

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF THE STATE FIRE MARSHAL
REGARDING THE 2013 CALIFORNIA RESIDENTIAL CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2.5
2013 INTERIM RULEMAKING CYCLE**

The Administrative Procedure Act requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE

(Government Code Section 11346.2)

The specific purpose of this rulemaking effort by the Office of the State Fire Marshal (SFM) is to act in accordance with Health and Safety Code section 18928, which requires all proposed regulations to specifically comply with this section in regards to the adoption by reference with amendments to a model code within one year after its publication.

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 the prevention of fire and for the protection of life and property against fire and panic in occupancies addressed in the 2012 International Residential Code and published as the 2013 California Residential Code.

The general purpose of this proposed action is principally intended to update the 2013 California Residential Code (California Code of Regulations, Title 24, Part 2.5) based upon updated information or recent actions of the SFM. This proposed action:

- Repeal certain amendments to the 2012 International Residential Code and/or California Building Standards not addressed by the model code that are no longer necessary nor justified pursuant with Health and Safety Code 18930(a)(7).
 - Adopt and implement additional necessary amendments to the 2013 California Residential Code that address inadequacies of the 2012 International Residential Code as they pertain to California laws.
 - Codify non-substantive editorial and formatting amendments to the 2013 California Residential Code.
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The specific purpose and rationale of each adoption, amendment, or repeal is as follows:

[Item 1. Clarification and coordination of residential fire sprinkler backflow requirements of the model code.]**Sections:****R313.3.1****R313.3.1.1****R313.3.1.2****R313.3.3.1.1****R313.3.5.3****R313.3.5.3.1****R313.3.8.1**

Reason: The proposed revision clarifies the code by coordinating the requirements in Sections R313.3.1 with R313.3.5.3. The allowance to omit backflow protection for certain stand-alone systems currently permitted by Section R313.3.1 was not previously correlated with Section R313.3.5.3, which has caused confusion in applying the code. The proposed text further improves usability of the code by placing a complete backflow preventer exception in the proposed Section R313.3.5.3 rather than the current approach, which covers multipurpose systems in Section R313.3.5.3 and standalone systems in Section P2904.1.

The proposed revision also makes it clear that the permissible exception to backflow protection applies to systems installed to either Section R313 or NFPA 13D, and it corrects an oversight in the current code text related to fire department connections, making it clear that backflow protection may not be omitted on any system, stand-alone or multipurpose, that is provided with a fire department connection. Although fire department connections aren't required by Section R313 and aren't ordinarily installed on home fire sprinkler systems, the possibility that such a connection might be voluntarily provided must be addressed.

Additional modifications to Sections correct Section reference numbering.

[Item 2. Clarification and coordination of residential fire sprinkler systems, antifreeze and NFPA 13D.]**Amendments to NFPA 13D in Chapter 44**

Rationale: The SFM proposed to correct the Matrix Table by removing the reference to NFPA 92a-12 which is no longer adopted by the SFM or produced by NFPA and it has been incorporated into NFPA 92-12. The adoption of NFPA 502 as proposed in section 429 (Item 5 above) is reflected in the Matrix Table and the Referenced Standards Chapter of the Code.

The SFM further proposes to align the California Building Standards Codes with the most recent NFPA 13 Standards (2013 edition) and repeal existing modifications. At the National Fire Protection Association (NFPA) Standards Council meeting August 2013, a final decision was made to issue the tentative interim agreement (TIA) 13-1, TIA Log #1067, on NFPA 13D 2013 edition, respectively to address to the use of antifreeze solutions within all NFPA 13D applications (One- and Two-Family Dwellings). This information is available for review on the NFPA website at <http://www.nfpa.org/antifreeze>. These existing SFM modifications are no longer necessary as a result in the approval and ratification of TIA 13-1 made to the 2013 edition of NFPA 13.

Additional editorial modifications are proposed the correct section references and the edition of the California NFPA 25 standard.

[Item 3. Correlation of regulations regarding smoke alarms and statutory changes made by SB 1394 (2012) and SB 745 (2013)]**Sections:****R314.3****R314.3.2****R314.3.3****R314.3.3**

Rationale: The SFM proposes to correct provisions relating to smoke alarms in accordance with revisions made to Health and Safety Code 13113.7, 13113.8 and 13114 after the initial rulemaking for the 2013 California Building Standards Code (Senate Bill 1394 (2012) and Senate Bill 745 (2013)). The legislative revisions to the statute make

these amendments no longer necessary, furthermore these regulations conflict with both the intent of the statute and California Code of Regulations Title 19, Division I.

