

**NOTICE OF PROPOSED CHANGES
TO
BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT**

**REGARDING PROPOSED CHANGES TO
CALIFORNIA REFERENCED STANDARDS CODE & CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PARTS 12 & 5**

**REGARDING
EARTHQUAKE-ACTUATED AUTOMATIC GAS SHUTOFF DEVICES**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Division of the State Architect (DSA) proposes to adopt amendments to the 2010 California Referenced Standards Code and the California Plumbing Code and adopt, approve, codify, and publish building standards contained in the California Code of Regulations (CCR), Title 24, Parts 12 and 5.

PUBLIC COMMENT PERIOD

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

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: E. David 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

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these referenced and plumbing building standards on behalf of Division of the State Architect under the authority granted by Health and Safety Code Section 18928.

The purpose of these referenced standards is to implement, interpret, and make specific the provisions of Health and Safety Code 19180-19183. The Division of the State Architect is proposing this regulatory action based on Health and Safety Code Section 19182.

The purpose of these plumbing standards is to implement, interpret, and make specific the provisions of Education Code Section 17210 and 81142, and Health and Safety Code Section 16022. The Division of the State Architect is proposing this regulatory action based on Education code Sections 17280 -17317 and 81130-81147, and Health and Safety Code Sections 16000-16023.

INFORMATIVE DIGEST

Summary of Existing Laws:

Section 19182 of the Health and Safety Code authorize the State Architect to adopt standards governing earthquake sensitive gas shutoff devices for installation in buildings. These standards are to reasonably provide for convenient installation and maintenance of gas shutoff devices, as well as maintaining the safety of person occupying buildings equipped with such devices. The State Architect is to consider standards for such devices developed by American National Standards Committee and comments or suggestions from various public utilities.

Section 17280 of Education Code authorize the Department of General Services under the police power of the state to supervise the design and construction of any school building or the reconstruction or alteration of or addition to any school building, to ensure that plans and specifications comply with building standards published in Title 24 of the California Code of Regulations, and to ensure that the work of construction has been performed in accordance with the approved plans and specifications, for the protection of life and property.

Section 16000 of the Health and Safety Code is known as the Essential Services Buildings Seismic Safety Act of 1986. Essential services buildings, are capable of providing essential services to the public after a disaster, and are to be designed and constructed to minimize fire hazards and to resist, the forces generated by earthquakes, gravity, and winds.

Summary of Existing Regulations:

Existing regulations in Part 12 reference Chapter 16 of the *California Building Code* and Chapter 12 of the *California Plumbing Code*. Existing provisions also reference ASCE Standard 25-97.

Existing Standard, Earthquake-Actuated Automatic Gas Shutoff Devices (ASCE 25-97), provided minimum functionality requirements for earthquake-actuated automatic gas shutoff devices and systems meant to include mechanical devices consisting of a sensing means and a means to shut off the flow of gaseous fuels. It basically applies to single-family or multi-family structures of three stories or less. The seismic performance requirements established by this Standard are based upon data from recent earthquakes, primarily in southern California. This existing regulation is dated.

Summary of Effect

The effect of this proposed action amends Part 12, Section 12-16-101; repeals out-dated ASCE Standard 25-97; and adopt the up-dated current revision of ANSI/ASCE/SEI Standard 25-06.

ANSI/ASCE/SEI Standard 25-06 provides current minimum functionality requirements for earthquake-actuated automatic gas shut-off devices and systems. This Standard, a thorough revision of ASCE Standard 25-97, is applicable only to devices carrying gaseous fuels, such as natural gas and propane. The seismic performance requirements established by this new edition are based upon dynamic testing of current devices and in-depth examination of data on ground motions, structural damage, fire initiation, and actuation of existing earthquake shutoff devices.

Standard ANSI/ASCE/SEI 25-06 represents a basic standard for the construction, installation, inspection, and performance of earthquake-actuated automatic gas shutoff devices. An earthquake-actuated device in this standard is a device that directly senses the ground shaking through its sensing means and then at certain levels of the ground motion actuates the gas shutoff means. The standard provides minimum requirements and is designed to allow compliance of earthquake-automated gas shutoff devices that exceed the various provisions specified. This standard is up to date.

