

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT
REGARDING THE 2022 CALIFORNIA MECHANICAL CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4**

(OSHPD 01/21)

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.

Item 1

**CHAPTER 1 ADMINISTRATION
DIVISION I CALIFORNIA ADMINISTRATION
DIVISION II ADMINISTRATION**

Adopt 2021 Uniform Mechanical Code (UMC). Adopt specific sections of Chapter 1 and carry forward existing amendments of the 2019 California Mechanical Code (CMC) for OSHPD 1, 1R, 2, 3, 4 and 5.

CAC Recommendation (if applicable):

The PEME Code Advisory Committee (CAC) Recommended Approve.

Agency Response:

OSHPD Accepts the CAC Recommendation.

Item 2

CHAPTER 2 DEFINITIONS

Adopt 2021 Uniform Mechanical Code (UMC) Chapter 2 and carry forward existing amendments of the 2019 California Mechanical Code (CMC) for OSHPD 1, 1R, 2, 3, 4 and 5 with the following modification:

Section 228.0 – Z –

OSHPD proposes to add the definition of Zone to [OSHPD 1, 2, 3, 4 & 5] to specify the meaning of this term within Part 4 and reduce confusion.

CAC Recommendation (if applicable):

The PEME Code Advisory Committee (CAC) Recommended Approve.

Agency Response:

OSHPD Accepts the CAC Recommendation.

Item 3

CHAPTER 3

Adopt 2021 Uniform Mechanical Code (UMC) Chapter 3 and carry forward existing amendments of the 2019 California Mechanical Code (CMC) for OSHPD 1, 1R, 2, 3, 4 and 5.

CAC Recommendation (if applicable):

The PEME Code Advisory Committee (CAC) Recommended Approve.

Agency Response:

OSHPD Accepts the CAC Recommendation.

Item 4

CHAPTER 4 VENTILATION AIR

Adopt 2021 Uniform Mechanical Code (UMC). Adopt specific sections of Chapter 4 and carry forward existing amendments of the 2019 California Mechanical Code (CMC) for OSHPD 1, 1R, 2, 3, 4 and 5 with the following modifications:

Section 407.5 Variable Air Volume.

OSHPD proposes to amend the Variable Air Volume (VAV) to specify that a VAV device is required in spaces with pressure requirements so that a system can control the pressure in spaces with pressure requirements in conjunction with controlling the air flow.

Section 407.6 Economizers.

OSHPD proposes to add a section for Economizers. Designers often fail to specify powered exhaust for systems that utilize economizers. Such an omission creates non-compliant conditions in healthcare spaces that have specific pressure requirements. This edit is to reduce the occurrence of this error and simplify the design and review process.

Section 420.0 Air Distribution Devices.

OSHPD proposes to add a pointer to the portions of ASHRAE 170 where the requirements for air distribution devices are specified. This is to reduce the occurrence of a very common, costly design error and ensure asepsis.

TABLE 4-A

OSHPD proposes an editorial change to remove redundant information in Table 4-A.

CAC Recommendation (if applicable):

The PEME Code Advisory Committee (CAC) Recommended Further Study.

Agency Response:

OSHPD Accepts the CAC Recommendation. OSHPD made an editorial change to Section 407.6 Economizers to provide additional clarification based on CAC comments.

Item 5

CHAPTERS 5 and 6

Adopt 2021 Uniform Mechanical Code (UMC) Chapters 5 and 6 and carry forward existing amendments of the 2019 California Mechanical Code (CMC) for OSHPD 1, 1R, 2, 3, 4 and 5.

CAC Recommendation (if applicable):

The PEME Code Advisory Committee (CAC) Recommended Approve.

Agency Response:

OSHPD Accepts the CAC Recommendation.

Item 6

CHAPTERS 7 and 8

Adopt 2021 Uniform Mechanical Code (UMC) Chapter 7 and 8 for OSHPD 1, 1R, 2, 3, 4 and 5.

