

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE OFFICE OF STATEWIDE HOSPITAL PLANNING AND DEVELOPMENT
REGARDING THE 2025 CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5
(OSHPD 02/24)**

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS

Government Code Section 11346.2(b)(1) requires a statement of specific purpose of each adoption, amendment, or repeal and the problem the agency intends to address and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.

GENERAL INITIAL STATEMENT OF REASONS

The California Department of Health Care Access and Information (HCAI), Office of Statewide Hospital Planning and Development (OSHPD) proposes to repeal the 2021 Uniform Plumbing Code, adopt the 2024 Uniform Plumbing Code, and carry forward existing amendments from the 2022 California Plumbing Code, Part 5 of Title 24 California Code of Regulations. Specific repeal, adoption and amendments are listed below.

OSHPD was recast and transitioned to the Department of Health Care Access and Information (HCAI) in 2021. The Divisions within HCAI were changed to Offices and OSHPD was able to retain the acronym which will not change the Title 24 banners.

ITEM 1

CHAPTER 1 ADMINISTRATION

Sections 1.1.0 General, 1.10 Office of Statewide Hospital Planning and Development

Adopt 2024 Uniform Plumbing Code (UPC). Adopt Sections 101.0, 102.0, 103.0, 104.3.1 and 105.0 of Chapter 1 for OSHPD 1, 1R, 2, 4, and 5. Carry forward existing amendments of the 2022 California Plumbing Code (CPC) Chapter 1 for OSHPD 1, 1R, 2, 3, 4 and 5, and as amended below.

1.1.3.2(13), 1.10.0, 1.10.1, 1.10.2, 1.10.3, 1.10.4, 1.10.5

HCAI proposes to revise the word “Health” to “Hospital” throughout this article to align with the name change of our office to Office of Statewide Hospital Planning and Development.

1.10.6 OSHPD 6

HCAI proposes to add this new section to align with the new OSHPD banner and application “Section 1229 [OSHPD 6] Chemical Dependency Recovery Hospitals”. This new section was added to the California Building Code during the 2022 Intervening

Code Cycle in response to Assembly Bill (AB) 2096 (Chapter 233, Statutes 2022). The statute permits Chemical Dependency Recovery Hospital services to be provided in a freestanding facility, within a hospital building that only provides chemical recovery services, or within a distinct part of a hospital, as defined. It also authorizes chemical dependency recovery services to be provided within a hospital building that has been removed from general acute care use. This amendment provides consistency throughout all Parts of Title 24

CAC Recommendation:

[Enter CAC recommendation(s), if any]

Agency Response:

[Enter the agency's response to CAC recommendation(s)]

ITEM 2

CHAPTER 2 DEFINITIONS

Adopt 2024 Uniform Plumbing Code (UPC) Chapter 2 for OSHPD 1, 1R, 2, 3, 4, 5 and 6. Carry forward existing amendments of the 2022 California Plumbing Code (CPC) Chapter 2 for OSHPD 1, 1R, 2, 3, 4, and 5.

210.0 – H –

Handwashing Fixture

The definition for handwashing fixture is adding a sentence to item c for faucet flowrate. The flow rate will not be permitted to be less than 1 gallon per minute. Low flow fixtures are highly discouraged in legionella guides such as ASHRAE guideline 12 and the ASPE Engineering Methodologies to Reduce Legionella guide. Item d provides a small change to increase the tolerance of the gooseneck spout return from plus or minus five degrees to plus or minus ten degrees. The intervening code cycle added the tolerance; however, it was too restrictive. It was found that wall mounted faucet includes a larger offset due to the distance from the center of the fixture compared to a faucet installed on the deck of the fixture.

221.0 – S –

Scrub Sink

Adding the controls requirement for scrub sink to the definition. The current definition refers to the handwashing fixture definition, however the language in footnote 33 of Table 4-2 is more specific to scrub sinks. The requirement from footnote 33 for the controls to not involve contact with the upper extremities is being added to the definition to clarify the requirement. Also, an additional sentence is added to specify the requirement for a temperature preset valve when one is provided. A wrist blade is permitted for a temperature preset valve as coordinated with the Facility Guidelines Institute requirements for scrub sinks.

