

**NOTICE OF PROPOSED ACTION  
TO BUILDING STANDARDS OF THE  
CALIFORNIA BUILDING STANDARDS COMMISSION  
THE 2019 CALIFORNIA PLUMBING CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5  
(BSC 04/18)**

Notice is hereby given that the California Building Standards Commission (BSC) proposes to repeal the 2015 UPC and adopt, approve, codify, and publish changes to building standards contained in the 2018 UPC for use as the 2019 California Plumbing Code, Part 5, Title 24, California Code of Regulations.

**PUBLIC COMMENT PERIOD**

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 14, 2018**, until **5:00 p.m.** on **October 29, 2018**. Please address your comments to:

**California Building Standards Commission**  
Attention: Mia Marvelli, Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento CA 95833

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

Any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the California Building Standards Commission to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

**POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS**

Reference: Government Code Section 11346.5(a)(18).

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

## **AUTHORITY AND REFERENCE**

Reference: Government Code Section 11346.5(a)(2).

The California Building Standards Commission (BSC) proposes to adopt these building standards under the authority granted by Health and Safety Code (HSC) §§18928, 18928(b), 18928.1, 18930.5, 18934.5, 18940.5, 18941.8, and 18949.6; and Water Code Section 14877.1.

The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code (HSC) §§18928, 18928(b), 18928.1, 18930.5, 18934.5, 18940.5, 18941.8, and 18949.6; and Water Code Section 14877.1.

## **INFORMATIVE DIGEST**

Reference: Government Code Section 11346.5(a)(3).

### **Summary of Existing Laws**

Health & Safety Code Section (HSC) 18928 authorizes BSC to adopt the most recent edition of the Uniform Plumbing Code.

HSC Section 18928(b) sets forth that each state agency adopting or proposing adoption of a model code, national standard, or specification shall adopt or propose adoption of the most recent edition of the model code, as amended or proposed to be amended by the adopting agency, within one (1) year after the date of publication of the model code, national standard, or specification.

HSC Section 18928.1 specifies that building standards adopted or approved by the commission shall incorporate the text of the model codes, applicable national specifications, or published standards, in whole or in part, only by reference, with appropriate additions or deletions therefrom.

HSC Section 18930.5 states that if no state agency has the authority or expertise to propose green building standards applicable to a particular occupancy, the commission shall adopt, approve, codify, update, and publish green building standards for those occupancies.

HSC Section 18934.5 sets forth that where no state agency has the authority to adopt building standards applicable to state buildings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings.

HSC Section 18940.5 authorizes BSC and other state agencies that propose green building standards for inclusion in Part 11 of Title 24 of the California Code of Regulations to the extent that it is feasible, reference or reprint the green building standards in other relevant portions of Part 2, 2.5, 3, 4, 5, or 6 of Title 24 of the California Code of Regulations.

HSC Section 18941.8 authorizes BSC to adopt building standards for the construction, installation, and alteration of graywater systems for indoor and outdoor uses in nonresidential occupancies.

HSC Section 18949.6 requires BSC to adopt regulations setting forth the procedure for the adoption of building standards and administrative regulations that apply directly to the implementation or enforcement of building standards.

Water Code Section 14877.1 specifies that the authority of the Department of Water Resources to adopt standards for nonresidential occupancies shall terminate upon the adoption of standards by the California Building Standards Commission pursuant to Section 18941.8 of the Health and Safety Code.

### **Summary of Existing Regulations**

The existing 2016 California Plumbing Code (CPC) is Part 5 of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. The 2016 CPC incorporates, by adoption by the California Building Standards Commission, the 2015 UPC of the International Association of Plumbing and Mechanical Officials (IAPMO), with amendments for state buildings and buildings constructed by the University of California and California State Universities. Additional BSC amendments reference and/or reprint green building standards into the 2016 CPC, as appropriate, pursuant to HSC §18940.5. This notice of proposed action reflects BSC's repeal of the 2016 CPC and adoption by reference the 2018 UPC, with California amendments, effective January 1, 2020.

### **Summary of Effect**

This proposed action will make effective the 2018 UPC of IAPMO with necessary amendments to state buildings and to all occupancies identified pursuant to HSC §18938, 180 days after the publication of the next triennial edition of the California Plumbing Code (CPC). This includes amendments applicable to graywater and recycled water systems for nonresidential construction, including green building standards reprinted in the CPC pursuant to HSC 18940.5. This proposed action by BSC will also make the 2016 CPC inoperative for state buildings, and for persons applying for a building permit upon the effective date of the next triennial edition of the CPC. The Initial Statement of Reasons (ISOR) provides a complete description of the proposed building standards effect.

