

**FINAL 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 05/22)**

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 Office of Statewide Health Planning and Development (OSHPD) has made no changes to the Initial Statement of Reasons (ISOR) as originally proposed.

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).

OSHPD 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.

The text with proposed code changes was made available to the public for a 45-day comment period from April 21 until June 5. There was no subsequent public comment period.

The following is a summary of the seven (7) comments OSHPD received regarding Item 1 during the 45-day comment period:

ITEM 1

CHAPTER 3 GENERAL REGULATIONS

Section 320.0 Air Conditioning and Heating Systems., 320.1 Requirements for Hospitals and Optional Services Provided in Correctional Treatment Centers. [OSHPD 1, 1R, 4 & 5], 320.1.1

320.1 Requirements for Hospitals and Optional Services Provided in Correctional Treatment Centers. [OSHPD 1, 1R, 4 & 5]

320.1.1 Revise the humidifier requirement to allow adiabatic humidification type. This humidification type was added to the 2013 edition of ASHRAE 170 in addendum m. The OSHPD amendment to the California Mechanical Code (CMC), Section 407.1.2 adopts ASHRAE 170-2013 through addendum ae. Sections 320.1.1 and 408.1.5 exception will be revised to specify both dry steam and adiabatic humidification types. A sentence will also be added to refer to the strict measures added to the adiabatic type of humidification system for water treatment. Adiabatic humidification type provides considerable energy savings, and the standard includes mechanical provisions to ensure a clean and safe humidification source.

Commenter(s) and Recommendation:

Jesse Agosta, Interface Engineering
Travis English, Kaiser Permanente
Mather Khan, P2S Inc.

This comment is to support the adoption of adiabatic humidifiers pursuant to ASHRAE-170. This energy saving, water saving, and cost-saving option, approved in ASHRAE several years ago, will provide California hospital owners to assess alternative steam systems for safe humidification. Thanks for this addition. This meets the 18930(a)3, serving the public interest. As the state moves towards decarbonization, elimination of large-scale steam systems is likely to be desirable in hospitals.

Mark Redmond, Ted Jacob Engineering Group

I support this option because it will provide increased reliability with lower cost, lower maintenance and lower energy costs. These savings will ultimately reduce healthcare costs benefiting everyone.

Dave Mason, Ainsworth Associates Mechanical Engineers

I support to the changes to this section as proposed by HCAI. Adiabatic humidifiers are supported by ASHRAE 170 and HCAI should, therefore, not limit the technology. This will open up options for methods of humidification for healthcare facilities in California in what is a difficult facet of HVAC in these facilities. I am the former technical lead mechanical engineer at HCAI and had started the preliminary work to make this change. That work was interrupted by the Covid-19 pandemic. So, let's get it done now. - Thank you.

Jeff Stein, Taylor Engineers

I support the addition of adiabatic humidification to 320.1.1.

Chris Ahn, Arup

This comment unequivocally supports and endorses the adoption of adiabatic humidifiers in accordance with ASHRAE-170. The implementation of this well-established, energy-saving, water-conserving, and cost-effective option, which gained approval from ASHRAE several years ago, provides California hospital owners with an opportunity to evaluate alternative steam systems for safe and efficient humidification. This addition aligns flawlessly with the requirements specified in 18930(a)3, serving the paramount interest of the public. As the state advances towards decarbonization, the elimination of large-scale steam systems becomes increasingly imperative within hospital facilities. We extend our appreciation for your efforts in promoting and championing this significant initiative.

Agency Response:

OSHPD acknowledges and appreciates the support comments.

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.

OSHPD has determined that no alternative 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. The proposed regulations will not have a cost impact to private persons.

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).

OSHPD has determined that the proposed regulations will not have an adverse economic impact on small businesses. The proposed regulations are technical modifications that will provide clarification and consistency within the code.