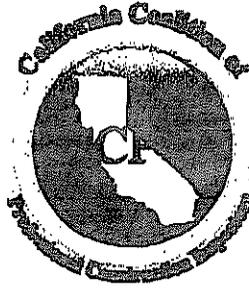


DSA Part 1  
D.Williams 4-332\_5



**To:** State of California – State & Consumer Services Agency  
California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Fax: 916/263-0959

**From:** Don Williams

**Date:** November 16, 2009

**Subject:** Participation Comments for the Notice dated October 2, 2009

**Comments:** Please find attached my written comments.  
If you have questions, please contact me at 559/706-2965.

Thank you,  
Don Williams  
Legislative Affairs, CCPCI

DSA Part 1  
D. Williams 4-342



**To:** State of California – State & Consumer Services Agency  
California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Fax: 916/263-0959

**From:** Don Williams

**Date:** November 16, 2009

**Subject:** Participation Comments for the Notice dated October 2, 2009

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Don Williams  
Legislative Affairs, CCPCI

STATE OF CALIFORNIA  
STATE AND CONSUMER SERVICES AGENCY  
CALIFORNIA BUILDING STANDARDS COMMISSION  
2525 NATOMAS PARK DR., SUITE 130  
SACRAMENTO, CA 95833  
(916) 263-0916 Phone  
(916) 263-0959 Fax  
Email: BSC@dgs.ca.gov

Office Use Item No. \_\_\_\_\_

**PARTICIPATION COMMENTS FOR THE NOTICE DATED OCTOBER 2, 2009**  
Written comments are to be sent to the above address.

**WRITTEN COMMENT DEADLINE: NOVEMBER 16, 2009**

Date: 11-15-2009

From:

Don Williams  
Name (Print or type)

  
(Signature)

California Colation of Profictional Construction Inspectors  
Agency, jurisdiction, chapter, company, association, individual, etc.

5355 Parkford Circle Granite Bay Ca. 95746  
Street City State Zip

I/We (do)(do not) agree with:

The Agency proposed modification's As Submitted on Section No. \_\_\_\_\_ California Administrative Code, Part 1, Title 24, 4-342 Duties of the Project Inspector Subparagraph 5 The project inspectors shall notify DSA by email at the following times

and request that this section or reference provision be recommended:

Approved  Disapproved  Held for Further Study  Approved as Amended

Suggested Revisions to the Text of the Regulations: None

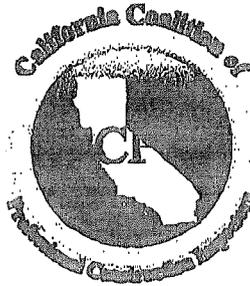
Reason: This has the potential of being unreasonable, unfair and costly. None of the other required reporting parties are required to report via e-mail.  
E-mail reporting has no proof of receipt. E-mail reporting has the potential of unknowing spreading computer viruses to the recipients.  
When the U.S. postal service is used the sender has a presumed expectation that the recipient will receive the notification.  
Required reports should be allowed to be sent by U.S. mail with urgent notifications sent via fax or e-mail.

See Item 4 of Health and Safety Code Section 18930 part (a) (4) and (5) as listed below

**HEALTH & SAFETY CODE SECTION 18930****SECTION 18930. APPROVAL OR ADOPTION OF BUILDING STANDARDS; ANALYSIS AND CRITERIA; REVIEW CONSIDERATIONS; FACTUAL DETERMINATIONS**

- (a) Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11340) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:
- (1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
  - (2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
  - (3) The public interest requires the adoption of the building standards.
  - (4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
  - (5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
  - (6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
  - (7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
    - (A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
    - (B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.
  - (8) The format of the proposed building standards is consistent with that adopted by the commission.
  - (9) The proposed building standard, if it promotes fire and panic safety as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.

DSA Part 1  
D.William 4-333-13



To: State of California – State & Consumer Services Agency  
California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Fax: 916/263-0959

From: Don Williams

Date: November 16, 2009

Subject: Participation Comments for the Notice dated October 2, 2009

Comments: Please find attached my written comments.  
If you have questions, please contact me at 559/706-2965.

Thank you,  
Don Williams  
Legislative Affairs, CCPCI

Office Use Item No. \_\_\_\_\_

STATE OF CALIFORNIA  
STATE AND CONSUMER SERVICES AGENCY  
CALIFORNIA BUILDING STANDARDS COMMISSION  
2525 NATOMAS PARK DR., SUITE 130  
SACRAMENTO, CA 95833  
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**PARTICIPATION COMMENTS FOR THE NOTICE DATED OCTOBER 2, 2009**  
Written comments are to be sent to the above address.

**WRITTEN COMMENT DEADLINE: NOVEMBER 16, 2009**

Date: 11-15-2009

From:

Don Williams  
Name (Print or type)

  
(Signature)

California Colation of Profictional Construction Inspectors  
Agency, jurisdiction, chapter, company, association, individual, etc.

