

**FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

REGARDING THE CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS

The Office of Statewide Health Planning and Development (OSHPD) is proposing to amend 2016 California Plumbing Code (CPC) to provide clarification and consistency within the code.

Specific amendments are as follows:

Section 210.0 – This amended provision provides a minor grammatical correction to the text of the definition for clarity.

Section 310.10 – This amended provision will specifically prohibit waste traps in operating and delivery rooms. This amendment is necessary to enhance infection control through the elimination of an established bacteria vector.

Section 310.13 – This new provision adds plumbing requirements for telecommunications service entrance, technology equipment, and technology distribution rooms in support of revisions to Title 24, Part 2, California Building Code. Previously, CPC did not address these areas. The added requirements serve as a minimum standard regarding the placement of unrelated plumbing equipment.

Section 322.0 – This added section provides requirements for safe design of plumbing fixtures to ensure a reduction of self-injurious behavior of occupants in psychiatric care facilities, and is created in support of changes to Title 24, Part 2, California Building Code and align with national standards.

Section 422.1 – This section adds Table 4-3 as a reference to clarify that Table 4-3 applies to OSHPD facilities.

Section 422.1.3 – This added section informs the design professional of the applicable Title 24, Part 2 sections that apply to plumbing fixture placement and quantity.

Section 422.2.2 – The text of this section is being relocated and renumbered to new **Section 422.3.1**. This relocation places the information under “Fixture Requirements for Special Occupancies”, which more accurately describes the requirement. The information is relocated but is not changed.

Section 422.4 – The modification to this section specifies that it is not adopted for OSHPD facilities. The related requirement for OSHPD facilities, as shown in these express terms, is addressed directly before this section in new Section 422.3.1.

Table 4-2 – This addition to the table specifies the inclusion of handwashing fixtures in airborne infection isolation treatment/exam room. This space is added to the table to reflect spaces as specified in Title 24, Part 2, California Building Code.

Table 4-3 – This editorial amendment corrects an error regarding the placement of “footnote 7” in the Table 4-3 headings. Footnote 7 relates to “water closets” not “bathtubs or showers”.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Office of Statewide Health Planning and Development has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S)

- ***OSHPD RECEIVED THE FOLLOWING COMMENTS DURING THE 45-DAY PUBLIC COMMENT PERIOD OF MARCH 17, 2017 THROUGH MAY 1, 2017.***

Comment #1 Commenter: Regina Boyle, generally submitted on behalf of nonprofit, primary care clinics

Comment #1 regarding Section 422.1 Fixture Count: The commenter expresses general dissatisfaction with the rule-making process and the evolution of the California Building Standards Codes since 1991. The recommendation is to pull the proposed language for further study identifying non-compliance with no specific criterion under Health and Safety Code Section 18930(a). The commenter requests that primary care clinics be specifically excluded from the application of the proposed language due to related cost impacts.

OSHPD Response to Comment #1: The section is amended with a reference to Table 4-3. Table 4-3 stipulates minimum standards required by the California Labor Code. Reference to the table in part intended to note the allowance provided by the footnotes associated with that table. While this allowance provides for less restrictive requirements for smaller facilities with less than five employees there is no requirement that the referenced clinic type take advantage of the allowance.

Comment #2 Commenter: Regina Boyle, generally submitted on behalf of nonprofit, primary care clinics

Comment #2 regarding Section 422.1.3 [OSHPD 1, 2, 3 & 4]: The commenter expresses general dissatisfaction with the rule-making process and the evolution of the California Building Standards Codes since 1991. The recommendation is to pull the proposed language for further study with no specific criterion under Health and Safety Code Section 18930(a). The commenter requests that primary care clinics be specifically excluded from the application of the proposed language due to related cost impacts.

OSHPD Response to Comment #2: The section is added to clarify the relationship between the functional requirements of the clinical spaces presented in the California Building Code under Sections 1224, 1225, 1226, 1227 & 1228, and the table presented in the California Plumbing Code, Chapter 4. Health facilities are already bound to the requirements presented in the CBC. There are no new requirements proposed that affect the referenced clinic type. This section only provides an informative reference for easier navigation through the various Parts of Title 24.

Comment #3 Commenter: Regina Boyle, generally submitted on behalf of nonprofit, primary care clinics

Comment #3 regarding Section 422.4-Toilet Facilities Serving Employees and Customers: The commenter expressed general dissatisfaction with the rule-making process and the evolution of the California Building Standards Codes since 1991. The recommendation is to pull the proposed language for further study identifying non-compliance with no specific criterion under Health and Safety Code Section 18930(a). The commenter requests that primary care clinics be specifically excluded from the application of the proposed language due to related cost impacts.

OSHPD Response to Comment #3: The section is clarified with a banner that it is *[not adopted for OSHPD 1, 2, 3, & 4]*. California health facility licensure standards require separate facilities for staff, public and patients primarily due to infection control concerns in a healthcare setting. OSHPD Table 4-2, brought forward from prior adoption, stipulates this more restrictive requirement.

Comment #4 Commenter: Cheri Hummel, California Hospital Association (CHA)

Comment #4 regarding Psychiatric Hospital Services code changes for Title 24, Parts 1, 2, 3, 4 & 5: Ms. Cheri Hummel, representing the CHA, writes in support of OSHPD's proposed building standards (i.e. for the California Administrative Code, California Building Code, California Electrical Code, California Mechanical Code and California Plumbing Code) applicable to psychiatric hospital services space. The commenter maintains that the proposed standards are in conformance with the national standards and the Facilities Guidelines Institute and if adopted, will provide safe and protective environments for patients and staff and result in reduced healthcare costs. CHA recommends that the California Building Standards Commission adopt these standards.

OSHPD Response to Comment #4: OSHPD appreciates the expressed interest and support of the CHA for adoption of OSHPD's proposed code changes to Title 24, Parts 1, 2, 3, 4 & 5 as they apply to psychiatric hospital services space.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

OSHPD has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation. The proposed regulations are technical modifications that will provide clarification and consistency within the code.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

OSHPD has determined that the proposed regulations will not have an adverse economic impact on small businesses. The proposed regulations are minor technical modifications that will provide clarification and consistency within the code.