The effect of this proposed action replaces "Chapter 12-16-1" with 'Chapter 12-12', which reflects the correct chapter number of the 2010 *California Plumbing Code*, Chapter 12; replaces "Standard 12-16-1" with '12-12-1', which reflects the correct section number of the 2010 *California Plumbing Code*, Chapter 12; amends the title of the Standard to read "CALIFORNIA STANDARDS FOR EARTHQUAKE-ACTUATED GAS SHUTOFF VALVES", which reflects the title of the correct provision in the 2010 *California Plumbing Code*, Chapter 12, Section 1211.18 (Earthquake-Actuated Gas Shutoff Valves);

repeals the reference to “Chapter 16, *California Building Code* and” because the provision no longer exist in Chapter 16 of the *California Building Code*; replaces “Sec. 12-16-101” with ‘12-12-101’, which reflects the correct section number of the *California Plumbing Code*, Chapter 12; and replaces ‘ASCE 25-97 (Copyright 1998...)’ with “ANSI/ASCE/SEI 25-06 (Copyright 2008...)”, which reflects the correct new updated Standard. The effect of this proposal also renumbers Sec. 12-16-101.1 to read Sec. 12-12-101.1. A related code change would also be made in the *California Plumbing Code* Section 1211.18, which would correct the cross reference to 12-16-1 to read 12-12-1.

Another related code change would be made to CCR, Title 21, Chapter 1, Subchapter 5, Section 1371 which would correct the cross reference to ‘S.B. Standard No. 12-16-1’ to read “California Referenced Standards Code (CRSC), Standard 12-12-1”, this correction would also be made in Sections 1372, 1379, and 1381. Code changes proposed to CCR, Title 21 would be submitted to the Office of Administrative Law.

The effect of this proposed action is necessary because the provision in Chapter 16 of the *California Building Code*, no longer exists. The only provision with a cross reference to this Standard is in the *California Plumbing Code*, Chapter 12, Section 1211.18 (Earthquake-Actuated Gas Shutoff Valves, which will be accurately reflected by this code change.

Comparable Federal Statutes or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain Standard ANSI/ASCE/SEI 25 for Earthquake-Actuated Automatic Gas Shutoff Devices (most recent edition) as the applicable standard used by the Division of the State Architect for the certification of these devices in conformance with current state law. ASCE Standards provide technical guidelines for promoting safety, reliability, productivity and efficiency across all areas of civil engineering.

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

The Division of the State Architect has determined that there are no other matters prescribed by statute applicable to DSA or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Health and Safety Code 19181 provides that the governing body of any city, county, or city and county may enact an ordinance requiring the installation of earthquake sensitive gas shutoff devices in buildings open to the public. Any ordinance adopted must conform to standards adopted by the State Architect.

ESTIMATE OF COST OR SAVINGS

- A. Cost or savings to any state agency: **No**
- B. Cost to any local agency required to be reimbursed under Part 7 of Division 4: **No**
- C. Cost to any school district required to be reimbursed under Part 7 of Division 4: **No**
- D. Other nondiscretionary cost or savings imposed on local agencies: **No**
- E. Cost or savings in federal funding to the state: **No**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The Division of the State Architect 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.

Health and Safety Code 19183 provides that manufacturers of earthquake sensitive gas shutoff devices or other devices required by an ordinance must first obtain certification that the device meets the standards established pursuant to Health and Safety Code 19182.

DECLARATION OF EVIDENCE

The Division of the State Architect 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 over and above the Initial Statement of Reasons.

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

Health and Safety Code Section 19180 provides that the Legislature finds and declares that:

- It is generally accepted that various areas of the state will experience moderate and severe earthquakes in the foreseeable future.
- A serious threat to life and property resulting from these earthquakes is the threat of fire resulting from earthquake damage.
- In order to mitigate, as much as possible, the effects of a major earthquake, including fire resulting from an earthquake, local governments should be authorized to adopt ordinances requiring installation of earthquake sensitive gas shutoff devices in buildings.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

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

The Division of the State Architect 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 up date existing out-date regulations (ASCE 25-97) to the most recent Standard (ANSI/ASCE/SEI 25-06) regarding 'Earthquake-Actuated Gas Shutoff Devices', which would not result in jobs and business expansion, elimination or creation.
- **The creation of new businesses or the elimination of existing businesses within the State of California.**
These regulations up date existing out-date regulations (ASCE 25-97) to the most recent Standard (ANSI/ASCE/SEI 25-06) regarding 'Earthquake-Actuated Gas Shutoff Devices', which would not result in creation of new businesses or the elimination of existing businesses within the State of California.
- **The expansion of businesses currently doing business with the State of California.**
These regulations up date existing out-date regulations (ASCE 25-97) to the most recent Standard (ANSI/ASCE/SEI 25-06) regarding 'Earthquake-Actuated Gas Shutoff Devices', which would not result in expansion of businesses currently doing business with the State of California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The Division of the State Architect has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The Division of the State Architect 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 persons 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 persons named below.

CBSC CONTACT PERSONS

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

_____ **@dgs.ca.gov**

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

Jane Taylor, Senior Architect
jane.taylor@dgs.ca.gov
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

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

Richard Conrad

Ph. (916) 324-7180

richard.conrad@dgs.ca.gov

Division of the State Architect
1102 Q Street, Suite 5200
Sacramento, CA 95811
DSA Facsimile No: (916) 327-3371