

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT
REGARDING THE 2019 CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5
(OSHPD 05/18)**

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.

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:

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 5 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 1R requirements match those of OSHPD 1. OSHPD 5 requirements are those necessary for acute psychiatric hospitals. This is done to establish consistency with Title 24, Part 2.

Section 310.10 – Add prohibition of floor drains in compounding rooms to reflect requirements of USP<797 and USP<800>.

Table 4-2 – Remove Administration Center in order to clarify code requirements. Remove “Treatment room” from Emergency Service Treatment room in order to clarify code requirements. Add the requirement of 1 toilet per 6 beds for Observation unit(s). Add

“Treatment area/room” and the requirement for one handwashing fixture to Newborn Intensive Care Unit to coordinate with Title 24, Part 2. Add “Special bathing” facility with the requirement for one shower to coordinate with Title 24, Part 2. Add “Outpatient observation” and required fixtures to coordinate with Title 24, Part 2. Remove “Administration Center” from “Nurse Station” to clarify code requirements and coordinate with Title 24, Part 2. Remove “Computerized tomography (CT)” since it has no requirements for plumbing fixtures on this Table. Add “Infusion therapy” and the requirement for one handwash fixture to coordinate with Title 24, Part 2. Add footnote 35 to coordinate with Title 24, Part 2 and clarify toilet room and handwash fixture for “Outpatient observation”.

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).

There are no technical, theoretical or empirical studies/reports or other documents to identify as the basis for this proposal.

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 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.

There will be no additional cost of compliance to hospitals, skilled nursing facilities, licensed clinics, or correctional treatment centers.

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.