

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE STATE FIRE MARSHAL
REGARDING THE 2025 CALIFORNIA FIRE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 9
(SFM 06/24)**

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 Office of 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 SFM 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 fire prevention and 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 September 6, 2024, until October 21, 2024. Public comments were received

during this period. A 15-day public comment period was made available to the public on November 6, 2024, until November 21, 2024. No additional comments were received. Please see below.

MULTIPLE ITEMS

Comments related to Energy Storage System regulations

Several Items listed below are grouped as the following two commenters comment on them, and the comments are similar:

Commenters and Recommendations:

Christine Seal, Vice President, Development, Next Era Energy Resources

Tatiana Blanc, Project Director, Next Era Energy Resources

ITEM 1-5

Section 105.5.14 Energy Storage Systems

[The SFM proposes a modification to section 105.5.14.]

The commenters recommend Further Study to evaluate the necessity of an operational permit for utility-scale Energy Storage Systems (ESS) in light of current interconnection requirements and other safety regulations.

ITEM 2-6

Flammable Gas

[The SFM proposes to repeal and replace the existing amendment with the model code language shown below due to model code revisions.]

The commenters recommend Amend to reverse the strike-through of "lower limit unless data shows compliance with Category 1B."

ITEM 2-10

Iron-air aqueous battery

[The SFM proposes to adopt the following definition.]

The commenters recommend Amend to exclude entire statements regarding "...risk of thermal runaway" and "...coulombically inefficient on float charge..."

ITEM 2-12

Lithium-Ion Battery

[The SFM proposes to modify the following definition.]

The commenters recommend Amend to align with the 2024 International Fire Code definition. The commenters also recommend separating lithium-ion and lithium-metal into distinct definitions or sub-define them within the same section."

ITEM 2-13

Lithium-Sulfur Rechargeable Battery

[The SFM proposes to modify the following definition.]

The commenters recommend Amend to exclude the entire statement regarding "...lose less life at high temperatures..."

ITEM 2-14

Nickel-Cadmium (Ni-Cd) Battery

[The SFM proposes to modify the following definition.]

The commenters recommend Amend to exclude the entire statement regarding "...lose less life at high temperatures..."

ITEM 2-16

Nickel Iron (Ni-Fe)

[The SFM proposes to adopt the following definition.]

The commenters recommend Amend to exclude the entire statement regarding "...tens of thousands of cycles..."

ITEM 2-17

Nickel-metal hydride (Ni-MH)

[The SFM proposes to modify the following definition.]

The commenters recommend that Amend remove the text regarding "solution in water."

ITEM 2-21

Sodium nickel chloride (NaNiCl)

[The SFM proposes to adopt the following definition.]

The commenters recommend Amend to remove text regarding cycling ability and energy density.

ITEM 2-25

Zinc bromide

[The SFM proposes to adopt the following definition.]

The commenters recommend Amend to remove text regarding posing a fire risk.

ITEM 2-26

Zinc manganese dioxide (Zn-MnO₂).

[The SFM proposes to adopt the following definition.]

The commenters recommend Amend to remove text regarding EPA-certified for landfill disposal in the United States.

ITEM 3-5

Section 320.4.1.1 Unused or Unwanted Battery Collection

[The SFM proposes the modification of Section 320.4.1.1.]

The commenters recommend Disapprove to remove the proposed modification of Section 320.4.1.1.

ITEM 3-6

Section 320.4.1.2 Waste Storage

[The SFM proposes to add new Section 320.4.1.2 and language.]

The commenters recommend to Amend and exclude the text or move to the definitions section.

ITEM 3-7

Section 320.4.1.3 Miscellaneous Storage

[The SFM proposes to add new Section 320.4.1.3 and language.]

The commenters recommend Amend to reference only Section 320.4.1.

ITEM 3-12

Section 320.4.3.3 Storage Area Size Limits and Separation

[The SFM proposes to modify and relocate Section 320.4.3.3 due to revisions.]

The commenters recommend amending and removing the requirement for 20 feet of open space while keeping the existing model's 10-foot requirement.

