

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE OFFICE OF STATEWIDE HEALTH PLANNING & DEVELOPMENT
REGARDING THE 2019 CALIFORNIA MECHANICAL CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4**

(OSHPD 04/18)

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.

Sections 1.10.1 through 1.10.5.3 – Add the acronym [OSHPD 1R] for buildings removed from acute care services. Add the acronym [OSHPD 5] for acute psychiatric hospitals. Add the adoption of Title 24, Part 6 for [OSHPD 1, 1R, 2, 3, & 4] facilities. This is done to establish consistency with Title 24, Part 2.

Various Sections – OSHPD amendments to Title 24, Part 4 address the [OSHPD] header with the various facility classifications that apply, (OSHPD 1, 1R, 2, 3, 4, & 5). Modify each of these OSHPD-amended sections headers to properly address how OSHPD 1R, and OSHPD 5 facilities apply to the related requirements. OSHPD 5 requirements are those necessary for acute psychiatric hospitals. This is done to establish consistency with Title 24, Part 2. During the 2016 Intervening Code Cycle the publisher made errors in the printing of Part 4. The language that was published incorrectly is shown corrected in these express terms in curved underline in order to assist the publisher. This language is not part of the rulemaking and is not subject to public comment.

Section 407.4.1.3 – Add transfer air to list of air prohibited to transfer to or from fire resistive corridors to improve fire safety and ensure enhanced infection control.

Section 416.1 – This provision removes confusing language that mandates unnecessary requirements for the design and construction of airborne infection isolation room and protective environment rooms. It adds a reference to ASHRAE 170 for the pressure differential requirement for these spaces to ensure against future conflicts for this requirement. This provision also clarifies how the required pressure differential for these spaces is applied.

Section 419.1 – This new provision specifies air delivery to and removal from the Neonatal Intensive Care Unit Formula Preparation Area in a manner that ensures sanitary conditions per input from California Department of Public Health.

Section 419.2 – This new provision specifies air delivery to and removal from the Neonatal Intensive Care Unit Treatment Area/Room in a manner that ensures sanitary conditions in the location where susceptible infants may be subject to medical treatment.

Table 4-A – Institute a minor title change adding “Acute Psychiatric Hospitals” to reflect change to Title 24, Part 2. This is not a new code requirement. Remove five areas from this table to adjust Title 24, Part 4 to more closely match national standards. The removed areas are Administrative, Dining room, Dishwashing room, Multipurpose room, and Staff sleep rooms. Add drug compounding-specific spaces to bring Title 24, Part 4 into alignment with USP <797>, <800>, (both national standards for drug compounding), and California Board of Pharmacy regulations. Modify footnotes t and u to remove unnecessary requirements and more closely align Table 4-A with Table 7.1 of ASHRAE 170. Add footnote aa to allow easier application of the requirements to nurse station spaces. Add footnote ab to specify that spaces not listed in Table 4-A shall be ventilated per ASHRAE 62.1, the referenced national standard for non-residential ventilation. Add neonatal intensive care formula preparation room to the table, including ventilation requirements to reflect the requirements of this space per direction from California Department of Public Health. Split Observation/seclusion room into two separate spaces to allow the application of humidity requirements to Observation to more closely match ASHRAE 170.

The PEME Code Advisory Committee recommended Short Term Further Study and OSHPD agreed and made appropriate amendments to the proposed code language in Table 4-A for Pharmacy (b) and corresponding Footnote b.

Table 4-B – Add neonatal intensive care formula preparation room to the table, requiring three filter banks through MERV 17 efficiency. This change reflects the requirements of this space per direction from California Department of Public Health.

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).

ASHRAE 170, as published in the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities* (2014 edition), published by The Facility Guidelines Institute, was used as the basis for various requirements in this proposal.

<797> Pharmaceutical Compounding – Sterile Preparations, USP Compounding Compendium.

<800> Hazardous Drugs – Handling in Healthcare Settings, USP Compounding Compendium.

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.

These regulations do not mandate the use of technology or equipment and do not require any new 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 the Office. The 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 amendments.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE 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.

The Office did not identify any cost to comply with the proposed amendments. The proposed amendments are editorial and minor technical changes that will provide clarification within the code.

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

Government Code Sections 11346.3(b)(1) and 11346.5(a)(10)

The OSHPD has assessed whether or not 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.

OSHPD 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 associated with the design and construction of health facilities that reflect current construction practices and current practices of medicine. Worker safety and the state's environment will not be affected.

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.

OSHPD did not identify any cost to comply with the proposed amendments. The amendments make editorial and minor technical modifications and will provide clarification and consistency within the code.

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.