

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2019 CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5
(HCD 06/19)**

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 Public Problem, Administrative Requirement, or Other Circumstance Addressed

Administrative Requirement: Health and Safety Code (HSC) Section 17921 directs the Department of Housing and Community Development (HCD) to propose adoption, amendment or repeal of building standards for the protection of public health, safety and general welfare.

1) Specific Purpose

HCD has determined the amendment of the 2019 California Code of Regulations (CCR), title 24, California Plumbing Code (CPC), part 5, is needed pursuant to the requirements of HSC section 17921.

The specific purpose of these regulations is to amend the 2019 CCR, title 24, CPC, part 5 for the following programs:

- a) **State Housing Law:** relative to residential occupancies, buildings or structures accessory thereto and as provided in HSC section 17921.
- b) **Employee Housing:** relative to any building or structure or outdoors on premises or property in accordance with HSC section 17040.
- c) **Mobilehome Parks and Special Occupancy Parks:** relative to the use of building systems in or on any permanent buildings, accessory buildings, and structures under the ownership and control of the park operator within the park in accordance with HSC sections 18300 and 18620 for mobilehome parks; and sections 18865 and 18871.3 for special occupancy parks.
- d) **Factory-Built Housing:** relative to residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies in accordance with HSC section 19990.

2) Rationale for Necessity

The 2019 CPC, based on the 2018 edition of the Uniform Plumbing Code (UPC) published by the International Association of Plumbing and Mechanical Officials (IAPMO), was effective as of January 1, 2020. HCD has developed amendments to implement, interpret, and make specific provisions of state and federal law and/or to incorporate provisions that benefit the health, safety and general welfare of the people of California.

Specific Proposed Regulatory Actions:

HCD proposes to amend the 2019 CPC. The rationale for each amendment is listed below.

Item 1 HCD proposes to amend sections of Chapter 1 as follows:

CBSC-CAC Action: Approve as Submitted with direction to clarify local enforcing agency discretion to issue permits.

HCD Response to CAC: Accept

Section 1.1.9 Effective Date of this Code.

Rationale: HCD proposes to modify the above referenced existing California amendment. HCD proposes to amend section 1.1.9 to add an exception for retroactive permits.

Senate Bill 1226 (Chapter 1010, Statutes of 2018), operative January 1, 2019, added HSC section 17958.12 to the State Housing Law. This section recognizes existing discretion of enforcing agencies to apply building standards in effect at the time of building construction and to grant case-by-case approvals for use of alternate methods of construction and/or materials.

HSC section 17958.12, subdivision (b), also requires HCD to propose the adoption of a building standard to the California Building Standards Commission (CBSC) to authorize enforcing agencies to determine the date of construction of existing residential units which lack issued building permits and to issue retroactive building permits based on the building standards in effect at the time of the determined original construction. HCD has determined that this proposal no fiscal impact pursuant to California Code of Regulations, title 1, section 100, "Changes Without Regulatory Effect." The statute has been effective since January 1, 2019, and the statute also recognizes current ongoing local practices related to issuance of retroactive permits addressing non-permitted structures.

(Retroactive permits are sometimes referred to as "after-the-fact" or "as-built" permits or permits based on use of alternate materials and methods of construction.) The intent of HCD's initial proposal was to clarify the use of retroactive permits but did not require that a retroactive permit be issued or additional compliance beyond the statute. HCD has considered comments from the Code Advisory Committee of March 4, 2020, and from CALBO's State Code Committee on March 13, 2020, and now proposes a "pointer" to HSC section 17958.12. This provides a reference to the legislative findings and intent related to the use of retroactive permits and recognition of local enforcing agency authority to issue retroactive permits.

In accordance with HSC section 17951, the governing bodies of any county or city may prescribe fees to defray costs of enforcement of the original statute (State Housing Law). Local governing bodies may utilize this authority to offset increased costs for statutory compliance. Potential benefits of these regulations include clarification in the building standards to inform code users of statutory provisions which may be overlooked when addressing unpermitted structures or needed building corrections.