ITEM 3-16

Section 320.5 through 320.5.6

[The SFM proposes to add new Sections 320.5 through 320.5.6.]

The commenters recommend Amend to specify conditions under which mechanical exhaust systems are required.

ITEM 11-1

Section 1107 Energy Storage Systems

[The SFM proposes the adoption of section 1107]

The commenters recommend Amend. The commenters suggest amending model code language requiring additional analysis and potential retrofits on systems operating for over several years.

Agency Response to all the above comments:

SFM will continue to monitor and stay informed about the latest Energy Storage System codes and standards. Based on these comments, SFM has not proposed any changes to this section, Express Terms.

ITEM 2-27.1

Section 203.4.2 Group E, child-care facilities.

[The SFM proposes to amend the existing exception to Group E child-care facilities and provide a pointer to subsections in the California Fire Code.]

Commenter(s) and Recommendation:

Sherry L. Velte, ASI Children's Center Director, Infant Toddler Specialist. The commenter recommends Disapprove because childcare centers are over-regulated. The proposal will devastate their program.

Commenter(s) and Recommendation:

Melanee Cottrill, Executive Director, Head Start California. The commenter opposes these proposals and requests that, pursuant to AB 176, SFM continue to enforce the code as it existed on December 31, 2022.

Commenter(s) and Recommendation:

Tonda Padgett, Bright Dreams Daycare. The commenter opposes the limitation of five infants allowed in child-care facilities.

Commenter(s) and Recommendation:

Terry Kim, Director of Government Relations & Advocacy, Children's Institute. The commenter opposes the limitation of five infants allowed in child-care facilities.

Commenter(s) and Recommendation:

Shanice Orum, Program Administrator, Child Care Licensing Program, Community Care Licensing Division, California Department of Social Services. The commenter suggested additional changes to the proposed code language.

Agency Response:

SFM acknowledges the commenter's concerns and clarifies that with the current proposal, SFM has removed the five-infant limitation and expanded the occupancy classification of E when the facility complies with the code requirements. SFM will further review the regulations through a workgroup for future rulemaking cycles. Based on these comments, SFM has not proposed any changes to this section.

ITEM 2-27.2

Section 203.7.4.1 Classification as Group E.

[The SFM proposes to amend the definition for Group 1-4. SFM is proposing to reinstate subsections of Group 1-4 for classification as Group E and any Special Provisions.]

Commenter(s) and Recommendation:

Sherry L. Velte, ASI Children's Center Director, Infant Toddler Specialist. The commenter recommends Disapprove because child care centers are over-regulated. The proposal will devastate their program.

Commenter(s) and Recommendation:

Melanee Cottrill, Executive Director, Head Start California. The commenter opposes these proposals and requests that, pursuant to AB 176, SFM continue to enforce the code as it existed on December 31, 2022.

Commenter(s) and Recommendation:

Shanice Orum, Program Administrator, Child Care Licensing Program, Community Care Licensing Division, California Department of Social Services. The commenter suggested additional changes to the proposed code language.

Agency Response:

SFM acknowledges the commenter's concerns and has expanded the occupancy classification of E when the facility cares for more than six but not more than 100 children under 36 months of age and complies with the code requirements. The SFM will further review through a workgroup for future rulemaking cycles. Based on these comments, SFM has not proposed any changes to this section.

ITEM 2-27.3

Section 203.7.4.4 Six or fewer persons receiving care in a dwelling.

Commenter(s) and Recommendation:

Sherry L. Velte, ASI Children's Center Director, Infant Toddler Specialist. The commenter recommends Disapprove because child care centers are over-regulated. The proposal will devastate their program.

Commenter(s) and Recommendation:

Melanee Cottrill, Executive Director, Head Start California. The commenter opposes these proposals and requests that, pursuant to AB 176, SFM continue to enforce the code as it existed on December 31, 2022.

Commenter(s) and Recommendation:

Shanice Orum, Program Administrator, Child Care Licensing Program, Community Care Licensing Division, California Department of Social Services. The commenter suggested additional changes to the proposed code language.

Agency Response:

SFM reviewed the comments and decided to **WITHDRAW** the proposal.

