

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE STATE FIRE MARSHAL
REGARDING THE 2022 CALIFORNIA FIRE CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 9
(SFM 07/22)**

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 addressing three Items were received during the comment period.

Item 7-4

Chapter 9 Fire Protection and Life Safety Systems, Section 907.2.9.3

The State Fire Marshal proposal provides the clear intent of the maximum threshold of kWh of Energy Storage Systems for each location on a property.

Commenter(s) and Recommendation:

Sagiv Weiss-Ishai, San Francisco Fire Department, Action recommended is to amend the proposed text and add language to clarify the intent.

The main intent (and change from the current code) is to not allow the dwelling/sleeping units smoke alarms which are listed per UL 217 to be interconnected with the building FA system. Therefore, the proposed text indicates that only UL 268 listed smoke detectors which are a part of the building Fire Alarm system are permitted in dwelling/sleeping units of R-2s operated by college and universities.

Agency Response:

The State Fire Marshal believes the final proposal requires smoke detectors be connected to the fire alarm control unit. Since the smoke detectors are connected to the fire alarm control unit the occupant notification will activate.

Item 7-6

Chapter 9 Fire Protection and Life Safety Systems, Section 907.5.2.3.1

The State Fire Marshal proposal provides the clear intent of the maximum threshold of kWh of Energy Storage Systems for each location on a property.

Commenter(s) and Recommendation:

Sagiv Weiss-Ishai, San Francisco Fire Department, Action recommended is to amend the proposed text and add language to clarify the intent.

Section 907.5.2.3.1 #13. Normally occupied room- delete “used by two or more persons”, change the term of “mother’s room” to “huddle room”, and add an exception for normally non-occupied rooms.

Agency Response:

The State Fire Marshal took into consideration the public comment and the comments received during the Code Advisory Committee hearings. The proposed language meets the intent for clarification without adding an extensive list of terms that may be used for any given space. Fire Command Centers, electrical rooms and similar rooms or spaces all have additional requirements based on the known hazards for those rooms or spaces.

Item 10-2

Chapter 12 Energy Systems, Section(s) 1207.11.4, Table 1207.11.4

The State Fire Marshal proposal provides the clear intent of the maximum threshold of kWh of Energy Storage Systems for each location on a property.

Commenter(s) and Recommendation:

Joshua Costello, County of Los Angeles Fire Department, Action recommended is Disapproval.

The proposed allowances for Energy Storage Systems (ESS) in Group R-3/R-4 occupancies are a conflict with the intent and consistency for these same ESS units when located in occupancies other than Group R-3/R-4. There is insufficient substantiation provided for a “need” to increase the maximum allowable aggregate kWh-ratings of ESS for Group R-3/R-4 occupancies, let alone to the amount of 600 kWh.

Agency Response:

The State Fire Marshal proposal is in alignment with California’s initiative to promote clean energy. A large percentage of the state’s electricity comes from renewable and zero-carbon sources. The increased demand for electricity warrants the need for larger Energy Storage Systems for use in residential occupancies.

The proposal was heard at the International Code Council hearings for the 2024 Code cycle. The proposal failed at the national level and received comments to adopt the provisions in California first. California has historically been a leader and trend setter for the promotion of clean energy.

The State Fire Marshal is aware of the inherent risks and associated hazards that come with Energy Storage Systems. The proposal only increases the allowable amounts as they are installed outside of the dwelling space and further away from the living areas of the residential structures.

The standards UL 9540 and UL9540A have been enhanced to provide for greater safety of the Energy Storage Systems installed for use in residential occupancies. The allowable amounts of kWh for residential installation when compared to commercial Energy Storage Systems remains drastically minimal.

The proposal is a state minimum. Local authorities having jurisdiction have the ability to amend and adopt more restrictive local amendments that are reasonably necessary because of local climatic, geological, or topographical conditions.

Item not proposed for change

Chapter 80, ASME A17.1/CSA B44 and A17.3

Appendix K, Table K105.1

Commenter(s) and Recommendation:

Sagiv Weiss-Ishai, San Francisco Fire Department.

Recommendation is to propose new amendments to the text of the code.

Agency Response:

The State Fire Marshal acknowledges the commenter's concerns and appreciates their support and participation in the code development process. After review, no changes to the Final Express Terms were made as a result of these comments, as these comments are not specifically related to SFM amendments for this Intervening Code Cycle. The suggested code changes referenced in these comments would be more appropriately vetted through the long standing SFM workgroup in pre-rulemaking activities in the next triennial adoption.

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