CAC Recommendation:

[Enter CAC recommendation(s), if any]

Agency Response:

[Enter the agency's response to CAC recommendation(s)]

ITEM 3

CHAPTER 3 GENERAL REGULATIONS

Sections 310.0 Prohibited Fittings and Practices, 319.0 Medical Gas and Vacuum Systems

Adopt 2024 Uniform Plumbing Code (UPC) Chapter 3 for OSHPD 1, 1R, 2, 3, 4, 5 and 6. Carry forward existing amendments of the 2022 California Plumbing Code (CPC) Chapter 3 for OSHPD 1, 1R, 2, 3, 4, and 5.

310.11, 310.12, 310.13, 310.14, 310.15

The model code has added additional subsections to Section 310. The HCAI amendments currently identified as 310.9-310.13 will need to be revised to 310.11-310.15 to follow the model code sections.

319.0

The HCAI amendment indicating Section 319.0 is not permitted for OSHPD 1, 2, 3, 4 & 5 is being repealed. The general language referring to piping installation and to evidence for competency of the installers and verifiers is consistent with the HCAI amendment in Chapter 13. The HCAI amendment requires med gas installations to comply with Chapter 5 of NFPA 99. The piping requirements and competency of installers and verifiers is included in NFPA 99, Chapter 5.

CAC Recommendation:

[Enter CAC recommendation(s), if any]

Agency Response:

[Enter the agency's response to CAC recommendation(s)]

ITEM 4

CHAPTER 4 PLUMBING FIXTURES AND FIXTURE FITTINGS

Section 422.0 Minimum Number of Required Fixtures

Adopt 2024 Uniform Plumbing Code (UPC) Chapter 4 for OSHPD 1, 1R, 2, 3, 4, 5 and 6. Carry forward existing amendments of the 2022 California Plumbing Code (CPC) Chapter 4 for OSHPD 1, 2, 3, 4, and 5.

422.3.1

A second exception is being added to the HCAI amendment in Section 422.3.1 pertaining to separate toilet facilities for patients, staff, and visitors. The exception is specific to public waiting areas for visitors with an occupant load of 10 or less. The language is similar to Section 422.2 exception two. The HCAI amendment in Section 422.2 excludes the exceptions from HCAI adoption. The HCAI new amendment in Section 422.3.1 will bring in the 422.2 exception 2 provision for visitors and allow a single fixture where the occupant load is less than 10. Most hospital waiting areas are large and have an occupant load of more than 10. However, some remote waiting areas require a dedicated restroom at the waiting area and the current code language requires separate facilities for visitors. The new exception will allow the model code provision of one restroom for up to ten occupants.

CAC Recommendation:

[Enter CAC recommendation(s), if any]

Agency Response:

[Enter the agency's response to CAC recommendation(s)]

ITEM 5

CHAPTER 5 WATER HEATERS

Adopt 2024 Uniform Plumbing Code (UPC) Chapter 5 for OSHPD 1, 1R, 2, 3, 4, 5 and 6.

CAC Recommendation:

[Enter CAC recommendation(s), if any]

Agency Response:

[Enter the agency's response to CAC recommendation(s)]

ITEM 6

CHAPTER 6 WATER SUPPLY AND DISTRIBUTION

Section 604.0 Materials, 609.0 Installation, Testing, Unions, and Location

Adopt 2024 Uniform Plumbing Code (UPC) Chapter 6 for OSHPD 1, 1R, 2, 3, 4, 5 and 6. Carry forward existing amendments of the 2022 California Plumbing Code (CPC) Chapter 6 for OSHPD 1, 1R, 2, 3, 4, and 5.

604.1

The HCAI amendment is being revised to remove the name of the Office. The OSHPD Banner identifies the authority of the amendment. Other state amendments do not list out the name of the state agency and the name of the office is removed for consistency with other state amendments. Also, the term potable water was added to clarify the amendment refers to potable water application for material requirements. This coordinates with the revision in Section 614.1. The HCAI amendments in Section 614.0 are specific for the pure water process systems used for dialysis systems in healthcare. These systems are separated from the potable water system by a reduced-pressure principal backflow preventer.

609.10

Additional provisions are being added to the HCAI amendment in Section 609.10. The current amendment details requirements of disinfection procedures for potable water systems. The procedures include flushing, chlorination, and examination. The language does not include timing of disinfection. A new item five is being added to the disinfection requirements for the timing of the disinfection procedures relative to the occupancy of the building. This aligns with the national standard ASHRAE 188. Where disinfection procedures are done well before the occupancy phase of the building, the water age of the water in the piping increases and leads to the formation of bacteria. The amendment addresses the issue of water age and steps needed to take where the building occupancy is delayed preventing increased water aging. The first step at two weeks is to flush of all fixtures. The second step at four weeks is to disinfect and flush the potable water piping.