### **Comparable Federal Statute or Regulations**

There are no comparable Federal Statutes or regulations related to the proposed action by the California Building Standards Commission.

### **Policy Statement Overview**

This proposed adoption of the most current edition of the UPC makes it applicable to state building projects, or any person seeking a building permit at the local level, the most current edition of the UPC by reference through the California Code of Regulations, Title 24. The adoption of the most current edition of the UPC provides an up-to-date reference document for new building projects and existing buildings to be remodeled or otherwise altered under the next triennial edition of the California Plumbing Code.

### **Evaluation of Consistency**

The proposed regulation is not inconsistent or incompatible with existing state regulations.

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

Reference: Government Code Section 11346.5(a)(4).

BSC has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

## **MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

Reference: Government Code Section 11346.5(a)(5).

BSC has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. BSC does not have authority to impose building standards or regulations on school districts.

## **ESTIMATE OF COST OR SAVINGS**

Reference: Government Code Section 11346.5(a)(6).

An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- A. Cost or Savings to any state agency: **NO**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO**
- E. Cost or savings in federal funding to the state: **NO**

Estimate: Any additional expenditure resulting from this proposed action would be minor and absorbable within the existing budget and resources of BSC.

## **INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES**

Reference: Government Code Section 11346.5(a)(8).

BSC has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

## **DECLARATION OF EVIDENCE**

Reference: Government Code Section 11346.5(a)(8).

The declaration the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

BSC affirms that the rulemaking action complies with the mandates set forth by Health & Safety Code §§ 18928 and 18934.5. No additional facts, evidence, documents, testimony, or other evidence has been identified for this rulemaking action, which proposes adoption of the latest edition of the model code (as required by statute) and makes editorial modifications with no intended change in regulatory effect.

## **FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE**

Reference: Government Code Section 11346.5(a)(11).

Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

The provision of Government Code Section 11346.3(d) is not applicable. No report is required for the adoption/amendment/repeal of these proposed building standard regulations

## **COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS**

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

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

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

Reference: Government Code Section 11346.5(a)(10).

BSC has assessed to what extent this proposal will affect the following:

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

These regulations will not affect the creation or elimination of jobs within the State.

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

These regulations will not affect the creation of or the elimination of existing business within the State of California.

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

These regulations will not affect the expansion of businesses currently doing business with the State.

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

These regulations will update and improve building standards, provide increased protection of public health and safety, worker safety, and the environment.

## **ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING**

Reference: Government Code Section 11346.5(a)(12).

BSC has determined that this proposal would not have a significant effect on housing costs. BSC does not have authority to impose building standards affecting housing.

## **CONSIDERATION OF ALTERNATIVES**

Reference: Government Code Section 11346.5(a)(13).

BSC has determined that no reasonable alternative considered by BSC or that has otherwise been identified and brought to the attention of BSC would be more effective in carrying out the purpose for which this action is proposed or 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 provisions of law.

## AVAILABILITY OF RULEMAKING DOCUMENTS

Reference: Government Code Sections 11346.5(a)(16) and 11346.5(a)(20).

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the [CBSC website](http://www.bsc.ca.gov): [www.bsc.ca.gov](http://www.bsc.ca.gov).

Reference: Government Code Section 11346.5(a)(19).

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the [CBSC website](http://www.bsc.ca.gov): [www.bsc.ca.gov](http://www.bsc.ca.gov)

Reference: Government Code Section 11346.5(a)(21).

CBSC shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

## CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

Reference: Government Code Section 11346.5(a)(14).

General questions regarding procedural and administrative issues should be addressed to:

Michael L. Nearman, Deputy Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone: (916) 263-0916  
[Michael.Nearman@dgs.ca.gov](mailto:Michael.Nearman@dgs.ca.gov)

## PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be standards should be addressed to:

Kevin Day, Staff Services Manager I  
California Building Standards Commission  
Telephone: (916) 263-0916  
[Kevin.Day@dgs.ca.gov](mailto:Kevin.Day@dgs.ca.gov)

Back-up:

Enrique M. Rodriguez, Associate Construction Analyst  
California Building Standards Commission  
Telephone: (916) 263-0916  
[Enrique.rodriquez@dgs.ca.gov](mailto:Enrique.rodriquez@dgs.ca.gov)