

**FINAL STATEMENT OF REASONS
FOR
PROPOSED AMENDMENTS
OF THE
DIVISION OF THE STATE ARCHITECT – ACCESS COMPLIANCE**

**REGARDING THE ADOPTION BY REFERENCE OF THE
2006 EDITION OF THE INTERNATIONAL FIRE CODE
INTO THE CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 9**

UPDATES TO THE INITIAL STATEMENT OF REASONS: None – Any updates to the initial statement of reasons are included in DSA/AC change to accommodate public comments.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS: The DSA/AC has determined that the following proposed regulatory actions would not impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATIONS

Name: David F. Thorman, AIA, State Architect

Comment: General. DSA/AC proposes to update the model code language where required throughout this document to match the current published 2006 International Building Code language.

Reason: Model code language shown in this document was based on draft language made available to the State of California by the International Code Council. The final published model code language contains minor revisions or updates in various locations.

DSA/AC Change to Accommodate: The DSA/AC further amends this item as proposed. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: David F. Thorman, AIA, State Architect

Comment: Application. DSA/AC proposes to remove the general application statement, “for applications listed in Section 109.1 regulated by the Division of the State Architect/Access Compliance”, and replace with the DSA/AC acronym, “[For DSA/AC]”, where required throughout this document.

Reason: This change is required for consistency with the Building Standards Commission format.

DSA/AC Change to Accommodate: The DSA/AC further amends this item as proposed. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Richard Skaff, Designing Accessible Communities

Comment: General. We believe that the State of California and specifically the State Fire Marshal have not taken the appropriate measures including researching possible effective means of egress from buildings for people with disabilities. We believe that to support these provisions will allow this failure to continue.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment. The comment lacks specificity in identifying the adoption, amendment, or repeal of regulation that is being proposed. DSA/AC will take the concerns expressed in this comment regarding effective means of egress from buildings for people with disabilities under consideration in the development of future rulemaking packages.

Name: Richard Skaff, Susan Chandler, Connie Arnold, Marta Russell, Kathleen Berman, Noel Neudeck, HolLyn D’Lil, Laura Williams

Comment: 202 Accessible Means of Egress.

202 Area of Refuge

Oppose – We believe that the State of California and specifically the State Fire Marshal have not taken the appropriate measures including researching possible effective means of egress from buildings for people with disabilities. We believe that to support these provisions will allow this failure to protect the lives of persons with disabilities to continue. CBSC Criteria - #4, 5

CDR STRONGLY OPPOSES the continuation of policies and procedures that cost the lives and safety of Californians with disabilities. We believe that the State of California and specifically the State Fire Marshal have not taken the appropriate measures including researching possible effective means of egress from buildings for people with disabilities. We believe that to support these provisions will allow this failure to continue.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment. The comment lacks specificity in identifying the adoption, amendment, or repeal of regulation that is being proposed. DSA/AC will take the concerns expressed in this comment regarding effective means of egress from buildings for people with disabilities under consideration in the development of future rulemaking packages.

Name: Laura Williams, Californians for Disability Rights

Comment: 907.4.2 Height. CDR asks for clarity re alarm boxes meeting existing “operating mechanism” requirements regarding “no grasping, pinching or twisting to operate”.

DSA/AC Change to Accommodate: No change required. The proposed new language includes a reference to Chapter 11B, Section 1117B.6 Item 4 of the California Building Code where the accessibility requirements for controls and operating mechanisms are located. Item 4 indicates, “Controls and operating mechanisms shall be operable with one hand and shall not require tight grasping, pinching or twisting of the wrist.”

Name: Gene Lozano, Jr, California Council of the Blind

Comment: 907.4.2 Height. Support – this height requirement will ensure that manual fire alarm box levers will be within the reach range of wheel chair users. Also, installers of these boxes will know the appropriate mounting height. We agree with the reference to Section 1117B.6 item 4 to ensure that persons with limited finger/hand dexterity can operate the manual fire box lever. Criteria #3.

DSA/AC Change to Accommodate: Supporting comment; no additional changes are proposed.

Name: Sharon Toji, Access Communications

Comment: 907.10.1.5 Group I-1, R-3.1 and R-4. (Editorial Only) Protective social care facilities which house persons ~~which~~ who are hearing impaired, . . .

Reason: “which” is for objects, not persons

DSA/AC Change to Accommodate: The DSA/AC concurs with this comment and proposes to further amend this item.

907.9.1.5 Group I-1, R-3.1 and R-4. *Protective social care facilities which house persons ~~which~~ who are hearing impaired, shall be provided with notification appliances for the hearing impaired installed in accordance with NFPA 72 and which shall activate upon initiation of the fire alarm system or the smoke alarms.*

See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Richard Skaff, Susan Chandler, Connie Arnold, Marta Russell, Kathleen Berman, Noel Neudeck, HolLyn D'Lil, Laura Williams

Comment: 1002.1 Accessible Means of Egress.

1002.1 Area of Refuge

Oppose – We believe that the State of California and specifically the State Fire Marshal have not taken the appropriate measures including researching possible effective means of egress from buildings for people with disabilities. We believe that to support these provisions will allow this failure to protect the lives of persons with disabilities to continue. CBSC Criteria - #4, 5

CDR STRONGLY OPPOSES the continuation of policies and procedures that cost the lives and safety of Californians with disabilities. We believe that the State of California and specifically the State Fire Marshal have not taken the appropriate measures including researching possible effective means of egress from buildings for people with disabilities. We believe that to support these provisions will allow this failure to continue.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment. The comment lacks specificity in identifying the adoption, amendment, or repeal of regulation that is being proposed. DSA/AC will take the concerns expressed in this comment regarding effective means of egress from buildings for people with disabilities under consideration in the development of future rulemaking packages.

