

**NOTICE OF PROPOSED ACTION
TO
BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC)
REGARDING THE AMENDMENT OF THE 2010 CALIFORNIA MECHANICAL CODE (CMC),
CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 4**

Notice is hereby given that the CBSC proposes to adopt, approve, codify, and publish changes to building standards contained in the CCR, Title 24, Part 4.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from April 22, 2011, until 5:00 PM on June 6, 2011. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5 (a) 17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Sections (H&SC) 18928 and 18934.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Section 18928 and 18928.1. CBSC is proposing this regulatory action based on Health and Safety Code Section (H&SC) 18928.

INFORMATIVE DIGEST

Summary of Existing Laws

Health & Safety Code Section 18928(b). Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee

Sets forth that each state agency adopting or proposing adoption of a model code, national standard, or specification shall adopt or propose adoption of the most recent edition of the model code, as amended or proposed to be amended by the adopting agency, within one (1) year after the date of publication of the model code, national standard, or specification.

Health & Safety Code Section 18928.1 Building standards; incorporation of model codes, applicable national specifications or published standards; publication agreement

Allows that agencies may propose for approval by the commission the text of model codes, applicable national specifications or published standards with appropriate additions or deletions therefrom.

Health & Safety Code Section 18934.5. Standards or administrative regulations for state buildings; adoption, approval, codification and publication

Sets forth that where no state agency has the authority to adopt building standards applicable to state buildings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings.

Summary of Existing Regulations

The 2010 California Mechanical Code is a part of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. It incorporates, by adoption, by the California Building Standards Commission, the 2009 Uniform Mechanical Code (UMC) of the International Association of Plumbing and Mechanical Officials (IAPMO) with amendments, including references to the latest national standards for heating, cooling and ventilating duct insulation, for state owned buildings & buildings constructed by the University of California and California State Universities.

Summary of Effect

This proposed action will make necessary amendments for state owned buildings and to all occupancies identified pursuant to Health and Safety Code 18938, 180 days after the publication, clarifying for the code user standards for heating, cooling and ventilating duct insulation in the 2010 CMC.

Comparable Federal Statute or Regulations

There are no comparable Federal Statutes or regulations related to the proposed action by CBSC.

Policy Statement Overview

This proposed amendment of the 2010 CMC, makes applicable to state owned building projects, or any person seeking a building permit at the local level, corrections to heating, cooling and ventilating duct insulation standards that were adopted in error with the adoption and amendment of the 2009 UMC.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

CBSC has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

CBSC has determined that the proposed regulatory action would impose a mandate on local agencies or school districts in that the codes apply to all occupancies throughout the state. However, the mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **None**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **None**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

Estimate: **None**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The CBSC has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

CBSC's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The CBSC has made an assessment of the proposed code changes and has determined that these changes do not require a report.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The CBSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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

The CBSC has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.**
These regulations will not effect the creation of or elimination of jobs within the State of California.
- The creation of new businesses or the elimination of existing businesses within the State of California.**
These regulations will not effect the creation of or the elimination of existing business within the State of California.
- The expansion of businesses currently doing business with the State of California.**
These regulations will not affect the expansion of businesses currently doing business within the State of California

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The CBSC has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The CBSC must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below.

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CBSC CONTACT PERSONS FOR THE PROPOSED CHANGES TO BUILDING STANDARDS

Procedural and administrative questions. General questions regarding procedural and administrative issues should be addressed to:

Jim McGowan, Deputy Executive Director, Jim.Mcgowan@dgs.ca.gov

Substantive and/or technical questions. Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Michael Nearman, Architectural Assoc. / Code Analyst, Michael.Nearman@dgs.ca.gov

**2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833**

**Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959**