

**FINAL STATEMENT OF REASONS  
FOR  
PROPOSED BUILDING STANDARDS  
OF THE  
OFFICE OF THE STATE FIRE MARSHAL (SFM)  
REGARDING MODIFICATIONS OF THE  
2010 CALIFORNIA REFERENCED STANDARDS CODE  
CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 12**

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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 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)

No data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying has been added to the rulemaking file that was not identified 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.

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

(Government Code Section 11346.9(a)(3)) [List a summary of EACH objection or recommendation regarding the specific adoption, amendment, or repeal proposed, and 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 actions or reasons for making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group]

The following is the SFM's summary of and response to comments specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the actions or reasons for making no change:

**COMMENTS RECEIVED DURING THE 45-DAY COMMENT PERIOD.**

Pursuant to the requirements of Government Code Section 11346.8 (c), and Section 44 of Title 1 of the California Code of Regulations, the California Building Standards Commission provided a notice of proposed adoption and modification of California Code of Regulations Title 24, Part 12 which were the subject of a Notice of Proposed Action (Register 2009, Volume No. 40-Z, notice File No. Z-2009-0922-27).

The text with the modifications clearly indicated, were made available to the public for a 45-day written public comment period from October 2, 2009 to November 16, 2009.

[SFM 12-7A-5]

**Name/Organization:** Rick Thornberry, PE, The Code Consortium, Inc.

**Comment:** The commenter has identified several editorial modifications correcting terms used in SFM 12-7A-5. The commenter has identified that the weathering provisions should be made prior to any such testing. Furthermore, the commenter has identified that the “peak heat released rate” is inappropriate for the ASTM or UL 723 test methods.

**Response:** The SFM agrees and made the following modifications as shown below and made available for comment during the 15-day comment period from November 25, 2009 to December 9, 2009:

**OSFM change to accommodate as follows:**

**12-7A-5.5 Equipment.** Equipment is to be in accordance with the tests ~~described~~ specified in Section 12-7A-5.9 Conduct of Tests.

**12-7A-5.6 Materials.** Materials used are to be in accordance with the tests ~~described~~ specified in Section 12-7A-5.9 Conduct of Tests.

**12-7A-5.7 Test ~~system~~specimen preparation.** The test ~~system~~specimen is to be prepared in accordance with the tests ~~described~~ specified in Section 12-7A-5.9 Conduct of Tests.

**12-7A-5.9 Conduct of tests.** When weathering is required by California Building Code Section 703A Standards of Quality, ~~ignition resistant~~the materials ~~are to be tested~~ shall be weathered in accordance with Section 12-7A-5.6 ~~Weathering~~ prior to testing in accordance with this Section, ~~and then~~ All materials shall be tested in accordance with the test procedures set forth in ASTM E 84 or UL 723 ~~when except that the test is shall be continued for an additional 20 minutes period, or an “extended” for a total test period of 30 minutes total period.~~

**12-7A-5.10 Report.** The report shall include a description of the tested material, whether weathering was conducted, and the time ~~and description of any degradation including but limited to: (peak heat release rate, structural failure, flaming drops or particles falling from the material)~~ during the test.

**12-7A-5.11 Conditions of acceptance:**

- 1. Flame spread.** Material shall exhibit a flame spread index not exceeding 25 and shall show no evidence of progressive combustion following the ~~extended~~ 30-minute test period.
- 2. Flame front.** Material shall exhibit a flame front that does not progress more than 10-1/2 feet (3200 mm) beyond the centerline of the burner at any time during the ~~extended~~ 30-minute test period.

**Rational for modification:** The revisions to Sections 12-7A-5.5, 5.6, and 5.7 are necessary since the tests indicated in Section 12-7A-5.9 are not described in that section. The section simply references the two test methods ASTM E 84 or UL 723 so the more appropriate term to use is “specified” since those tests must be utilized in order to conduct the tests for ignition-resistant materials. Section 12-7A-5.9 has been revised to clarify that materials required to be weathered are to be weathered prior to testing in accordance with this section. Then all other materials are required to be tested in accordance with this section. Also the correct section reference number has been indicated as Section 12-7A-5.8 instead of Section 12-7A-5.6. And the reference to the “extended” test period has been eliminated since it has no meaning. Instead, the additional 20 minutes is indicated as resulting in a total test period of 30 minutes since the test period in ASTM E84 and UL 723 is only for 10 minutes.

Section 12-7A-5.10 has been revised by deleting the reference to “peak heat release rate” which is not a degradation and, furthermore, is not measured in the ASTM E84 or UL 723 tests. This section has also been revised to indicate that in addition to the time of any degradation, a description of the degradation should also be included.

Section 12-7A-5.11 has been revised to also delete the reference to the word “extended” for the reasons given above for the revisions to Section 12-7A-5.9.

[SFM 12-10-2]

**Name/Organization:** Brandon Johnson, Western Sales Manager, FSB North America

**Comment:** Commenter states that since first adopted in 1995 manufacturers door levers for commercial projects in North America have been required to comply with section 12-10-200 (f) that states levers must return to within ½" of the face of the door. In the proposed 2010 California building and fire codes no mention of this requirement is made. Furthermore the commenter state that having no mention in the CBC or CFC that these provisions no longer apply.

**Response:** Modifications to remove such provisions are beyond the scope of this rulemaking cycle. The SFM has not repealed or removed door lever return requirements from the 2010 California Building Standards Codes Part 12. The standard is currently in effect. The SFM agrees that there is no reference made and will look to propose further modification in future rulemaking endeavors to correct the omission, however, the lack of such reference does not invalidate the requirement.

#### **COMMENTS RECEIVED DURING THE 15-DAY COMMENT PERIOD.**

Subsequent to the original public comment period, text with the modifications clearly indicated, was made available to the public for a 15-day public written comment period from November 25, 2009 to December 9, 2009.

**None.**

#### **DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS**

(Government Code Section 11346.9(a)(4))

The SFM has determined 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.

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

(Government Code Section 11346.9(a)(5))

No proposed alternatives were received by SFM.

#### **COMMENTS MADE BY THE OFFICE OF SMALL BUSINESS ADVOCATE**

(Government Code Section 11347.6) [List each comment by the Trade and Commerce Agency directed at the proposed regulation or at the procedures followed by the Agency in proposing or adopting the regulation, and a response to each comment, including the basis why a comment was rejected, if applicable.]

No comments were received from the Office of Small Business Advocate.

#### **COMMENTS MADE BY THE TRADE AND COMMERCE AGENCY**

(Government Code Section 11347.6) [List each comment by the Trade and Commerce Agency directed at the proposed regulation or at the procedures followed by the Agency in proposing or adopting the regulation, and a response to each comment, including the basis why a comment was rejected, if applicable.]

No comments were received from the Trade and Commerce Agency.