

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC)**

**REGARDING ADOPTION OF THE 2009 UNIFORM MECHANICAL CODE (UMC),
CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 4**

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 AND RATIONALE:

This proposed action by the CBSC adopts the most current edition of the UMC of the International Association of Plumbing and Mechanical Officials, (IAPMO). The adoption of the 2009 UMC will make applicable the most recent edition for use by individuals, businesses and state agencies as mandated by the Health & Safety Code (H&SC), Section 18928.

**CHAPTER 1 – *DIVISION I*
CALIFORNIA GENERAL CODE PROVISIONS**

Specific Purpose:

The BSC proposes to combine the model code Chapter 1, Administration with the state administration Chapter 1 to create a new Chapter 1 with two divisions. *Division I* would be for State regulated occupancies and *Division II* would be for the model code administrative provisions. This action is being proposed as a result of the California Building Standards Commissions Code Coordinating Council and stakeholder input regarding relocating the model code administration chapter from the *Appendix Chapter 1*, as currently shown in the 2007 California Mechanical Code, back to the front of the code book. Renumbering the state administration provisions will help to distinguish the separation between the state administration, *Division I* and the model code *Division II*, within Chapter 1 Administration.

SECTIONS 1.1 through 1.2

The BSC is proposing to maintain the existing California regulations contained in Sections *1.1* through *1.2* with modifications.

Rationale:

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for occupancies regulated by the Building Standards Commission and published as the 2010 California Mechanical Code Administrative Chapter 1, *Division I & II*.

SECTIONS 1.2.2, 1.2.3, 1.2.3.1 and 1.2.3.2

Specific Purpose:

The BSC is proposing to add new sections 1.2.2, 1.2.3, 1.2.3.1, and 1.2.3.2 for *Alternate Materials and Methods of Construction Equivalency, Alternate Materials, Design and Methods of Construction and Equipment, Research Reports and Tests*. These sections are being added to clarify the intent of these provisions to not prevent the use of systems, methods or devices of equivalency.

Rationale:

Due to the separation of state administrative provisions and the model code administrative provisions for local jurisdiction adoption, the BSC is proposing to clarify that the alternate materials and methods of construction equivalency are applicable to Division I for occupancies that are regulated by state agencies.

SECTION 1106.3.1

Specific Purpose:

The California Building Standards Commission has determined that new language addressing the access to refrigerants in air conditioners is needed to help protect against unauthorized access to refrigerants.

This amendment adds a new section to Chapter 11 to address the issue of access to lethal chemical Chlorofluorocarbons by persons of unauthorized use including children. This chemical is easily accessible by "huffing" which refers to the inhalation of Freon and other dangerous chemicals. There has been a significant increase in deaths over the past few years. This proposed amendment will add language to seal service valves, prevent excessive energy use due to refrigerant loss, illegal venting of refrigerant, prevent access to unauthorized persons and reduce potential liability for inhalation induced injury or death.

Rationale:

The proposed amendment is needed to decrease the accessibility of refrigerants in air conditioners in an important component in preventing inhalant abuse. The number of deaths due to "huffing" has drastically increased and by eliminating the source of refrigerant will protect the health and safety of the public. This has an immense positive impact on the health and safety of the public. It will reduce the number of deaths associated with inhalant abuse and the number of injuries associated with Freon accidents and leaks.

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

There were no formal studies or reports used as the bases for the proposed adoption of the Uniform Mechanical Code. The Health & Safety Code, Section 18928, mandates this proposed action.

CONSIDERATION OF REASONABLE ALTERNATIVES

There are no reasonable alternatives identified by the agency. The Health & Safety Code, Section 18928, mandates this proposed action.

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

No alternatives were identified to lessen the adverse impact on small businesses. The Health & Safety Code, Section 18928, mandates this proposed action.

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

No facts, evidence, documents, testimony, or other evidence of any significant adverse economic impact on business have been identified. The Health & Safety Code, Section 18928, mandates this proposed action.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

There are no federal regulations related to this proposed action. The Health & Safety Code, Section 18928, mandates this proposed action.