CAC Recommendation:

[Enter CAC recommendation(s), if any]

Agency Response:

[Enter the agency's response to CAC recommendation(s)]

ITEM 7

CHAPTER 6 WATER SUPPLY AND DISTRIBUTION

Section 613.0 Domestic Hot-Water Distribution Systems for Health Facilities and Clinics

TABLE 613.1

Table 613.1, exception 1 is being updated to align with the California Retail Food Code, Title 22 and FGI Guidelines. The amendment requires hot water delivery for heat disinfection for ware washing. The previous amendment allowed for an exception to the 180F temperature where chemical disinfection was used for pot rinse sinks. The amendment has been updated to state that chemical disinfection is allowed in manual and automatic ware swashing. The previous amendment only listed pot sinks for manual ware washing. The revised amendment is worded to allow chemical disinfection for pot sinks and warewasher for manual and automatic cleaning.

613.2

A new sentence is added to the HCAI amendment. Hot water tank storage is to be maintained at 140F or above to prevent legionella growth. The minimum temperature for hot water storage will be required to be outside of the temperature range that supports legionella growth. Legionella peak growth is at temperatures between 95F and 99F. At 120F legionella growth slows the legionella begin to die. At 158F legionella will die rapidly. For water tanks the 140F is the minimum temperature indicated for legionella control based on national legionella guidelines.

613.6

A new sentence is added to Section 613.6. The new language will require the hot water recirculation loop to be routed back through the storage tank prior to being sent back into the building. The hot water temperature in the building is 120F to 105F and the water can be in the legionella growth range. The new requirement will prevent the hot water from being sent back into the building before passing through the hot water tank at 140F to help control legionella spread.

The HCAI amendment is based on requirements found in FGI guidelines. The 25 foot dead end length has been revised to 10 feet. The HCAI amendment is being revised to coordinate with FGI.

613.9

A new Section 613.9 is being added to the code. This requirement will add test ports and valved openings for flushing. The components are needed in the piping system as part of the buildings water management plan. The new amendment will identify built components needed at the time of piping design to meet the water quality testing and flushing requirements required by Hospitals as part of the water management plan.

CAC Recommendation:

[Enter CAC recommendation(s), if any]

Agency Response:

[Enter the agency's response to CAC recommendation(s)]

ITEM 8
CHAPTER 6 WATER SUPPLY AND DISTRIBUTION
Section 614.0 Dialysis Water-Distribution Systems

614.0

The OSHPD banner was previously located in Section 614.1. The banner is being moved to 614.0 to correctly indicate the subsections adopted by OSHPD.

614.1

The OSHPD banner is removed from Section 614.1 and relocated to Section 614.0. Also, the piping materials allowed in dialysis feedlines is being revised to include CPVC. The AAMI standard RD 62 includes CPVC and the revision is made to coordinate with the standard. A revision to the HCAI amendment in Section 604.1 was made to coordinate with this change.

614.7

The reference standard for dialysis water quality AAMI RD62 is being updated to the current standard produced by the American Association of Medical Instrumentations (AAMI). The standard is now named under AAMI, ANSI and ISO. The 23500 standards 23500-2 and 23500-3 apply to water treatment equipment and water quality.

CAC Recommendation:

[Enter CAC recommendation(s), if any]

Agency Response:

[Enter the agency's response to CAC recommendation(s)]

ITEM 9
CHAPTER 6 WATER SUPPLY AND DISTRIBUTION
Section 615.0 Identification of Potable and Nonpotable Water Lines
Section 616.0 [OSHPD 1] Emergency Water Supply

616.0

HCAI amendment in Section 615.4 is being relocated to a new Section 616.0. Section 615 is titled "Identification of Potable and Nonpotable Water". The HCAI amendment in Section 615.4 is for the Emergency Water Supply and is better suited in a separate Section. Sections 615.4, 615.4.1 and 615.4.2 are being relocated to Sections 616.0, 616.1 and 616.2. SPC-4D is being added to the OSHPD amendment to coordinate with the structural performance categories required to support 72 hours of emergency operations as outlined in Chapter 6 of the California Administrative Code.