ITEM 5

Chapter 5, Fire Service Features

[The SFM proposes to adopt the entire Chapter 5 as amended, except sections 503 and 510.2]

Commenter(s) and Recommendation:

Kevin Dalley, Traffic Violence Rapid Response

Anwar Baroudi, Transport Oakland

Shawn Danino, Prohousing Democratic Caucus of California and Transport Oakland

Michael Schneider, Streets for All

Heather Detusch, MOVE Santa Barbara County

Carter Lavin, Transbay Coalition

Marc Hedlund, East Bay Kidical Mass

Mike Wilson, Berkeley Disaster and Fire Safety Commission

Robert Raburn, Director -District 4, SF Bay Area Rapid Transit (BART)

Jimmy Jessup, Commissioner – Oakland Bicyclist and Pedestrian Advisory Commission
Sharlene Liu, Sunnyvale Safe Streets

Stephen Svete, Bike Santa Cruz County

Isaac Gonzalez, Slow Down Sacramento

Robert Prinz, Bike East Bay

Kara Vernor, Napa County Bicycle Coalition

Anne Wallach Thomas, Shasta Living Streets

Debra Banks, Ph.D., Sacramento Area Bicycle Advocates

Eli Lipmen, Move California

Lisa Kayser-Grant, Merced Bicycle Coalition

Kevin Shin, California Walks

The commenters point that there are two sections of the International Fire Code which specify requirements for Fire Apparatus Access Roads, which determine how roads are designed and used:

1. Section 503 of the International Fire Code
2. Appendix D, which specifies additional requirements for access roads

However, the state of California has only adopted minimal portions of section 503, in Title 19, section 3.05. California does not adopt Appendix D but leaves it as an optional appendix. Many local jurisdictions amend California's fire code on access roads. Many jurisdictions adopt Appendix D. Additionally, local jurisdictions interpret these sections. These local decisions have led to wider roads and the frequent denial of traffic calming measures, with serious consequences for non-car road users.

Agency Response:

SFM acknowledges the commenter's concern and will advise on recommendations in future rulemaking cycles through a consensus procedure and within the scope and authority given to the State Fire Marshal through legislation. Based on this comment, SFM has not proposed any changes to this section.

Commenter(s) and Recommendation:

Joshua Costello, Fire Fighter Specialist, Codes and Ordinances Unit, Fire Prevention Division, County of Los Angeles Fire Department. The commenter points out that Section 510.2 is the requirement for existing buildings, and this seems to be the section that should not be adopted because the State also does not adopt the corresponding section in Chapter 11 (1103.2).

The commenter also points out that Sections 510.3–10.3.2 require permits, which are necessary to ensure these systems are safely and reliably built and maintained to operate safely within the macro radio system of the jurisdictional dispatch and operational area.

Agency Response:

SFM agrees with the commenter and proposes changing the charging language in the Final Express Terms for this section to state that Section 510.2 is not adopted and Section 510.3 is adopted.

ITEM 9-4

Section 903.3.1.1.1 Exempt Locations

[SFM proposed renumbering and blending modification to an existing amendment to carry forward California provisions. Deletion of number 6 in the list of exempt locations was added in 15-Day Express Terms]

Commenter(s) and Recommendation:

Sagiv Weiss-Ishai, P.E., Senior Fire Protection Engineer, San Francisco Fire Department. The commenter points out that exception 6 is unnecessary since NFPA 13-2025 has new sprinkler omission requirements that cover sprinkler omissions for all elevator-associated spaces. Therefore, this exception is redundant and will create potential conflicts between CFC and NFPA 13.

Agency Response:

SFM agrees with the commenter and has deleted exception 6 in the revised Express Terms, which were made available for public review during an additional 15-day public comment period.

ITEM 9-14.1

Section 907.2.9.3 Group R-2 College and University buildings

[Added in 15-Day Express Terms. The editorial correction to remove the term “alarms” aligns with the intent of the code section and eliminates confusion for the code user.]

