

## NOTICE OF PROPOSED RULEMAKING (NOPA)

**California Code of Regulations  
TITLE 19. PUBLIC SAFETY  
Division 1. State Fire Marshal  
Chapter 1. General Fire and Panic Safety  
Subchapter 1. Administration  
Article 3A. Special Event Permit**

**NOTICE IS HEREBY GIVEN** pursuant to Government Code, §11346.6, that the California Department of Forestry and Fire Protection – Office of the State Fire Marshal (“OSFM”) or (“SFM”) proposes to take the regulatory action described below in the Informative Digest implementing Title 19, Division 1, Chapter 1, Article 3A of the California Code of Regulations (CCR), related to special event permits on state-owned and specified state-occupied property or in state buildings, after considering public comments, objections, or recommendations regarding the proposed action.

### **WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. Written comments will be accepted for at least 45 days beginning May 7, 2021 and ending June 21, 2021. The written comment period **closes at 12:00 a.m. (Pacific Time) on June 22, 2021**. All written comments received by that date and time will be considered and responded to as part of the compilation of the rulemaking file and are subject to disclosure under the Public Records Act (Gov. Code § 6250, et seq.). Written comments should be directed to:

- **Email:** Diane Arend [diane.arend@fire.ca.gov](mailto:diane.arend@fire.ca.gov)  
**(Include in the subject line of the email “Comments: Special Event Permit”).**
- **Mail to:**  
CAL FIRE / Office of the State Fire Marshal  
P.O. Box 944246  
Sacramento, California 94244-2460  
Attn: Diane Arend, Code Development & Analysis
- **Hand delivered between 8:00 a.m. and 5:00 p.m.(PDT) to:**  
CAL FIRE / Office of the State Fire Marshal  
2251 Harvard Street, Suite 400

Pursuant to Government Code §11346.9, the SFM shall respond to comments submitted during the comment period containing objections and/or recommendations specifically directed at the SFM’s proposed action or to the procedures followed by the agency in proposing or adopting the action.

## **PUBLIC HEARING**

The SFM has not scheduled a public hearing on this proposed action. However, the SFM will hold a public hearing to accept comments if a written request is received from any interested party or their authorized representative no later than 15 days before the close of the 45-day written comment period, pursuant to Government Code Section 11346.8. Submit requests to the contact person(s) indicated below.

## **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After holding a public hearing, if requested, and considering all timely and relevant comments received by the State Fire Marshal, and following the 45-day comment period, the SFM may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text – with changes indicated – shall be made available to the public for at least 15 days before the SFM adopts, amends, or repeals the regulations as revised. The SFM will accept written comments on the modified regulations for 15 days after the date on which they are made available. To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modified regulations. Please send requests for copies of any modified regulations to the contact person.

The State Fire Marshal invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

## **AUTHORITY & REFERENCE**

The State Fire Marshal is proposing this regulatory action pursuant to Health and Safety Code Section 13145, the State Fire Marshal shall enforce regulations and standards and other regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic. The proposed regulations implement, interpret, and make specific sections 13145 of the Health and Safety Code.

## **INFORMATIVE DIGEST - POLICY STATEMENT OVERVIEW**

The broad objective of this proposed rulemaking action is to better define the regulatory requirements of the SFM Fire and Life Safety Program, for special event activities on state-owned or specified state-occupied property and the enforcement and maintenance of those requirements for state agencies and stakeholders.

Specifically, this action proposes to require a special event permit for special event activities occurring on state-owned or specified state-occupied properties or in state buildings which are beyond the normal scope of activities and typical operations conducted on state properties.

This rulemaking action proposes the adoption of new Article 3A, and Sections 3.34, 3.35, 3.36, 3.36.1, 3.36.2, 3.36.3, 3.36.4, 3.37, 3.38, 3.39, 3.40, 3.41 and 3.42 in Chapter 1, of Title 19, CCR.

The regulations proposed in this rulemaking action implements, interprets, clarifies, and makes specific the regulatory requirements of the SFM Fire and Life Safety Program provide the following:

- Add new Article 3A, titled "Special Event Permit".
- Require owners and operators of state-owned and specified state-occupied properties to obtain a special event permit for operation of special events.
- Provide clarity and consistency for people directly affected by the regulations, including type of permit, application, criteria for issuance, minimum staffing, duration, revocation, denial or cancellation and restrictions on use. These regulations provide the groundwork for the community to understand the requirements necessary for compliance of special events on state properties.
- Specify and define terms and definitions used in the proposed regulations.

#### Summary of Existing Laws

Health and Safety Code Section 13145 authorizes the Office of the State Fire Marshal to promulgate and adopt rules and regulations necessary for implementation of the program. Health and Safety Code Section 13108(c) requires the State Fire Marshal to enforce regulations adopted in California Code of Regulations relating to fire and panic safety in all state-owned buildings, specified state-occupied buildings and state institutions throughout the state.

#### Summary of Existing Regulations

Existing regulations regarding the proposed changes establish the requirements in California Code of Regulations, Title 19, Division 1, Chapter 1, General Fire and Panic Safety. The SFM is proposing to adopt new Article 3A, Special Event Permit, Sections, 3.34, 3.35, 3.36, 3.36.1, 3.36.2, 3.36.3, 3.36.4, 3.36.5, 3.37, 3.38, 3.39, 3.40, 3.41 and 3.42.

The proposed regulations by the SFM were developed based on operation need. The Office of the State Fire Marshal consulted with State Parks and Fair Operators who requested a clear and concise process. There were no documents relied upon in connection with these consultations.