The new proposed exception supports Nine-Point Criteria One by avoiding potential conflict with existing California amendment section 1.1.9 which states that only standards approved by the CBSC effective at the time an application for building permit is submitted shall apply to the plans and specifications for, and to the construction performed under, that permit. The proposed exception meets Nine-Point Criteria Two in that the proposed building standards, as applicable to residential structures, are not within the exclusive jurisdiction of another agency. The proposed exception also meets Nine-Point Criteria Three due to its contribution to making unpermitted existing housing available for legal occupancy and addressing the public interest in reducing California's housing crisis. HCD also proposes to number the existing and new exceptions, add HCD's banner and make grammatical corrections to hyphenate "factory-built." The proposed amendment has no fiscal impact pursuant to CCR, title 1, section 100, "Changes Without Regulatory Effect."

CBSC-CAC Action: Approve as Submitted.

HCD Response to CAC: Accept

Section 1.8.4.1 Permits.

Rationale: HCD proposes to modify the above referenced existing California amendment. HCD proposes to amend section 1.8.4.1 to clarify that retroactive permits may be obtained although the building has already been constructed. HCD has determined that there is no fiscal impact, see additional background for section 1.1.9.

CBSC-CAC Action: Approve as Submitted.

HCD Response to CAC: Accept

Section 1.8.9.1 Authority to Enforce.

Rationale: HCD proposes to modify the above referenced existing California amendment. HCD proposes to amend section 1.8.9.1 subsection 1 to provide reference to provisions for delayed correction of violations for existing accessory dwelling units (ADU).

Senate Bill 13 (Chapter 653, Statutes of 2019), operative until January 1, 2035, added HSC section 17980.12 to the State Housing Law requiring enforcement agencies issuing "notices to correct" to also provide notification that the owner of the substandard ADU may request a delay. This section provides that the ADU owner may request a delay of enforcement on the violation for up to five years if correcting the violation or abating the nuisance is not necessary to protect health and safety.

HCD's proposed amendment provides a reference to a new statutory section addressing "notices to correct" for ADUs, operative until January 1, 2035, related to provisions for delaying corrections. HCD has determined that this proposal has no fiscal impact pursuant to CCR, title 1, section 100, "Changes Without Regulatory Effect." HCD's proposed regulation provides a "pointer" to provisions allowing delay in correction in HSC section 17980.12 but does not require approval of delays in correction or additional compliance beyond the statute.

Item 2 HCD proposes to adopt the following definitions:

CBSC-CAC Action: Approve as Submitted.

HCD Response to CAC: Accept

Section 203.0 Accessory Dwelling Unit.

Rationale: HCD proposes to amend the above referenced section with a new California amendment (definition). This new definition is proposed to clarify the meaning of the term as used in the proposed modification of sections 1.8.9.1 and 311.1. See sections 1.8.9.1 and 311.1 for details.

CBSC-CAC Action: Approve as Submitted.

HCD Response to CAC: Accept

Section 215.0 Meter.

Section 221.0 Submeter.

Rationale: HCD proposes to amend the above referenced sections with new California amendments (definitions). The term “meter” is identified to assist with the identification of a “submeter” as used in HCD’s proposed sections 601.2.1 through 601.2.2. The proposed submeter definition is consistent with Senate Bill 7 (Chapter 623, Statutes of 2016) which required submetering in rental multiunit and mixed-use structures. SB 7 directed HCD to develop building standards requiring the installation of water submeters in newly constructed rental multiunit residential structures; and for residential units in newly constructed mixed-use residential/commercial structures.

Applicable references to the Civil Code and Water Code are included for the code user.

The proposed California amendments to the definitions in Chapter 2; Accessory Dwelling Unit, Meter and Submeter, add no local or state mandates or fiscal impact. The proposed definitions are to provide clarity to the terms as used in the code.

Item 3 HCD proposes to amend sections of Chapter 3 as follows:

CBSC-CAC Action: Further Study.

HCD Response to CAC: Accept.

Section 311.1 General.

Rationale: In response to the CAC recommendation to further study Section 311.1 Exception 2, HCD proposes to amend section 311.1 by adding a note. The note directs the code reader to Government Code section 65852.2 which addresses installations of new or separate utility connections directly between the accessory dwelling unit (ADU) and the utility, i.e., drainage water and gas services.

The new proposed note supports Nine-Point Criteria one (1) by avoiding potential conflict with existing section 311.1. Pursuant to Government Code section 65852.2, ADUs meeting specified conditions are not required to have independent service utility (drainage) connections. The proposed change meets Nine-Point Criteria two (2) in being within the parameters established by enabling legislation and not within the jurisdiction of another state agency.

