

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE STATE FIRE MARSHAL
REGARDING THE 2025 CALIFORNIA EXISTING BUILDING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10
(SFM 09/24)**

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS

Government Code Section 11346.2(b)(1) requires a statement of specific purpose of each adoption, amendment, or repeal and the problem the agency intends to address and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.

General purpose, problem, rationale, and benefits: The Office of the State Fire Marshal (SFM) proposes to repeal the adoption of the 2022 California Existing Building Code (CEBC), which is based on the 2021 International Existing Building Code (IEBC) of the International Code Council (ICC).

SFM proposes to adopt the 2024 IEBC, the most recent edition of the model code, for codification and effectiveness into the 2025 edition of the CEBC. This action is to meet the requirements of Health and Safety Code (HSC) Section 18928 assuring adoption of the most recent edition of the model code within one year of its publication.

In addition, SFM brings forward existing amendments from the 2022 California Existing Building Code for inclusion into the 2025 California Existing Building Code without modification (not shown) and proposes new amendments shown in the rulemaking items below.

A statement of specific purpose, problem, rationale, and benefit for each item is as follows:

ITEM 1

**Chapter 1 SCOPE AND ADMINISTRATION,
DIVISION I CALIFORNIA ADMINISTRATION,
DIVISION II SCOPE AND ADMINISTRATION**

SFM proposes to adopt Sections 101.2.2, 101.5, 101.6, 102, 105.1, 105.2.1, 105.2.2, 105.3, 105.3.1, 105.6, 105.7, 106.4, 106.5, 107, 109.3.6, 109.3.7, 110, 111, 113, 114, 115, 116.1, of the 2024 IEBC Chapter 1 and bring forward existing California amendments in Chapter 1, Division I, Sections 1.1, and 1.11, from the 2022 CEBC for adoption into the 2025 CEBC with the following modifications.

ITEM 1-1

Section 1.1.1 Title

SFM proposes to update this section reflecting the adoption of the 2024 International

Existing Building Code (IEBC), the most recent edition of the model code.

Updating the edition of the model code referenced is required to meet the Building Standards Law regarding the adoption of the most recent edition of the model code within one year of the model code publication. This update will clarify the codes available for use in construction and maintain the most current building standards for the protection of public health and welfare in the built environment.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 1-1.1

Section 1.11.2.4 Request for alternative means of protection.

SFM proposes to modify the existing amendment to update the reference pointer to Title 19 due to the following action. Both the California Accidental Release Prevention and Hazardous Materials Business Plan programs are under the oversight of CalEPA (AB 148, Stats. 2021). These programs were previously under CalOES. CalEPA did a section 100 rulemaking earlier this year. The regulations for these two programs were previously in CCR Title 19, Division 2 (CalOES), but are now located in CCR Title 19, Division 5 (CalEPA). OAL approved the rulemaking on March 6, 2024, and the updates to Title 19 were also effective March 6, 2024.

No cost impact.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 1-2

Section 105.5.1 Expiration.

SFM proposes to coadopt existing BSC amendment in Section 105.5.1 to make it clear that the state law provisions cited in this section apply to all buildings and occupancies withing the state including those withing authority of the SFM.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 2

Chapter 2 DEFINITIONS

The SFM proposes to adopt selected definitions in Chapter 2 of the 2024 IEBC same as the previous Code Adoption Cycle.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 3

Chapter 3 PROVISIONS FOR ALL COMPLIANCE METHODS

SFM proposes to adopt 2024 IEBC Sections 301.1 – 301.3.2, 302, 307, 308, 309.2.1, and bring forward existing California amendments with the following modifications.