616.3

A new subsection 616.3 is being added to the code. The emergency water storage required by Section 616.1 may be upwards of 100,000 gallons of water. Large water supply storage has a great risk of water contamination. This new section will bring in requirements to design water quality features to maintain an acceptable level of water quality as required by state and federal laws. The requirements added are coordinated with national guidelines.

CAC Recommendation:

[Enter CAC recommendation(s), if any]

Agency Response:

[Enter the agency's response to CAC recommendation(s)]

ITEM 10

CHAPTER 7 SANITARY DRAINAGE

Adopt 2024 Uniform Plumbing Code (UPC) Chapter 7 for OSHPD 1, 1R, 2, 3, 4, 5 and 6. Carry forward existing amendments of the 2022 California Plumbing Code (CPC) Chapter 7 for OSHPD 1, 2, 3, 4, and 5.

727.1

SPC-4D is being added to the OSHPD amendment to coordinate with the structural performance categories required to support 72 hours of emergency operations as outlined in Chapter 6 of the California Administrative Code.

CAC Recommendation:

[Enter CAC recommendation(s), if any]

Agency Response:

[Enter the agency's response to CAC recommendation(s)]

ITEM 11

CHAPTER 8 INDIRECT WASTES

Adopt 2024 Uniform Plumbing Code (UPC) Chapter 8 for OSHPD 1, 1R, 2, 3, 4, 5 and 6.

CAC Recommendation:

[Enter CAC recommendation(s), if any]

Agency Response:

[Enter the agency's response to CAC recommendation(s)]

ITEM 12

CHAPTER 9 VENTS

CHAPTER 10 TRAPS AND INTERCEPTORS

CHAPTER 11 STORM DRAINAGE

Adopt 2024 Uniform Plumbing Code (UPC) Chapter 9, 10 and 11 for OSHPD 1, 1R, 2, 3, 4, 5 and 6. Carry forward existing amendments of the 2022 California Plumbing Code (CPC) Chapter 9, 10 and 11 for OSHPD 1, 2, 3, 4, and 5.

CAC Recommendation:

[Enter CAC recommendation(s), if any]

Agency Response:

[Enter the agency's response to CAC recommendation(s)]

ITEM 13
CHAPTER 12 FUEL GAS PIPING

Adopt 2024 Uniform Plumbing Code (UPC) Chapter 12 for OSHPD 1, 1R, 2, 3, 4, 5 and 6.

CAC Recommendation:

[Enter CAC recommendation(s), if any]

Agency Response:

[Enter the agency's response to CAC recommendation(s)]

ITEM 14
CHAPTER 13 HEALTH CARE FACILITIES AND MEDICAL GAS AND MEDICAL VACUUM SYSTEMS

Adopt 2024 Uniform Plumbing Code (UPC) Chapter 13 for OSHPD 1, 1R, 2, 3, 4, 5 and 6. Carry forward existing amendments of the 2022 California Plumbing Code (CPC) Chapter 13 for OSHPD 1, 1R, 2, 3, 4, and 5.

CAC Recommendation:

[Enter CAC recommendation(s), if any]

Agency Response:

[Enter the agency's response to CAC recommendation(s)]

ITEM 15
CHAPTER 14 FIRESTOP PROTECTION
CHAPTER 15 ALTERNATE WATER SOURCES FOR NONPOTABLE APPLICATIONS

Adopt 2024 Uniform Plumbing Code (UPC) Chapter 14 and 15 for OSHPD 1, 1R, 2, 3, 4, 5 and 6.

CAC Recommendation:

[Enter CAC recommendation(s), if any]

Agency Response:

[Enter the agency's response to CAC recommendation(s)]

ITEM 16
CHAPTER 16 NONPOTABLE RAINWATER CATCHMENT SYSTEMS

Entire Chapter 16 not adopted by OSHPD.

CAC Recommendation:

[Enter CAC recommendation(s), if any]

Agency Response:

[Enter the agency's response to CAC recommendation(s)]

ITEM 17
CHAPTER 17 REFERENCED STANDARDS
TABLE 1701.1

Adopt 2024 Uniform Plumbing Code (UPC) Chapter 17 for OSHPD 1, 1R, 2, 3, 4, 5 and 6. Carry forward existing amendments of the 2022 California Plumbing Code (CPC) Chapter 17 for OSHPD 1, 1R, 2, 3, 4, and 5.

