

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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Attachment No. 2

INITIAL STATEMENT OF REASONS

CALIFORNIA CODE OF REGULATIONS

TITLE 8: Sections 5620, 6165, 6180, 6181, 6182, 6183, and 6184
of the General Industry Safety Orders

**Update of Title 8 General Industry National Fire Protection Association (NFPA)
Fire Protection Standards****SUMMARY**

This rulemaking proposal is initiated by the Occupational Safety and Health Standards Board (Board). On February 13, 2012, Mr. Ray Bizal, Southwest Regional Director, National Fire Protection Association (NFPA), sent an email suggesting an update to various sections in Title 8 that refer to badly outdated NFPA standards. According to Mr. Bizal, the referenced documents have undergone multiple technical and technological revisions and are updated about every three years. These obsolete documents conflict with the California Fire Codes (CFC) which follow the most recent editions of the NFPA. Board staff notes that the counterpart federal standards do not reference NFPA codes.

The proposal amends the existing language of the affected subsections to state that when structures, devices, equipment or systems are provided, they shall be designed, installed, constructed, inspected or maintained in an approved manner. The new language uses the word "approved," which is defined in Title 8 as referring to "products, materials, devices, systems, or installations that have been approved, listed, labeled, or certified as conforming to applicable governmental or other nationally recognized standards, or applicable scientific principles." Using this definition of "approved" allows for compliance using a variety of methods, including the NFPA standards and the CFC.

A "NOTE" is added following each amended subsection which directs the public to consult a specific NFPA code and/or their local jurisdiction fire departments for information. These local fire jurisdictions provide additional information on fire safety utilizing the CFC, California Code of Regulations, Title 24, Part 9, as well as the latest NFPA standards for reference. Board staff notes that CFC and NFPA documents are accessible on line, free of charge. These amendments clarify the requirements and make the regulations more uniform throughout Title 8.

SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION

This regulatory proposal is intended to provide worker safety at places of employment in California.

This proposed rulemaking action:

- Is based on the following authority and reference: Labor Code Section 142.3, which states, at Subsection (a)(1) that the Board is “the only agency in the state authorized to adopt occupational safety and health standards.” When read in its entirety, Section 142.3 requires that California have a system of occupational safety and health regulations that at least mirror the equivalent federal regulations and that may be more protective of worker health and safety than are the federal occupational safety and health regulations.
- Differs from existing federal regulations in that the federal regulations do not reference the NFPA fire protection standards. This proposal will update the badly outdated NFPA references to the most recent NFPA editions. The proposal will ensure that Title 8 is consistent with the fire codes administered by the state Fire Marshall and local jurisdictions which adhere to the latest editions of the NFPA standards.
- Is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system’s component regulations is provided by such things as: (1) the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).
- This proposal will clarify the language to be consistent with other Title 8 flammable liquids and fire protection sections as well as applicable governmental or other nationally recognized standards. The proposal ensures that employers will have the latest technological and technical developments that have occurred since the last revision.

Section 5620. Wharves

Section 5620 defines the term, “wharf” and describes the operational requirements for pressurized hoses and piping systems carrying flammable liquids or gases to a wharf.

Subsection (a)(1)

Existing subsection (a)(1) states, “If flammable or combustible materials are handled in bulk quantities across general purpose piers or wharves the Standard for the Construction and Protection of Piers and Wharves, NFPA No. 87, shall be followed.” The proposal replaces the term, “If” with “When” and deletes the reference to NFPA 87, which is no longer available and has been relocated into NFPA 307. The proposed language also adds the phrase, “...shall be designed and constructed in an approved manner,” similar to other sections on fire protection within Title 8. A “NOTE” is proposed following this subsection which will direct the public to consult the applicable NFPA document and/or their local jurisdiction fire department for information.

The amendment is necessary to remove obsolete information and clarify the regulatory language for consistency throughout Title 8. The proposal provides the regulated public expanded assistance through the proper NFPA document and/or from their local jurisdiction fire department for issues unique to the CFC.

Section 6165. Standpipe and Hose Systems.