ITEM 3-1

Section 306.7.7 Elevators

SFM proposes to repeal existing amendment in Section 306.7.7 in coordination with HCD and DSA. Section 306 Accessibility for Existing Buildings is not adopted in California as it conflicts with existing requirements in CBC Chapters 11A and 11B and is not going to be printed in 2025 CEBC. DSA reported stakeholder's confusion with application of accessibility provisions in Section 306 versus existing California regulations in Chapter 11B.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 3-2

Section 308.1 Carbon monoxide detection

SFM continues to delete the model code Exceptions 1 through 3 and proposes to delete new Exception 4 (added in 2024 IEBC), as Section 308.1 points the code user to CFC or CRC which was the original intent to maintain fire and life safety requirements.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 4

Chapter 4 REPAIRS

SFM proposes to adopt 2024 IEBC Section 401.1, 401.1.1, 401.2, 402, 403, 404, 405.2.3.1, 406, 407.1, 408 and bring forward existing California amendments without modifications and propose new amendments as follows.

ITEM 4-1

Section 401.1 Scope

SFM proposes to remove references to Chapter 12 of 2024 IEBC to eliminate conflict with existing California regulations and to clarify that historic buildings and structures shall comply with Part 8, Title 24, C.C.R. Chapter 12, which addresses historic buildings in 2024 IEBC, is reserved from 2025 CEBC as the California Historical Building Code (Part 8 of Title 24) regulates historic buildings in California.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 5

Chapter 5 PRESCRIPTIVE COMPLIANCE METHOD

The SFM proposes to adopt 2024 IEBC Chapter 5 sections 501.1 through 501.3, 502.1, 502.1.2, 502.5, 503.1, 503.14, 503.15, 503.16, 503.16.1, 503.17, 503.19, 503.20, 504, 505 and 506.1, 506.1.1, 506.2, 506.3 and 506.4, bring forward existing amendments and propose the following new amendments.

ITEM 5-1

Section 502.5 Smoke barriers in Group R-2.1, 503.16 Group R-2.1 and 503.16.1 Smoke barriers in Group R-2.1

SFM proposes to make an editorial correction replacing Group I-1 with R-2.1 since Group I-1 is not used in California. This editorial correction is consistent with the other parts of Title 24.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 5-2

Withdrawn

CAC Recommendation:

Further Study Required under criteria #1.

Agency Response:

Withdrawn.

SFM has withdrawn this proposal and will adopt 2024 IEBC Section 505.4 Bars, grilles, covers or screens without amendment.

ITEM 6

Chapter 6 CLASSIFICATION OF WORK

SFM proposes to adopt Chapter 6 of the 2024 IEBC, bring forward existing amendments, and propose the following new amendments.

ITEM 6-1

Section 601.1 Scope

SFM proposes to continue removing references to historic structures and Chapter 12 of 2024 IEBC to eliminate conflict with existing California regulations. The model code language in this section changed slightly from the 2021 edition of IEBC, and the language proposed for deletion is the current 2024 IEBC language. There is no intended change in regulatory effect.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 7

Chapter 7 ALTERATIONS—LEVEL 1

SFM proposes to adopt Chapter 7 of the 2024 IEBC, bring forward existing amendments, and propose the following new amendments.

ITEM 7-1

Withdrawn

CAC Recommendation:

Further Study Required based on criteria #1.

Agency Response:

Withdrawn

SFM has withdrawn this proposal and will adopt 2024 IEBC Section 702.6 Bars, grilles, covers or screens without amendment.

ITEM 8

Chapter 8 ALTERATIONS—LEVEL 2

SFM proposes to adopt Chapter 8 of the 2024 IEBC and bring forward existing amendments.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 9

Chapter 9 ALTERATIONS—LEVEL 3

SFM proposes to adopt Chapter 9 of the 2024 IEBC, bring forward existing amendments, and propose the following new amendments.

ITEM 9-1

Section 902.2 Group R-2.1, 902.2.1 Smoke barriers in Group R-2.1

SFM proposes to make an editorial correction replacing Group I-1 with R-2.1 since Group I-1 is not used in California. This editorial correction is consistent with the other parts of Title 24.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 9-2

Section 904.1.8 Supervision and alarms.