#### Summary of Effect

The changes are proposed to create regulations and have been prepared and adopted for establishing minimum standards for the prevention of fire and for the protection of life and property against fire, explosion and panic during the gathering where the activities will create a greater potential hazard or liability to the State than incurred through typical operations.

### Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

### Evaluation of Consistency

The Office of the State Fire Marshal (OSFM) determined this proposed regulation is not inconsistent or incompatible with existing state regulations. After conducting a review for any regulations that would relate to or affect this area, the OSFM has concluded that this is the only regulation that concerns the protection of life and property against fire or panic on State properties during special events.

### Objective and Anticipated Benefits

The broad objective of the proposed action is to define and clarify the fire safety requirements for special events on State properties while reducing potential risk.

The specific benefit anticipated from the regulation is providing standardized regulations for the consistent application and enforcement of business practices of the State Fire Marshal which benefits the public health and welfare of California residents, worker safety, and the environment by identifying potential issues and correcting them before an incident occurs.

### **DOCUMENTS INCORPORATED BY REFERENCE:**

The following form, in the format developed by the Office of the State Fire Marshal, is hereby incorporated by reference in the text of regulations and available from the electronic permitting and license application system called “GOVmotus Fire” on the State Fire Marshal’s website: <https://osfm.fire.ca.gov/> or [Special Events Tab](https://osfm.fire.ca.gov/divisions/fire-and-life-safety-division/) at <https://osfm.fire.ca.gov/divisions/fire-and-life-safety-division/>

(1) GOVmotus Special Event Application (dated February 2021).

It would be cumbersome, unduly expensive or otherwise impractical to publish this document in the California Code of Regulations. The document is made available from the agency or is reasonably available to the affected public from a commonly known or specified source which is made available on the State Fire Marshal’s website above.

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

There are no other matters prescribed by statute applicable to the Office of the State Fire Marshal, or to any specific regulation or class of regulations. There are no other matters to identify.

### **DISCLOSURES REGARDING THE PROPOSED ACTION**

The State Fire Marshal has made the following initial determinations:

1. Mandate on local agencies and school districts: **None**
2. Cost or savings to any other State agency: **None**
3. Cost to any local agency or school district which must be reimbursed in accordance with Government Code, Sections 17500-17630: **None**
4. Other non-discretionary cost or savings imposed upon local agencies: **None**
5. Cost or savings in federal funding to the State: **None**
6. Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other States: **None**
7. Significant effect on housing costs: **None**

#### **COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS:**

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

#### **SMALL BUSINESS DETERMINATION**

The State Fire Marshal has made the initial determination that the amendments to these regulations will have no effect on small businesses and the State Fire Marshal has not identified any alternatives that would lessen any adverse impact, if any, on small businesses. The proposed regulation will not affect small business.

#### **STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES AND INDIVIDUALS**

The SFM concluded that any adverse economic impact, including the ability of California businesses to compete with businesses in other states, will not be significant.

#### **RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT**

The SFM concludes that the adoption of these regulations *will not*:

- a) Create or eliminate jobs within California;
  - b) create new businesses or eliminate existing businesses within California; or
  - c) effect the expansion of businesses currently doing business within California.
- d) The State Fire Marshal has assessed that this regulatory proposal provides a direct benefit to the environment, protection of public health and welfare of California residents, worker safety, and the environment by providing standardized regulations regarding special events.

#### **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code Section 11346.5, subdivision (a)(13), SFM must determine that no reasonable alternative it considered to the regulation or

that has otherwise been identified and brought to its attention 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 described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The State Fire Marshal invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

### **BUSINESS REPORT**

This regulatory proposal does not mandate any new reporting or recordkeeping requirements beyond the business practice that has already been established by the SFM.

### **CONTACT PERSON(S)**

Inquiries concerning the proposed regulatory action, or requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based may be directed to:

#### **General Inquiries or requests for copies:**

Diane Arend, Supervising DSFM/Regulations Coordinator  
CAL FIRE / Office of the State Fire Marshal  
2251 Harvard Street, Suite 400  
Sacramento, CA 95815  
Phone: (916) 568-2917  
Email: [diane.arend@fire.ca.gov](mailto:diane.arend@fire.ca.gov)

#### **Substantive or technical questions:**

Jack Stinson, Supervising Deputy State Fire Marshal  
CAL FIRE / Office of the State Fire Marshal  
2251 Harvard Street, Suite 130  
Sacramento, CA 95815  
(916) 214-4041  
Email: [jack.stinson@fire.ca.gov](mailto:jack.stinson@fire.ca.gov)

### **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE**

The State Fire Marshal will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office indicated above. As of the date this notice is published in the Notice Register, the SFM’s rulemaking file consists of this notice, the proposed text of the regulations, the initial

statement of reasons for the proposed action, the economic impact assessment contained in the initial statement of reasons and documents incorporated by reference or relied upon. Copies may be obtained through the contact person(s) at the address or telephone number listed above.

#### **AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons (FSOR) may be obtained by making a written request to the contact person at the above address or by accessing the website listed below.

#### **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of the Proposed Action (“NOPA”), the Initial Statement of Reasons (“ISOR”), the Text of the Proposed Regulations (“TEXT”) in underline and strikeout, the economic impact assessment contained in the ISOR, documents incorporated by reference or relied upon and any other materials or documents concerning this rulemaking can be accessed through the [Office of the State Fire Marshal web address at: http://osfm.fire.ca.gov/divisions/code-development-and-analysis/title-19-development/](http://osfm.fire.ca.gov/divisions/code-development-and-analysis/title-19-development/)