Section 6165 addresses the use, protection, testing and maintenance of small standpipe and hose systems.

Subsection (b)(1)

Existing subsection (b)(1) requires that where standpipe and hose systems are provided, they shall meet the design requirements of the NFPA 14, 1978 edition. The proposal deletes the reference to the outdated 1978 edition. The phrase "...be designed and installed in an approved manner" is added to the regulatory text, similar to other sections on fire protection within Title 8. A "NOTE" is proposed following this subsection which will direct the public to consult the applicable NFPA document and/or their local jurisdiction fire department for information.

The amendment is necessary to remove obsolete information and clarify the regulatory language for consistency throughout Title 8. The proposal provides the regulated public expanded assistance through the proper NFPA document and/or from their local jurisdiction fire department for issues unique to the CFC.

Section 6180. Fixed Extinguishing Systems; Dry Chemical.

Section 6180 applies to all fixed extinguishing systems using a dry chemical extinguishing agent.

Subsection (a)(2)

Existing subsection (a)(2) requires compliance with the design requirements of the NFPA 17, 1980 edition when dry chemical extinguishing systems are provided. The proposal deletes the reference to the outdated 1980 edition. The proposed amendments will add the phrase "...be designed and installed in an approved manner" to the regulatory text, similar to other sections on fire protection within Title 8. A "NOTE" is proposed following this subsection which will direct the public to consult the applicable NFPA document and/or their local jurisdiction fire department for information.

The amendment is necessary to remove obsolete information and clarify the regulatory language for consistency throughout Title 8. The proposal provides the regulated public expanded assistance through the proper NFPA document and/or from their local jurisdiction fire department for issues unique to the CFC.

Section 6181. Gaseous Systems.

Section 6181 applies to all fixed extinguishing systems using a gas as the extinguishing agent.

Subsection (b)(1)

Subsection (b)(1) requires that when carbon dioxide extinguishing systems are provided, they shall meet the design, inspection, maintenance and instruction requirements of the NFPA 12, 1977 edition. This proposal deletes the reference to the outdated 1977 edition. The proposed amendments will add the phrase "...be designed, installed, inspected and maintained in an approved manner" to the regulatory text, similar to other sections on fire protection within Title 8. A "NOTE" is proposed following this subsection which will direct the public to consult the applicable NFPA document and/or their local jurisdiction fire department for information.

The amendment is necessary to remove obsolete information and clarify the regulatory language for consistency throughout Title 8. The proposal provides the regulated public expanded assistance through the proper NFPA document and/or from their local jurisdiction fire department for issues unique to the CFC.

Section 6182. Water-Spray Fixed Systems, Foam-Water Sprinkler Systems.

Section 6182 addresses all water-spray fixed extinguishing systems and all foam-water sprinkler systems.

Subsection (a)

Subsection (a) requires that when water-spray fixed systems are provided, they shall meet the design requirements of the NFPA 15, 1977 edition or meet the NFPA 16, 1974 edition for foam-water sprinkler systems. This proposal deletes the references to the outdated 1977 and 1974 editions, respectively. The proposed amendments will add the phrase "...be designed and installed in an approved manner" to the regulatory text, similar to other sections on fire protection within Title 8. A "NOTE" is proposed following this subsection which will direct the public to consult the applicable NFPA document and/or their local jurisdiction fire department for information.

The amendment is necessary to remove obsolete information and clarify the regulatory language for consistency throughout Title 8. The proposal provides the regulated public expanded assistance through the proper NFPA document and/or from their local jurisdiction fire department for issues unique to the CFC.

Section 6183. Fire Detection Systems.

This section applies to all automatic fire detection systems.

Subsection (b)(1)

Subsection (b)(1) specifies that all devices and equipment shall be designed, installed and maintained in accordance with this section and applicable provisions of the NFPA 72, 1978 series. This proposal deletes the reference to the outdated 1978 series. The series of codes (from NFPA 72A to 72H) no longer exist and have been consolidated into NFPA 72, the latest being the 2013 edition. The proposed amendments adds the phrase "...an approved manner" to the regulatory text,

similar to other sections on fire protection within Title 8. A “NOTE” is proposed following this subsection which will direct the public to consult the applicable NFPA document and/or their local jurisdiction fire department for information.