5355 Parkford Circle      Granite Bay      Ca.      95746  
Street                              City                              State                              Zip

I/We (do)(do not) agree with:

The Agency proposed modification's As Submitted on Section No. \_\_\_\_\_ California Administrative Code, Part 1, Title 24, 4-333 Subparagraph 13. Special inspectors "All special inspectors shall submit in a timely manner verified reports as required by Section 4-336"

and request that this section or reference provision be recommended:

Approved     Disapproved     Held for Further Study     Approved as Amended

**Suggested Revisions to the Text of the Regulations: None**

**Reason:** This has the potential of being costly to the state. Current practice is for Approved Special inspectors to provide "verified reports". Including all special inspectors in the requirement to provide verified reports will increase the administrative cost of the testing labs. This cost will be passed on to the District in the form added project cost. That cost will be an unnecessary burden to the state school construction budget.

This is a duplication of work by the testing lab. The lab engineer is already required to provide a verified report on all work performed by the lab.

See Item 4 of Health and Safety Code Section 18930 part (a) (1) and (5) as listed below

**HEALTH & SAFETY CODE SECTION 18930****SECTION 18930. APPROVAL OR ADOPTION OF BUILDING STANDARDS; ANALYSIS AND CRITERIA; REVIEW CONSIDERATIONS; FACTUAL DETERMINATIONS**

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- (1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
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    - (A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
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  - (9) The proposed building standard, if it promotes fire and panic safety as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.

DSA Part 1  
D-Williams 4-333-6



To: State of California – State & Consumer Services Agency  
California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Fax: 916/263-0959

From: Don Williams

Date: November 16, 2009

Subject: Participation Comments for the Notice dated October 2, 2009

Comments: Please find attached my written comments.  
If you have questions, please contact me at 559/706-2965.

Thank you,  
Don Williams  
Legislative Affairs, CCPCI

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Office Use Item No. \_\_\_\_\_

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California Colation of Profictional Construction Inspectors

Agency, jurisdiction, chapter, company, association, individual, etc.

5355 Parkford Circle      Granite Bay      Ca.      95746  
Street                                  City                                  State                                  Zip

I/We (do)(do not) agree with:

The Agency proposed modification's As Submitted on Section No. \_\_\_\_\_

California Administrative Code, Part 1, Title 24, 4-333 Subparagraph 6. "An approved project inspector may be removed and replaced if the work performed is not in conformance with accepted inspection standards as determined by the school district and the project architect and engineer with the concurrence of DSA. An approved project inspector may also be removed by DSA if the inspection work performed is not in conformance with accepted standards;"

and request that this section or reference provision be recommended:

Approved     Disapproved     Held for Further Study     Approved as Amended

**Suggested Revisions to the Text of the Regulations:**

**Reason: This has the potential of being arbitrary and/or unfair.**

First, "accepted inspection standards as determined by the school district"... leaves the state open to having a deferent standard for each school district across the state. This is hardly a standard at all. There is no written "standard" for DSA project inspection. With this proposed code change a District could claim that there "standard" is that an inspector only spend X number of hours per million \$ of project cost inspecting the project thereby limiting the inspectors ability to perform inspections. A district could claim that there standard is to not inspect existing deficiency in a defined path of travel on modernization projects.

Before accepted standards are written into the code an " Accepted Standard" must be written and accepted.

See Item 4 of Health and Safety Code Section 18930 part (a) item (4) and (6) and (7) as listed below

**HEALTH & SAFETY CODE SECTION 18930****SECTION 18930. APPROVAL OR ADOPTION OF BUILDING STANDARDS; ANALYSIS AND CRITERIA; REVIEW CONSIDERATIONS; FACTUAL DETERMINATIONS**

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California Colation of Profictional Construction Inspectors  
 Agency, jurisdiction, chapter, company, association, individual, etc.

<u>5355 Parkford Circle</u>	<u>Granite Bay</u>	<u>Ca.</u>	<u>95746</u>
Street	City	State	Zip

I/We (do)(do not) agree with:

The Agency proposed modification's As Submitted on Section No. \_\_\_\_\_  
 California Administrative Code, Part 1, Title 24, 4-333 Subparagraph 5 part C. "will provide sufficient time on the project..."

and request that this section or reference provision be recommended:

Approved     Disapproved     Held for Further Study     Approved as Amended

**Suggested Revisions to the Text of the Regulations: None**

**Reason:** This has the potential of being arbitrary and/or unfair. Project inspectors that are independent contractors are not employees of the DGS or DSA and therefore the time spent on a project can not determined by DSA or DGS. Some projects may require 60 hour weeks while other projects may require 20 hour weeks. Only the inspector can determine what time is sufficient to perform the required duties of the inspector on a particular project.

See Item 4 of Health and Safety Code Section 18930 part (a) (4) as listed below

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