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Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

September 12, 2014

Michael Nearman, Deputy Executive Director
California Building Standards Commission
2525 Natomas Park Dr., Suite 130
Sacramento, CA 95833

Dear Mr. Nearman:

Enclosed are the California Building Standards Commission Face Sheet, [delegation order], and express terms amending Articles 1 and 2 of the 2013 California Building Standards Code, Part 1, Chapter 8 of Title 24, California Code of Regulations (CCR). These are changes without regulatory effect. The express terms address the following four provisions.

- 1) The amended language for the 2013 California Building Standards Code, Part 1, Chapter 8 of Title 24 of the CCR is justified because it meets criterion 6 of 1-421(c), which reads as follows:

6. Making a regulatory provision consistent with a changed California statute if both of the following conditions are met:

(A) The regulatory provision is inconsistent with and superseded by the changed statute, and

(B) The state adopting agency or state proposing agency has no discretion to adopt a change which differs in substance from the one chosen.

The heading is changed to reflect the correct name of the Department to the "California Department of Public Health." Under the directive of Senate Bill 162 (SB 162) statutes of 2006, the State Department of Health Services was renamed the State Department of Health Care Services. SB 162 also transferred certain programs from the State Department of Health Services to the State Department of Public Health. The programs responsible for articles 1 and 2 in Part 1, Chapter 8, Title 24 of the CCR are within the scope of the California Department of Public Health.

- 2) Amendment of the authority and reference citations for Articles 1 and 2 of the 2013 California Building Standards Code, Part 1, Chapter 8 of Title 24 of the CCR is a change without regulatory effect because it meets criterion 5 of 1-421(c) of the Regulations of the California Building Standards Commission, which reads as follows:

5. Changing an “authority” or “reference” citation for a regulation

The amendments of the authority and reference section of Articles 1 and 2 are necessary to reflect (1) the California Department of Public Health’s statutory authority to promulgate these regulations and (2) to clarify what statutes the regulations are clarifying.

- 3) The amended language of the 2013 California Building Standards Code, Part 1, Chapter 8, section 8-200 of Title 24 of the CCR is justified because it meets criterion 6 of 1-421(c), which reads as follows:

6. Making a regulatory provision consistent with a changed California statute if both of the following conditions are met:

(A) The regulatory provision is inconsistent with and superseded by the changed statute, and

(B) The state adopting agency or state proposing agency has no discretion to adopt a change which differs in substance from the one chosen.

The outdated word “retail food establishments” in the title of Article 2 and in the text of section 8-201 is replaced with the word “retail food facilities.” This word change is a result of SB 144, Statue 2006, and reflective of current statutory language included in the California Retail Food Code, Division 104 – Environmental Health, Part 7, California Retail Food Code, Chapter 1, General Provisions.

- 4) The amended language for the 2013 California Building Standards Code, Part 1, Chapter 8, section 8-201 of Title 24 of the CCR is justified because it meets criterion 6 of 1-421(c), which reads as follows:

6. Making a regulatory provision consistent with a changed California statute if both of the following conditions are met:

(A) The regulatory provision is inconsistent with and superseded by the changed statute, and

(B) The state adopting agency or state proposing agency has no discretion to adopt a change which differs in substance from the one chosen.

The outdated word "sanitarian" in section 8-201 is replaced with the currently accepted word "environmental health specialist." This word change is a result of the amendment of the California Health and Safety Code section 106600 in 1988 that states in part "use of the term 'sanitarian' or 'registered sanitarian' in statutes and regulations shall mean 'registered environmental health specialists.'"

Sincerely,



Ron Chapman, MD, MPH
Director & State Health Officer
California Department of Public Health