Delete this section to eliminate possible conflicts with existing California laws and regulations in other parts of Title 24.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 10

Chapter 10 CHANGE OF OCCUPANCY

SFM proposes to adopt Chapter 10 of the 2024 IEBC, bring forward existing amendments, and propose the following new amendments.

ITEM 10-1

Section 1002.3 Change of occupancy in health care.

Delete this section to be consistent with the scoping limitations proposed in Chapter 6. The redaction proposed is consistent with the scoping outlined in Chapter 6, so this will increase usability and clarity for code users. There is no regulatory impact.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 10-2

Section 1011.5.1 Means of egress for change to a higher-hazard category

SFM proposes to make an editorial correction replacing Group I-1 with R-2.1 since Group I-1 is not used in California. This editorial correction is consistent with the other parts of Title 24.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 10-3

Section 1011.5.2 Means of egress for change of use to an equal or lower-hazard category

SFM proposes to make an editorial correction replacing Group I-1 with R-2.1 since Group I-1 is not used in California. This editorial correction is consistent with the other parts of Title 24.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 11

Chapter 11 ADDITIONS

SFM proposes to adopt Chapter 11 of the 2024 IEBC, bring forward existing amendments, and propose the following new amendments.

ITEM 11-1
Section 1101.5 Smoke Barriers in R-2.1

SFM proposes to make an editorial correction replacing Group I-1 with R-2.1 since Group I-1 is not used in California. This editorial correction is consistent with the other parts of Title 24.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 12
Chapter 12 HISTORIC BUILDINGS

SFM proposes NOT to adopt Chapter 12 of the 2024 IEBC.

Chapter 12 of 2024 IEBC is proposed to continue to be reserved from 2025 CEBC as Part 8 of Title 24 regulates qualified historical buildings and properties in California.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 13
Chapter 13 PERFORMANCE COMPLIANCE METHODS

SFM proposes NOT to adopt Chapter 13 of the 2024 IEBC and carry forward existing amendments.

SFM proposes to carry forward a note under the chapter title, adding a reference to Section 104.11 for consideration of alternate means of compliance and clarifying that Chapter 13 continues to be not adopted by the state of California and may be available for adoption by local ordinance.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 14
Chapter 14 RELOCATED OR MOVED BUILDINGS

SFM proposes NOT to adopt Chapter 14 of the 2024 IEBC

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 15

Chapter 15 CONSTRUCTION SAFEGUARDS

SFM proposes to adopt Chapter 15 of the 2024 IEBC into the 2025 CEBC, without amendment.

Chapter 15 adoption provides consistency with Chapter 33 of the California Building Code (CBC), which SFM also adopts.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 16

Chapter 16 REFERENCED STANDARDS

SFM proposes to adopt Chapter 16 of the 2024 IEBC, bring forward existing amendments, and propose the following new amendments.

**ITEM 16-1
NFPA 72**

SFM proposes to update with the most recent edition of the standard and proposes deletion of the referenced sections. Sections 803.2.6 and 803.4 have been amended during 2022 Intervening code adoption cycle and do not refer to NFPA 72 anymore.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 17

**Appendix A Guidelines for Seismic Retrofit of Existing Buildings,
Appendix B SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS FOR EXISTING
BUILDINGS AND FACILITIES;
Appendix C GUIDELINES FOR THE WIND RETROFIT OF EXISTING BUILDINGS:
Chapter C1 GABLE END RETROFIT FOR HIGH-WIND AREAS,
Chapter C2 ROOF DECK FASTENING FOR HIGH-WIND AREAS,**

**Chapter C3 REFERENCED STANDARDS;
Appendix D BOARD OF APPEALS;
Appendix E TEMPORARY EMERGENCY USES,
Resource A GUIDELINES ON FIRE RATINGS OF ARCHAIC MATERIALS AND
ASSEMBLIES**

SFM proposes NOT to adopt Appendices A, B, C, D, E, and Resource A of the 2024 IEBC.