[Item 4 Clarification and editorial modifications for photovoltaic solar systems.]

R331.1 through R331.3

Rationale: The OSFM is proposing the above modifications based on proposals (F62-13) approved for the 2015 IFC Section 605.11 that is also in Section 3111 of the California Building Code. These modifications are primarily editorial and provide additional clarification. The following is the rationale by the original proponent that proposed the modifications. This code proposal has been heard and accepted by the ICC Fire Code Committee at the ICC Code Hearings held April-May, 2013 in Dallas, TX. Final Action of these modifications was approved in October 2013, in Atlantic City, NJ. The SFM is bringing these proposals forward in part to further implement the State's Renewable Portfolio Standard (RPS) and provide necessary tools for enforcement officials, building owners, manufacturers and the construction industry.

The following is the Rationale for support of the proposed modifications:

Original proponent's reason: This proposal is submitted by the ICC Fire Code Action Committee (FCAC). This ICC committee was established by the ICC Board of Directors to pursue opportunities to improve and enhance assigned International Codes or portions thereof. This includes both the technical aspects of the codes as well as the code content in terms of scope and application of referenced standards. Since its inception in July, 2011, the Fire-CAC has held 6 open meetings and numerous Regional Work Group and Task Group meetings and conference calls which included members of the committees as well as any interested party to discuss and debate the proposed changes. Related documentation and reports are posted on the FAC website at: <http://www.iccsafe.org/cs/CAC/Pages/default.aspx>.

This proposal is primarily an editorial clarification to Section 605.11.3. There is only one section which contains new text, it is Section 605.11.3.2.1. The sections and their revisions are noted below:

605.11 Exc: This exception eliminates all requirements for solar PV systems located on Group U structures. This exception inadvertently eliminates the requirements for listing of components, marking and location of disconnects. This exception is relocated to Section 605.11.3 so that it only eliminates the requirements for access and pathways which will then retain the listing and marking requirements.

605.11.3 Exc 1: This exception is actually a requirement; it is not an exception. Therefore, the exception is deleted and the text has been relocated to Section 605.11.3.2.1.

605.11.3 Exc 2: This is an exception based on the need for the ability to vertically ventilate smoke through the roof. Section 605.11.3.2.5 (renumbered from 605.11.3.2.4) deals with smoke ventilation. The exception is intended to apply to a specific set of requirements regarding smoke ventilation. If the exception is left in this section, it exempts these systems from all of the requirements in this entire section. Therefore this exception has been relocated to Section 605.11.3.2.5.

605.11.3.2: The title of this section is revised to correlate with the text of the section. The text only applies to one- and two-family dwellings so the term "residential" is removed from the title.

Also, the section is revised by deleting the reference to 'access' since the subsections deal with more than access, and additional access requirements are found in 605.11.3.1.

605.11.3.2.1: This section originates from 605.11.3 Exception 1. It is relocated to the section which applies to dwellings and is inserted as a requirement.

Additionally, the 2nd sentence is added as a new requirement. The current requirements limit the size of each PV array but provide no guidance as to the required separation between multiple PV arrays. This requirement fills that void by requiring a 3 foot separation between PV arrays. The 3 foot distance is the same spacing requirement found around PV arrays to the edge of roof or to the ridge of the roof, and provides for access around the arrays.

605.11.3.2.2: Renumbered from 605.11.3.2.1. The text is revised to correlate with the previous sections regarding one- and two-family dwellings.

605.11.3.2.3: Renumbered from 605.11.3.2.2. The text is revised to correlate with the previous sections regarding one- and two-family dwellings.

605.11.3.2.4: Renumbered from 605.11.3.2.3. The text is revised to correlate with the previous sections regarding one- and two-family dwellings.

605.11.3.2.5: Renumbered from 605.11.3.2.4. The text is revised to correlate with the previous sections regarding one- and two-family dwellings.

Additionally, the exception is added which was previously located in Section 605.11.3. This exception is based on the need for the ability to vertically ventilate smoke through the roof, and Section 605.11.3.2.5 deals with smoke ventilation.

605.11.3.3: The text is revised to correlate with the previous revisions regarding one- and two-family dwellings.