The proposed California amendment adding a note to Chapter 3, Section 311.1, allows ADUs, meeting specified conditions, to have a common sewer connection with the primary dwelling. The note is only a pointer to existing statute and does not require additional compliance beyond the statute. There is no fiscal impact.

Item 4 HCD proposes to amend sections of Chapter 4 as follows:

CBSC-CAC Action: Approve as Submitted.

HCD Response to CAC: Accept.

Section 420.3.1 Pre-Rinse Spray Valves.

Table H-2. Standards for Commercial Pre-rinse Spray Valves Manufactured On or After January 28, 2019.

Rationale: HCD proposes to amend the above referenced section with a new California amendment. This amendment is in coordination with the Division of the State Architect (DSA), California Energy Commission (CEC), and CBSC. This section is proposed to align with the Appliance Efficiency Regulations adopted by the CEC in CCR, title 20. On January 28, 2019, the amended energy conservation federal standards (Code of Federal Regulations (C.F.R.), title 10, part 431, subpart O) for all commercial pre-rinse spray valves went into effect. These federal standards for flow rate of commercial pre-rinse spray valves manufactured on or after January 28, 2019, shall be equal to or less than the values shown in Table H-2. Table H-2 can be found in CCR, title 20, section 1605.1 (h)(4). In addition, per CCR, title 20, section 1605.3 (h)(4)(A), commercial pre-rinse spray valves manufactured on or after January 1, 2006, shall have a minimum spray force of not less than 4.0 ounces-force (ozf) (113 grams-force (gf)).

This code change also reflects the same provisions proposed to be adopted by HCD in CALGreen section 4.303.1.4.5.

Consistency among federal regulations and state regulations will benefit the code user. The intent is to align the federal and state regulations, set forth in CCR, title 20 (Appliance Efficiency Regulations). HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action, because it is currently required in both California and federal regulations.

Item 5 HCD proposes to amend sections of Chapter 6 as follows:

CBSC-CAC Action: Approve as Submitted.

HCD Response to CAC: Accept.

Section 601.2.1 Submeters.

Rationale: HCD proposes to repeal the existing language in section 601.2.1 and add new language and exemptions. SB 7 added HSC section 17922.14, directing HCD to develop building standards requiring the installation of individual water meters or submeters in newly constructed rental multiunit residential structures and for individual residential dwelling units in newly constructed rental mixed-use residential/commercial structures for water conservation purposes. SB 7 provides exemptions for specific structures from these requirements as proposed in Exemptions 1-5. The CAC recommended Approve as

Submitted, but also suggested HCD consider clarifying language regarding the term “rental,” which HCD has done in its 45-day Express Terms.

SB 7 added section 537.1 to the Water Code. This section required each water purveyor providing water services to a newly constructed multiunit rental residential structure or individual dwelling units within a mixed-use rental residential/commercial structure for which an application for a water connection (or connections) is submitted after January 1, 2018, to require measurement of the water supplied to each individual dwelling unit that is rented. SB 7 clarified that the measurement could be accomplished through the use of meters or submeters. Therefore, the requirement for installation of water submeters in these types of buildings has been in effect since January 1, 2018.

SB 7 also added section 517 to the Water Code which defined a submeter.

“Submeter” means a device that measures water consumption of an individual rental unit within a multiunit residential structure or mixed-use residential and commercial structure, and that is owned and operated by the owner of the structure or the owner’s agent. As used in this section, “multiunit residential structure” and “mixed-use residential and commercial structure” mean real property containing two or more dwelling units.

A definition for submeter is proposed in Chapter 2 which is derived from Water Code section 517.

SB 7 also included provisions in Water Code section 537.1, subdivision (e), which provides that the section would only be operative until the date on which the CBSC includes building standards conforming with Water Code, article 5, commencing with section 537. Per Water Code section 537.1 the provisions would become inoperative upon the effective date of the 2019 CPC supplement (July 1, 2021).

CBSC-CAC Action: Approve as Submitted.

HCD Response to CAC: Accept.

Section 601.2.1.1 Approved Submeters.

Rationale: HCD proposes to add the above referenced California amendment to provide a reference for the approval of submeters (or meters) to be installed in accordance with Business and Professions Code (BPC), division 5. Approval of submeters is specifically addressed in BPC section 12500.5. There is no fiscal impact pursuant to CCR, title 1, section 100, “Changes Without Regulatory Effect.”

CBSC-CAC Action: Approve as Submitted.

HCD Response to CAC: Accept.