Name: Richard Skaff, Susan Chandler, Connie Arnold, Marta Russell, Kathleen Berman, Noel Neudeck, Hollyn D'Lil

Comment: 1003.1 Applicability
1003.5 Elevation change
1007.1 Accessible means of egress required
1007.2 Continuity and components
1007.3 Exit stairways
1007.6 Areas of refuge
1007.6.1 Size
1007.6.2 Separation
1007.6.3 Two-way communication
1007.7 Signage
1007.8 Exterior area for assisted rescue
1007.8.1 Openness
1007.8.2 Exterior exit stairway
1007.8.3 Identification
1007.9 Alarms/emergency warning systems/accessibility

Oppose – We believe that the State of California and specifically the State Fire Marshal have not taken the appropriate measures including researching possible effective means of egress from buildings for people with disabilities. We believe that to support these provisions will allow this failure to protect the lives of persons with disabilities to continue.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment. The comment lacks specificity in identifying the adoption, amendment, or repeal of regulation that is being proposed. DSA/AC will take the concerns expressed in this comment regarding effective means of egress from buildings for people with disabilities under consideration in the development of future rulemaking packages.

Name: Laura Williams, Californians for Disability Rights

Comment: 1007.1 Accessible means of egress required
1007.2 Continuity and components
1007.3 Exit stairways
1007.6 Areas of refuge
1007.6.1 Size
1007.6.2 Separation
1007.6.3 Two-way Communication
1007.8 Exterior area for assisted rescue
1008.1.8.6 Delayed egress locks

CDR STRONGLY OPPOSES the use of “Areas of Refuge”, as in practice they may be places to die.
CDR STRONGLY OPPOSES the continuation of policies and procedures that cost the lives and safety of Californians with disabilities. We believe that the State of California and specifically the State Fire Marshal have not taken the appropriate measures including researching possible effective means of egress from buildings for people with disabilities. We believe that to support these provisions will allow this failure to continue.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment. The comment lacks specificity in identifying the adoption, amendment, or repeal of regulation that is being proposed. DSA/AC will take the concerns expressed in this comment regarding the use of areas of refuge and effective means of egress from buildings for people with disabilities under consideration in the development of future rulemaking packages.

Name: Laura Williams, Californians for Disability Rights

Comment: 1003.5 Elevation change

CDR STRONGLY OPPOSES any standard that presupposes that a ramp is a special accommodation and a step or stair is standard. A ramp serves every Californian in the process of negotiating a change of level. A step or stair can only serve some Californians and in its very design is discriminatory.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment. The comment lacks specificity in identifying the adoption, amendment, or repeal of regulation that is being proposed. DSA/AC will take the concerns expressed in this comment under consideration in the development of future rulemaking packages.

Name: Richard Skaff, Susan Chandler, Connie Arnold, Marta Russell, Kathleen Berman, Noel Neudeck, HolLyn D'Lil

Comment: 1008.1.8.6 Delayed egress locks.

Oppose – Individuals who are blind/low-visioned have not been educated to understand this relatively new security system.

We believe that the State of California and specifically the State Fire Marshal have not taken the appropriate measures including researching possible effective means of egress from buildings for people with disabilities. We believe that to support these provisions will allow this failure to protect the lives of persons with disabilities to continue. CBSC Criteria - #4, 5

DSA/AC Change to Accommodate: No new code change is proposed to address this comment. The comment lacks specificity in identifying the adoption, amendment, or repeal of regulation that is being proposed. DSA/AC will take the concerns expressed in this comment regarding effective means of egress from buildings for people with disabilities under consideration in the development of future rulemaking packages.

COMMENTS MADE BY THE OFFICE OF SMALL BUSINESS ADVOCATE (GC§ 11347.6)

The DSA/AC has not received comments from the Office of Small Business Advocate.

COMMENTS MADE BY THE TRADE AND COMMERCE AGENCY (GC§ 11347.6)

The DSA/AC has not received comments from the Trade and Commerce Agency.

STATEMENT CONFIRMING COMPLIANCE WITH GOV 11346.7.1

The DSA/AC has complied with requirements in making all documents in this rulemaking available to the public. All public Notices are posted on the CBSC website at: <http://www.bsc.ca.gov>, see 2006 Annual Code Adoption Cycle.

The 45-day Notice of written comment periods from:

- Sep 01 – Oct 16, 2006 addressing Parts 1 (CAC), 2 CBC (IBC & DOJ), 9 (CFC) and 12 (CRSC) and
- Sep 08 – Oct 23, 2006 addressing Parts 3 (CEC), 4 (CMC) and 5 (CPC)

were both mailed on Sep 06, 2006 to every person who filed a request for notice of regulatory actions with DSA/AC.

The 15-day Notice of written comment period from:

- Oct 26 – Nov 09, 2006 regarding Parts 2 CBC (IBC & DOJ), 3 (CEC), (CPC) and 9 (CFC)

was mailed on Oct 25, 2006 to every person who filed a request for notice of regulatory actions with DSA/AC.