605.11.3.3.1: This exception is reworded into an actual exception which states that the required clearance is allowed

to be reduced to 4', rather than requiring a clearance of 4'.

605.11.1 The language in these sections relate to the installation of the electrical system for photovoltaic systems. They do not belong in the fire code. The language in this section is similar to that of the NEC. They are already included in the National Electrical Code (NEC), NFPA 70 Article 690.31. The NEC is already referenced in Chapter 27 of the IBC. It states "Electrical components, equipment and systems shall be designed and constructed in accordance with the provisions of NFPA 70". Section 102.4 of the IFC states that the design and construction of buildings shall comply with the IBC. Therefore, the requirements are duplicative and are not needed in the IFC. By having similar requirements in two different codes, there is a great potential for conflicts.

Final Action Hearing modifications

This proposal is submitted by the ICC Fire Code Action Committee (FCAC). This ICC committee was established by the ICC Board of Directors to pursue opportunities to improve and enhance assigned International Codes or portions thereof. This includes both the technical aspects of the codes as well as the code content in terms of scope and application of referenced standards. Since its inception in July, 2011, the Fire-CAC has held 6 open meetings and numerous Regional Work Group and Task Group meetings and conference calls which included members of the committees as well as any interested party to discuss and debate the proposed changes. Related documentation and reports are posted on the FAC website at: <http://www.iccsafe.org/cs/CAC/Pages/default.aspx>.

Proposals F62-13, F64-13, F69-13, F72-13, F73-13, F74-13 and RM96-13 all made revisions to Section 605.11 requirements for solar photovoltaic power systems. Most of the revisions accepted by the committee worked well together, with a few exceptions that need coordination/clarification.

This public comment to F62-13 shows what Section 605.11 will look like if all of the approved proposals are adopted. The changes included in this proposal accomplish the following:

1. Editorially show the new numbering system that results from F94-13 deleting Sections 905.11.1 through 905.11.2. (Note - ICC staff ultimately decide the numbering system to be used)
2. In new Section 605.11.1, proposal F62-13 removed what is shown as exception 2, but this section was modified by F69-13. This exception was retained.
3. In new Section 605.11.1.2 the exception was added by proposal RM96-13.
4. In new Section 605.11.1.3 both F62-13 and F72-13 (as modified) added wording which resulted in the title of the section reading "Other than one- and two-family dwellings Group R-3 buildings". This title was revised to only include "Group R-3 buildings". In addition the text in this section was editorially revised to clarify that it applies to buildings, other than those containing Group R-3 occupancies. In addition references to "one- and two-family dwellings" was changed to "Group R-3 buildings" in Sections 605.11.1.2.2 , 605.11.1.2.3, 605.11.1.2.4 and 605.11.1.2.5 for consistency.
5. New Section 605.11.2 deleted referenced to previous Section 605.11.2 since this section was deleted by proposal F64-13.

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

(Government Code Section 11346.2(b)(2))

The SFM did not rely on any technical, theoretical, and empirical study, report, or similar documents outside of those contained in this rulemaking in proposing that CBSC adopt said model code as a reference standard for the placement of existing SFM regulatory amendments for the California Building Standards Codes.

CONSIDERATION OF REASONABLE ALTERNATIVES

(Government Code Section 11346.2(b)(3)(A))

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 as and less burdensome to affected private persons than the proposed adoption by reference with SFM amendments. Therefore, there are no alternatives available to the SFM regarding the proposed adoption and amendment of this code.

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

(Government Code Section 11346.2(b)(3)(B))

The SFM has determined that no alternative available would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective as and less burdensome to affected private persons than the proposed adoption by reference with SFM amendments. Therefore, no alternatives have been identified or that have otherwise

been identified and brought to the attention of the SFM that would lessen any adverse impact on small business.

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

(Government Code Section 11346.2(B)(4))

The SFM has made a determination that this proposed action will not have a significant adverse economic impact on business. Health and Safety Code Section 18928 requires the SFM, when proposing the adoption of a model code, national standard, or specification shall reference the most recent edition of the applicable model code, national standard, or specification. Therefore, there are no other facts, evidence, documents, testimony, or other evidence on which the SFM relies to support this rulemaking.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

(Government Code Section 113465.2(b)(5))

The SFM has determined that this proposed rulemaking action does not unnecessary duplicate or conflict with federal regulations contained in the Code of Federal Regulations that address the same issues as this proposed rulemaking.