Section 601.2.2 Submeter Testing.

Rationale: HCD proposes to add the above referenced California amendment to provide references for testing and retesting of submeters (or meters) installed for rental multifamily dwellings.

Submeter or meter testing standards are listed in the following: CCR, title 4, division 9, chapter 3, article 1, section 4070 (device inspection and testing); Civil Code section 1954.203, subdivision (a)(1) (submeters for water service); and BPC sections 12107 and 12212 (submeter testing). There is no fiscal impact pursuant to CCR, title 1, section 100, “Changes Without Regulatory Effect.”

Item 6 HCD proposes to amend sections of Chapter 15 as follows:

CBSC-CAC Action: Approve as Submitted.

HCD Response to CAC: Accept.

Section 1502.3 Cross-Connection Inspection and Testing.

Rationale: HCD proposes to amend the above referenced section in response to comments received during a previous code cycle. HCD, in coordination with CBSC, proposes to add language distinguishing steps taken during initial visual inspections and cross-connection tests (i.e., those conducted before initial operation of an alternate water source system) from those taken during subsequent inspections and tests. The benefits of this code change include clarifying code language that will produce sensible and usable state building standards that promote health and safety. There is no fiscal impact pursuant to CCR, title 1, section 100, "Changes Without Regulatory Effect."

CBSC-CAC Action: Approve as Submitted.

HCD Response to CAC: Accept.

Section 1502.3.2 Cross-Connection Test.

Rationale: HCD proposes to amend the above referenced section in response to comments received during a previous code cycle. HCD, in coordination with CBSC, proposes to add language distinguishing steps during an initial cross-connection test from those taken during subsequent cross-connection tests. The benefits of this code change include clarifying code language that will produce sensible and usable state building standards that promote health and safety. There is no fiscal impact pursuant to CCR, title 1, section 100, "Changes Without Regulatory Effect."

CBSC-CAC Action: Approve as Submitted.

HCD Response to CAC: Accept.

Section 1503.3 Connections to Potable and Reclaimed (Recycled) Water Systems.

Rationale: HCD proposes to amend the above referenced section in response to comments received during a previous code cycle. HCD, in coordination with Department of Water Resources (DWR) and CBSC, proposes to add language clarifying that exception (2) allows a temporary connection to the potable water supply for the initial cross-connection test of the untreated graywater system. The benefit of this code change includes clarifying code language that promotes health and safety. There is no fiscal impact pursuant to CCR, title 1, section 100, "Changes Without Regulatory Effect."

CBSC-CAC Action: Approve as Submitted.

HCD Response to CAC: Accept.

Section 1506.4 Connections to Potable or Reclaimed (Recycled) Water Systems.

Rationale: HCD proposes to amend the above referenced section in response to comments received during a previous code cycle. HCD, in coordination with DWR and CBSC, proposes to add language clarifying that exception (2) allows a temporary connection to the potable water supply for the initial cross-connection test of the on-site treated nonpotable graywater system. The benefit of this code change includes clarifying code language that promotes health and safety. There is no fiscal impact pursuant to CCR, title 1, section 100, "Changes Without Regulatory Effect."

Item 7 HCD proposes to amend sections of Chapter 16 as follows:

CBSC-CAC Action: Approve as Submitted.

HCD Response to CAC: Accept.

TABLE 1602.9.6 MINIMUM TREATMENT AND WATER QUALITY FOR RAINWATER

Rationale: HCD proposes to repeal the above referenced California amendment and adopt the model code table with amendments. In coordination with CBSC, for accessibility purposes, HCD will show the majority of the UPC (model code) language in upright text with the HCD carried-forward amendments in italic underlined text. During the 2012 Triennial Code Cycle, CBSC and HCD developed this table to address minimum treatment and water quality for rainwater catchment systems. While IAPMO published a substantially similar version of this table in the 2015 Uniform Plumbing Code (UPC), CBSC and HCD have since maintained their co-adopted table. The table is now virtually identical to the CBSC/HCD co-adopted version. California Building Standards Law requires the adoption of model code whenever possible, CBSC and HCD are removing their amended table and adopting Table 1602.9.6 from the 2018 UPC, but carrying forward existing amendments such as the inclusion of the “Surface Irrigation” category, as well as minor amendments that show the “micron symbol” (μm) and “gallon-to-liter conversions.”

CBSC-CAC Action: Approve as Submitted.

HCD Response to CAC: Accept.

