

Agency Response:

The State Fire Marshal will consider this recommendation in the next triennial adoption. The subject will be vetted through the long standing SFM WUI workgroup in pre-rulemaking activities.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

Government Code Section 11346.9(a)(4) requires a determination with supporting information that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, or would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

The SFM has determined that no alternative considered would be more effective in conducting the purpose for which the regulation is proposed or would be as effective as and less burdensome to affected private persons than the proposed amendments. Therefore, there are no alternatives available to the SFM regarding the proposed adoption and amendment of this code.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES:

Government Code Section 11346.9(a)(5) requires an explanation setting forth the reasons for rejecting any proposed alternatives that would lessen the adverse economic impact on small businesses, including the benefits of the proposed regulation per 11346.5(a)(3).

n/a