CAC Recommendation:

Approve

Agency Response:

Accept

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS

Government Code Section 11346.2(b)(3) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).

There was no technical, theoretical, or empirical study, report, or similar documents used as the basis for the proposed adoption of 2024 IEBC with necessary amendments to become 2025 CEBC. Health and Safety Code Section 18928 mandates this proposed action.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS

Government Code Section 11346.2(b)(1) requires a statement of the reasons why an agency believes any mandates for specific technologies or equipment or prescriptive standards are required.

Health and Safety Code Section 18928 requires the adoption of 2024 IEBC, which contains prescriptive building standards, into the 2025 CEBC. Prescriptive standards provide the following: explicit guidance for certain mandated requirements; consistent application and enforcement of building standards while also establishing clear design parameters; and ensuring compliance with minimum health, safety, and welfare standards for owners, occupants, and guests. Performance standards are permitted by state law; however, they must be demonstrated to the satisfaction of the proper enforcing agency.

The proposed SFM amendments do not contain any mandates for specific technologies, equipment, or prescriptive standards beyond the existing requirements already contained within 2022 CEBC. The amendments are editorial to provide clarifications and eliminate conflicts with existing building standards.

CONSIDERATION OF REASONABLE ALTERNATIVES

Government Code Section 11346.2(b)(4)(A) requires a description of reasonable alternatives to the regulation and the agency's reasons for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific actions or procedures, the imposition of performance standards shall

be considered as an alternative. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.

SFM has not identified any reasonable alternatives, including less burdensome and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the statute.

SFM is required by statute to adopt model codes by reference in the California Building Standards Law (Health and Safety Code, Section 18901 et seq.). The proposed SFM amendments are editorial to provide clarifications and eliminate conflicts with existing building standards.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

Government Code Section 11346.2(b)(4)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business.

Adoption of the latest edition of the model code is mandated by HSC Section 18928. No alternatives were identified that would lessen any adverse impact on small businesses. Small businesses will not experience an adverse impact due to the proposed SFM amendments, which are editorial to provide clarifications and eliminate conflicts with existing building standards.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

Government Code Section 11346.2(b)(5)(A) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.

SFM has made an initial determination that this regulatory action would not have a significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

SFM is adopting the latest edition of the model code according to HSC Section 18928, making only minor amendments with no intended change in regulatory effect since these amendments are equivalent to current requirements in the Code.

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

Government Code Sections 11346.2(b)(2) and 11346.3(b)(1)

State fire Marshal has assessed whether and to what extent this proposal will affect the following:

- A. The creation or elimination of jobs within the State of California.**
This regulation will not affect the creation or elimination of jobs within the State of California.
- B. The creation of new businesses or the elimination of existing businesses within the State of California.**

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

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

This regulation will not affect the expansion of businesses currently doing business within the State of California.

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

These regulations will update and clarify minimum building standards and eliminate conflicts with existing building standards, which will provide clarity and regulatory consistency for the code user increasing the protection of public health and safety, worker safety, and the environment.

ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS

Government Code Section 11346.2(b)(5)(B)(i) states if a proposed regulation is a building standard, the initial statement of reasons shall include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates.

Because this proposal makes only non-substantive, clarifying changes to existing code language resulting in no intended change in regulatory effect, SFM estimates there will be no additional cost for the regulated community to comply with these building standards. The benefits of this proposal include clarifying code language and eliminating conflicts with existing building standards that will produce sensible and usable state-building standards that promote health and safety. SFM's assumption of no additional cost of compliance is based on the fact that the proposal preserves the existing status quo of the CEBC with no intended change in regulatory effect.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

Government Code Section 11346.2(b)(6) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment.

The proposed regulations do not duplicate or conflict with federal regulations.