Commenter(s) and Recommendation:

Sagiv Weiss-Ishai, P.E. Senior Fire Protection Engineer, San Francisco Fire Department. The commenter points out that per the California Fire Alarm Association State Agency Panel discussion in October of 2024, it was agreed by most participants that UL 217 Smoke Alarms should not be permitted in R-2 College and University

Agency Response:

SFM agrees with the commenter and has made the editorial correction in the revised Express Terms, which were made available for public review during an additional 15-day public comment period.

ITEM N/A

Section 907.5.2.3.1 Public use areas and common use areas

[This is not an SFM-proposed Item.]

Commenter(s) and Recommendation:

Sagiv Weiss-Ishai, P.E. Senior Fire Protection Engineer, San Francisco Fire Department. The commenter points out that per the California Fire Alarm Association State Agency Panel discussion in October 2024, there is still confusion about where the installation of strobes is to be located.

Agency Response:

SFM will continue to work with the State Fire Marshal's Fire Alarm Advisory Committee to evaluate the California amendments for future rulemaking cycles. SFM has not proposed any changes to this section.

ITEM N/A

Section 907.2.3.6.1 Smoke detectors and 907.2.3.6.2 Heat detectors

Section 907.5.2.4 Group E schools

[This is not an SFM-proposed Item.]

Commenter(s) and Recommendation:

David Secoda. The commenter opposes carrying forward existing California amendments for Group E schools.

Agency Response:

SFM will continue to work with the State Fire Marshal's Fire Alarm Advisory Committee to evaluate the California amendments for future rulemaking cycles. SFM has not proposed any changes to this section.

ITEM 13, ITEM 36, and ITEM 57

Chapters 13 – 19, 42 – 47, and 68 – 79, Reserved

[The SFM proposes to delete Chapters 13-19 in their entirety. Do not print in the California Fire Code.] [Chapters 42-47 and 68-79 are reserved in 2024 IFC.]

Commenter(s) and Recommendation:

Joshua Costello, Fire Fighter Specialist, Codes and Ordinances Unit, Fire Prevention Division, County of Los Angeles Fire Department. The commenter suggests printing "Reserve" for deleted chapters.

Agency Response:

The Building Standards Commission will work with the publisher to determine how the Chapters will be shown as deleted and not printed in the Title 24 next edition.

ITEM 35

Chapter 41, Temporary Heating and Cooking Operations

[The SFM proposes to adopt Chapter 41, except for Section 4106.]

Commenter(s) and Recommendation:

Joshua Costello, Fire Fighter Specialist, Codes and Ordinances Unit, Fire Prevention Division, County of Los Angeles Fire Department. The commenter points out that potential local jurisdiction enforcement concerns are presented in several sections of Chapter 41.

Agency Response:

SFM agrees with the commenter and revised the Final Express Terms to reserve Section 4106 based on an existing amendment to reserve this section, previously located in Chapter 3, Section 319. This section was renumbered from Section 319 to Section 4106 in IFC 2024. The other sections listed in the comment may be further studied in future rulemaking.

ITEM 58-1

Chapter 80, Reference Standards Referenced Standards NFPA

[The SFM proposes to adopt Chapter 80 and carry forward existing amendments with modifications that update the referenced standard to correlate with the most recent edition of the standard. The rulemaking process between the different model codes can cause conflict in the adoption of the latest standards. The proposal is to establish consistency within the parts of the California Buildings Standards Code. The deletion of California amendments for sprinklers in an elevator hoistway was added in 15-Day Express Terms.]

Commenter(s) and Recommendation:

Sagiv Weiss-Ishai, P.E. Senior Fire Protection Engineer, San Francisco Fire Department. The commenter points that the new sections in NFPA 13-2025 are consistent with the current 2022 California Building Code amendments in Chapter 35, so there is no longer a need for these amendments to the standard.

Agency Response:

SFM agrees with the commenter and has deleted the California amendments in the revised Express Terms made available for public review during additional 15-day public comment period.

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.

SFM has determined that no reasonable alternatives have been identified and brought to SFM's attention that would be more effective in carrying out the purpose for which the action is proposed or that would be as effective and less burdensome to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

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).

No alternatives were identified to lessen the adverse impact on small businesses.