Section 1605.3. Cross-Connection Inspection and Testing.

Rationale: HCD proposes to amend the above referenced section in response to comments received during a previous code cycle. HCD, in coordination with CBSC, proposes to add language distinguishing steps taken during initial visual inspections and cross-connection tests (i.e., those conducted before initial operation of a rainwater catchment system) from those taken during subsequent inspections and tests. The benefits of this code change include clarifying code language that will produce sensible and usable state building standards that promote health and safety. There is no fiscal impact pursuant to CCR, title 1, section 100, “Changes Without Regulatory Effect.”

CBSC-CAC Action: Approve as Submitted.

HCD Response to CAC: Accept.

Section 1605.3.2 Cross-Connection Test.

Rationale: HCD proposes to amend the above referenced section in response to comments received during a previous code cycle. HCD, in coordination with CBSC, proposes to add language distinguishing steps during an initial cross-connection test for rainwater catchment systems from those taken during subsequent cross-connection tests. The benefits of this code change include clarifying code language that will produce sensible and usable state building standards that promote health and safety. There is no fiscal impact pursuant to CCR, title 1, section 100, “Changes Without Regulatory Effect.”

HCD, in coordination with CBSC, proposes California amendments to Chapter 16 which is an adoption of a model code table and is inclusively clarifying text which possess no additional local or state mandates or fiscal impact.

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).

10 Code of Federal Regulations part 431 (O) (2019) which provides standards for all commercial pre-rinse spray valves.

CCR, title 20, sections 1605.1 (h)(4), 1605.3 (h)(4), and 1607 (d)(7) which highlight the federal standards for flow rate of commercial pre-rinse spray valves manufactured on or after January 28, 2019.

Senate Bill 7 (Chapter 623, Statutes of 2016) which required HCD to develop building standards requiring the installation of water submeters in newly constructed multiunit residential structures; and for residential units in newly constructed mixed-use residential/commercial structures.

Senate Bill 1226 (Chapter 1010, Statutes of 2018), operative January 1, 2019, which added HSC section 17958.12 to the State Housing Law.

Senate Bill 13 (Chapter 653, Statutes of 2019), operative until January 1, 2035, added HSC section 17980.12 to the State Housing Law.

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.

HCD is statutorily required to adopt by reference model building codes, which contain prescriptive standards. Prescriptive standards provide the following: explicit guidance for certain mandated requirements; consistent application and enforcement of building standards while also establishing clear design parameters; and ensure compliance with minimum health, safety and welfare standards for owners, occupants and guests. HCD's proposed amendments to the 2019 CPC follow this requirement by proposing prescriptive requirements when requirements are proposed.

Performance standards are permitted by state law; however, they must be demonstrated to the satisfaction of the proper enforcing agency.

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 feasible alternatives available to HCD. The exclusion of new statutory requirements may cause conflict within the code and confusion for code users. These provisions are also needed to avoid conflict with CCR, title 20 (Appliance Efficiency Regulations) for pre-rinse spray valves and for consistency with other state agency amendments.

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.

None. HCD is amending the 2019 CPC with California amendments to incorporate statutory requirements and to coordinate proposed changes with regulatory agencies.

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.

HCD has determined that this regulatory action would have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states. These regulations include references to HSC section 17922.14 which directed HCD to develop building standards requiring the installation of individual water meters or submeters in newly constructed multifamily unit residential structures and for individual residential dwelling unit rentals in newly constructed mixed-use residential/commercial structures for water conservation purposes. These regulations also include references to CCR, title 20, sections 1605.1 (h)(4), 1605.3 (h)(4)(A), and 1607 (d)(7) for pre-rinse spray valves. However, these are existing statutory requirements and the proposed regulations only continue or provide references to the statutory requirements.

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 Department of Housing and Community Development 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.
These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.
- B.** The creation of new businesses or the elimination of existing businesses within the State of California.
These regulations will not affect the creation, or cause the elimination, of new or existing businesses 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 within in 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.
The potential benefits of these regulations include water conservation and more opportunities for housing.

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 is no additional cost of compliance for the proposed regulations. See discussions in rationale of individual sections for benefits and any assumptions.

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 regulations do not duplicate nor conflict with federal regulations. The State of California has preemptive authority to adopt more restrictive mandatory standards for the construction methods and materials addressed in these regulations. The provisions for the commercial pre-rinse valves provide consistency with federal requirements and include additional California requirements.