

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE DIVISION OF THE STATE ARCHITECT-STRUCTURAL SAFETY
(DSA-SS AND DSA-SS/CC)
REGARDING THE 2022 CALIFORNIA PLUMBING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5
(DSA-SS/CC 02/21)**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a Final Statement of Reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS:

Government Code Section 11346.9(a)(1) requires an update of the information contained in the Initial Statement of Reasons. If the update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the Initial Statement of Reasons, the state agency shall comply with Government Code Section 11347.1.

The Division of the State Architect (DSA) has not added any data (including technical, theoretical, or empirical studies, reports, or similar documents relied upon) that would necessitate an update of the information contained in the Initial Statement of Reasons.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s).

DSA has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).

Government Code Section 11346.9(a)(3) requires a summary of EACH objection or recommendation regarding the specific adoption, amendment, or repeal proposed, and an explanation of how the proposed action was changed to accommodate each objection or recommendation, or the reasons for making no change. This requirement applies only to objections or recommendations specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action, or reasons for making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group.

**Item: Not proposed for change
Chapter Appendix M**

Commentors request adoption of appendix.

Commenter(s) and Recommendation (if applicable):

Gary Klein, President, State Wide Case Team; Jeremy Diaz, Local Plumbers; Al Powers Local 364; Mike Hartley Local 230; Charlene Walton Local 342; Michael Lopez Local 114; Che Timmons; Honorable Henry Stern, CA Senator, Honorable Wendy Carrillo, CA Assemblymember.

Agency Response:

DSA acknowledges the commenters' concerns and appreciates their support and participation in the code development process. After further review, no changes to the Final Express Terms were made as a result of this comment. DSA will evaluate this comment during the 2022 Intervening Code Cycle.

Item: Initial Statement of Reasons, Section - CONSIDERATION OF REASONABLE ALTERNATIVES

During the 45-Day Public Comment Period, Division of the State Architect staff noted the agency response in the Initial Statement of Reasons section title CONSIDERATION OF REASONABLE ALTERNATIVES is incorrect due to a drafting error.

Commenter(s) and Recommendation (if applicable):

Derek Shaw, Supervising Architect DSA

Agency Response:

Rather than address this error during a 15-Day public comment period, the Division of the State Architect has addressed this error within the Final Statement of Reasons as this document is more consistent with the information provided in the Initial Statement of Reasons.

The Division of the State Architect amends its rationale as follows to correct the drafting error in the agency response to the section titled CONSIDERATION OF REASONABLE ALTERNATIVES:

The Division of the State Architect is not aware of, and has not considered any reasonable alternatives to the proposed action.

Item 4: Chapter 4, Plumbing fixtures and fixture fittings

DSA originally intended to co-adopt Building Standards Commission (BSC) amendments to California Plumbing Code (CPC) Section 422.1, language at the top of Tables 422.1 and 4-1. However, co-adopted amendments to Section 422.1 referenced in the Initial Statement of Reasons were inadvertently omitted from DSA's 45-day Express Terms, then fixed and

included for 15-day public comment. These proposed changes align with sufficiently-related changes DSA is proposing to CPC Tables 422.1 and 4-1, in coordination with BSC.

Commenter(s) and Recommendation (if applicable):

N/A

Agency Response:

The Division of the State Architect amended its express terms to correct this error. DSA did not receive any comments on this change during the 15-day comment period.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

Government Code Section 11346.9(a)(4) requires a determination with supporting information that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, or would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

DSA has determined that no reasonable alternative considered by DSA or that has otherwise been identified and brought to the attention of DSA would be more effective in carrying out the purpose for which the regulation is proposed or be as effective as and less burdensome to affected private persons than the adopted regulation or be more cost-effective to affected private persons and be equally as effective in implementing the statutory policy or other provisions of law.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES:

Government Code Section 11346.9(a)(5) requires an explanation setting forth the reasons for rejecting any proposed alternatives that would lessen the adverse economic impact on small businesses, including the benefits of the proposed regulation per 11346.5(a)(3).

There were no proposed alternatives. DSA has determined that the proposed regulations will have no adverse economic impact on small businesses.