TABLE 1701.1

HCAI proposes to revise the referenced standards for dialysis to the current standards from AAMI. This will coordinate with the change in Section 614.7.

CAC Recommendation:

[Enter CAC recommendation(s), if any]

Agency Response:

[Enter the agency's response to CAC recommendation(s)]

ITEM 18
APPENDIX A RECOMMENDED RULES FOR SIZING THE WATER SUPPLY SYSTEM
APPENDIX B EXPLANATORY NOTES ON COMBINATION WASTE AND VENT SYSTEMS

Adopt 2024 Uniform Plumbing Code (UPC) Appendices A and B for OSHPD 1, 1R, 2, 3, 4, 5 and 6.

CAC Recommendation:

[Enter CAC recommendation(s), if any]

Agency Response:

[Enter the agency's response to CAC recommendation(s)]

ITEM 19
APPENDICES C, E, F, G, H, J, K, L, M, O, P, Q, R and S

Entire APPENDIX C, E, F, G, H, J, K, L, M, O, P, Q, R and S not adopted by OSHPD.

CAC Recommendation:

[Enter CAC recommendation(s), if any]

Agency Response:

[Enter the agency's response to CAC recommendation(s)]

ITEM 20
APPENDIX D SIZING STORM WATER DRAINAGE SYSTEMS
APPENDIX I INSTALLATION STANDARDS
APPENDIX N IMPACT OF WATER TEMPERATURE ON THE POTENTIAL FOR SCALDING AND LEGIONELLA GROWTH

Adopt 2024 Uniform Plumbing Code (UPC) Appendices D, I and N for OSHPD 1, 1R, 2, 3, 4, 5 and 6.

CAC Recommendation:

[Enter CAC recommendation(s), if any]

Agency Response:

[Enter the agency's response to CAC recommendation(s)]

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

Government Code Section 11346.2(b)(3) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).

The Facility Guidelines Institute (FGI) “Guidelines for Design and Construction of Hospitals” 2022 edition

ASHRAE Standard 188-2021, “Legionellosis: Risk Management for Building Water Systems”

American Society of Plumbing Engineers (APSE) - “Engineering Methodologies to Reduce the Risk of Legionella in Premise Plumbing Systems”

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS

Government Code Section 11346.2(b)(1) requires a statement of the reasons why an agency believes any mandates for specific technologies or equipment or prescriptive standards are required.

The proposed changes do not mandate any specific technologies or equipment and do not require any prescriptive standards.

CONSIDERATION OF REASONABLE ALTERNATIVES

Government Code Section 11346.2(b)(4)(A) requires a description of reasonable alternatives to the regulation and the agency’s reasons for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternate. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.

There were no alternatives for consideration by HCAI. Proposed amendments will provide clarification and consistency within the code and are in alignment with national standards.

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

Government Code Section 11346.2(b)(4)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business.

Small businesses will not be adversely impacted by the proposed adoption, amendments, or repeal of code requirements.

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

Government Code Section 11346.2(b)(5)(A) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.

HCAI has identified that there will be no adverse economic impact on businesses on the basis that the provisions proposed are optional and are being proposed to allow facilities to provide services that better match their needs.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

Government Code Sections 11346.2(b)(2) and 11346.3(b)(1)

HCAI has assessed whether and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

The proposed regulations will not create or eliminate jobs within the State of California.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

The proposed regulations will not create new businesses or eliminate existing businesses within the State of California.

C. The expansion of businesses currently doing business within the State of California.

The proposed regulations will not cause expansion of businesses currently doing business with the State of California.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

HCAI promulgates building standards regarding the design and construction of licensed health facilities to ensure the protection of the public's health and safety in the facilities. The proposed regulations are necessary for the continued preservation of the health, safety, and welfare of California residents through updated amendments. The regulations will not affect worker safety, or the state's environment.

ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS

Government Code Section 11346.2(b)(5)(B)(i) states if a proposed regulation is a building standard, the initial statement of reasons shall include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates.

HCAI finds that the proposed building standards will result in no cost.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

Government Code Section 11346.2(b)(6) requires a department, board, or commission

within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment.

The proposed regulations do not duplicate or conflict with Federal regulations.