

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT
REGARDING THE 2022 CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5**

(OSHPD 02/21)

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 Plumbing Code (UMC) Chapter 1 and carry forward existing amendments of the 2019 California Plumbing 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

CHAPTERS 2, 3, and 4

Adopt entire 2021 Uniform Plumbing Code (UPC) Chapters 2, 3, and 4 and carry forward existing amendments of the 2019 California Plumbing Code (CPC) 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 3
CHAPTER 5

Adopt entire 2021 Uniform Plumbing Code (UPC) Chapter 5 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
CHAPTERS 6 and 7

Adopt entire 2021 Uniform Plumbing Code (UPC) Chapters 6 and 7 and carry forward existing amendments of the 2019 California Plumbing Code (CPC) 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 5
CHAPTER 8

Adopt entire 2021 Uniform Plumbing Code (UPC) Chapter 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 6
CHAPTERS 9, 10, and 11

Adopt entire 2021 Uniform Plumbing Code (UPC) Chapters 9, 10, and 11 and carry forward existing amendments of the 2019 California Plumbing Code (CPC) 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 12

Adopt entire 2021 Uniform Plumbing Code (UPC) Chapter 12 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 13 HEALTH CARE FACILITIES AND MEDICAL GAS AND MEDICAL VACUUM SYSTEMS

Adopt entire 2021 Uniform Plumbing Code (UPC) Chapter 13. Adopt specific sections and carry forward existing amendments of the 2019 California Plumbing Code (CPC) for OSHPD 1, 1R, 2, 3, 4 and 5 with the following amendments:

Section 1304.1.1

There is confusion in industry about which version of NFPA 99 is adopted by OSHPD and other agencies due to publishing of IAPMO model code lagging behind the California Fire Code. This edit adds a clear pointer to where the appropriate version of this document is adopted by the California State Fire Marshal, in the California Fire Code chapter on referenced standards.

Section 1304.1.2

The exception for 1304.1.3 was mistakenly removed from the 2019 Intervening submittal. It is being added to remove confusion about medical gas sources serving only OSHPD 1R or OSHPD 3 buildings.

CAC Recommendation (if applicable):

The PEME Code Advisory Committee (CAC) Recommended Approve.

Agency Response:

OSHPD Accepts the CAC Recommendation.

Item 9

CHAPTERS 14 and 15

Adopt entire 2021 Uniform Plumbing Code (UPC) Chapters 14 and 15 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

CHAPTER 16

Entire Chapter 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 11

CHAPTER 17 REFERENCED STANDARDS

Adopt entire 2021 Uniform Plumbing Code (UPC) Chapter 17 and carry forward existing amendments of the 2019 California Plumbing Code (CPC) for OSHPD 1, 1R, 2, 3, 4 and 5 with the following amendments:

Table 1701.1

Water treatment equipment for hemodialysis applications added to referenced standards in Table 1701.1.

CAC Recommendation (if applicable):

The PEME Code Advisory Committee (CAC) Recommended Approve.

Agency Response:

OSHPD Accepts the CAC Recommendation.

Item 12

Appendices A and B

Adopt entire 2021 Uniform Plumbing Code (UPC) Appendices A and B 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 C

Entire Appendix C 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 D

Adopt entire 2021 Uniform Plumbing Code (UPC) Appendix D 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 E, F, G, and H

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

CAC Recommendation (if applicable):

The PEME Code Advisory Committee (CAC) Recommended Approve.

Agency Response:

OSHPD Accepts the CAC Recommendation.

Item 16
Appendix I

Adopt entire 2021 Uniform Plumbing Code (UPC) Appendix I 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 17
Appendices J, K, L, and M

Entire Appendices J, K, L, and M 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 if the facility chooses to incorporate a specific building standard into the project design. The proposed amendments will provide clarification 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.