The amendment is necessary to remove obsolete information and clarify the regulatory language for consistency throughout Title 8. The proposal provides the regulated public expanded assistance through the proper NFPA document and/or from their local jurisdiction fire department for issues unique to the CFC.

Section 6184. Employee Alarm Systems.

Existing Section 6184 applies to all emergency employee alarms.

Subsection (b)(1)

Subsection (b)(1) states that where local fire alarm signaling systems are required, they shall meet the design requirements of the NFPA 72A, 1975 edition. This proposal deletes the reference to the outdated 1975 edition. NFPA 72A is no longer available and the series (from NFPA 72A to NFPA 72H) have been consolidated into NFPA 72, the latest being the 2013 edition. The proposed amendments will add the phrase “...be designed and installed in an approved manner” to the amended regulatory text, similar to other sections on fire protection within Title 8. A “NOTE” is proposed following this subsection which will direct the public to consult the applicable NFPA document and/or their local jurisdiction fire department for information.

The amendment is necessary to remove obsolete information and clarify the regulatory language for consistency throughout Title 8. The proposal provides the regulated public expanded assistance through the proper NFPA document and/or from their local jurisdiction fire department for issues unique to the CFC.

DOCUMENTS RELIED UPON

1. An email transmission from Ray Bizal, received on February 13, 2012, with the subject “NFPA References in California Title 8” (including attachment).
2. NFPA 307, 2011 Edition: *Standard for the Construction and Fire Protection of Marine Terminals, Piers and Wharves.*
3. NFPA 14, 2013 Edition: *Standard for the Installation of Standpipe and Hose Systems.*
4. NFPA 17, 2013 Edition: *Standard for Dry Chemical Extinguishing Systems.*
5. NFPA 12, 2011 Edition: *Standard on Carbon Dioxide Extinguishing Systems.*
6. NFPA 15, 2012 Edition: *Standard for Water Spray Fixed Systems for Fire Protection.*

7. NFPA 16, 2011 Edition: *Standard for the Installation of Foam-Water Sprinkler and Foam Water Spray Systems.*
8. NFPA 72, 2013 Edition: *National Fire Alarm and Signaling Code.*

These documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

DOCUMENTS INCORPORATED BY REFERENCE

None.

REASONABLE ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

No reasonable alternatives were identified by the Board and no reasonable alternatives identified by the Board or otherwise brought to its attention would lessen the impact on small businesses.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Economic Impact Analysis

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

The proposal updates the references to badly outdated NFPA codes to the latest editions. This proposal amends Sections 5620, 6165, 6180, 6181, 6182, 6183 and 6184 of GISO, to reflect technical and technological advances since previous revisions of the NFPA codes. The amendment will align Title 8 consistent with the fire codes administered by the State Office of the Fire Marshall and local jurisdictions which follow the most recent editions of the NFPA fire protection codes. The proposed changes provide employers with more options to comply with federal, state and local regulations pertaining to fire safety.

Therefore, the adoption of the proposed amendment to these standards will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

This regulatory proposal is intended to provide worker safety at places of employment in California.

Cost Impact on Private Persons or Businesses

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

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standards do not impose a local mandate. There are no costs to any local government or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendment may affect small businesses. However, no adverse economic impact is anticipated because the amendments refer to updated NFPA editions that describe testing data, technological advances and procedural improvements.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The proposed regulation will not have any effect on the creation or elimination of California jobs the creation or elimination of California businesses or affect the expansion of existing California businesses.

BENEFITS OF THE REGULATION

The proposal would provide businesses, small or large, clear direction in designing, installing, inspecting and maintaining fire protection systems. The adoption of this proposal will ensure that

the most current information is provided when fire protection systems are involved. This regulatory proposal will render Title 8, GISO consistent with the fire codes of state and local fire jurisdictions.

ALTERNATIVES THAT WOULD AFFECT PRIVATE PERSONS

No reasonable alternatives have been identified by the Board or have otherwise been identified and brought to its attention that would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.