CAC Recommendation (if applicable):

The PEME Code Advisory Committee (CAC) Recommended Approve.

Agency Response:

OSHPD Accepts the CAC Recommendation.

Item 7

CHAPTER 9

Adopt 2021 Uniform Mechanical Code (UMC) Chapter 9 and carry forward existing amendments of the 2019 California Mechanical Code (CMC) for OSHPD 1, 1R, 2, 3, 4 and 5.

CAC Recommendation (if applicable):

The PEME Code Advisory Committee (CAC) Recommended Approve.

Agency Response:

OSHPD Accepts the CAC Recommendation.

Item 8

CHAPTER 10

Adopt 2021 Uniform Mechanical Code (UMC) Chapter 10 for OSHPD 1, 1R, 2, 3, 4 and 5.

CAC Recommendation (if applicable):

The PEME Code Advisory Committee (CAC) Recommended Approve.

Agency Response:

OSHPD Accepts the CAC Recommendation.

Item 9

CHAPTERS 11 and 12

Adopt 2021 Uniform Mechanical Code (UMC) Chapters 11 and 12 and carry forward existing amendments of the 2019 California Mechanical Code (CMC) for OSHPD 1, 1R, 2, 3, 4 and 5.

CAC Recommendation (if applicable):

The PEME Code Advisory Committee (CAC) Recommended Approve.

Agency Response:

OSHPD Accepts the CAC Recommendation.

Item 10

CHAPTERS 13 and 14

Adopt 2021 Uniform Mechanical Code (UMC) Chapters 13 and 14 for OSHPD 1, 1R, 2, 3, 4 and 5.

CAC Recommendation (if applicable):

The PEME Code Advisory Committee (CAC) Recommended Approve.

Agency Response:

OSHPD Accepts the CAC Recommendation.

Item 11

CHAPTERS 15 and 16

Entire Chapters 15 and 16 not adopted by OSHPD.

CAC Recommendation (if applicable):

The PEME Code Advisory Committee (CAC) Recommended Approve.

Agency Response:

OSHPD Accepts the CAC Recommendation.

Item 12

CHAPTER 17

Adopt 2021 Uniform Mechanical Code (UMC) Chapter 17 and carry forward existing amendments of the 2019 California Mechanical Code (CMC) for OSHPD 1, 1R, 2, 3, 4 and 5.

CAC Recommendation (if applicable):

The PEME Code Advisory Committee (CAC) Recommended Approve.

Agency Response:

OSHPD Accepts the CAC Recommendation.

Item 13

APPENDIX A

Entire Appendix A not adopted by OSHPD.

CAC Recommendation (if applicable):

The PEME Code Advisory Committee (CAC) Recommended Approve.

Agency Response:

OSHPD Accepts the CAC Recommendation.

Item 14

APPENDIX B and C

Adopt 2021 Uniform Mechanical Code (UMC) Appendices B and C for OSHPD 1, 1R, 2, 3, 4 and 5.

CAC Recommendation (if applicable):

The PEME Code Advisory Committee (CAC) Recommended Approve.

Agency Response:

OSHPD Accepts the CAC Recommendation.

Item 15

APPENDICES D, E, F and G

Entire Appendices D, E, F and G not adopted by OSHPD.

CAC Recommendation (if applicable):

The PEME Code Advisory Committee (CAC) Recommended Approve.

Agency Response:

OSHPD Accepts the CAC Recommendation.

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 formal studies, reports, or documents to be identified as the basis for the proposed amendments.

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.

The proposed changes do not mandate any specific technologies 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. 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 adoption, amendments, or repeal of code requirements.

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 identified that there will be no adverse economic impact on businesses on the basis that the provisions proposed are optional and are being proposed to allow facilities to provide services that better match their needs.

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)
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. The regulations will not affect worker safety, or the state's environment.

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 finds that the proposed building standards will result in no cost, cost savings, and/or cost that is reasonable if the facility chooses to incorporate a specific building standard into the project design.

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.