

**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 05/22)**

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 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

Section 323.0 Mechanical Equipment Schedules. [OSHPD 1,1R, 2, 4 & 5]

Section 324.0 Diesel-Powered Emergency Generators. [OSHPD 1, 1R, 2, 3, 4 & 5]

Section 325.0 Alternate Source of Power for Safe Temperatures. [OSHPD 2]

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.

323.0 Mechanical Equipment Schedules. [OSHPD 1,1R, 2, 4 & 5]

Revised wording to indicate the requirement applies to both essential power and special seismic certification. The previous use of 'or' implied one or the other.

324.0 Diesel-Powered Emergency Generators. [OSHPD 1, 1R, 2, 3, 4 & 5]

Adding a separation distance for diesel generator exhaust to operable doors, windows and outside air intake openings. The OSHPD amendment for general exhaust requires 10' separation and is not sufficient for a Class 4 noxious or dangerous exhaust. The 30' requirement was based on ASHRAE 62.1 separation distances found in normative Appendix B.

325.0 Alternate Source of Power for Safe Temperatures. [OSHPD 2]

Adding a new provision based on Assembly Bill 2511 (Chapter 788, Statutes of 2022) which amended Health and Safety Code (HSC) Section 1418 and added Section 1418.22. The new statute requires alternate power source with a 96-hour fuel supply to maintain a safe temperature in skilled nursing facilities as a result of a public safety power shutoff, an emergency, a natural disaster, or other cause.

CAC Recommendation:

Approve all items except **324.0 Diesel-Powered Emergency Generators. [OSHPD 1, 1R, 2, 3, 4 & 5]** which was recommended for Further Study under 9-Point Criteria 6. Recommend clarifying distances or add in alternate method, if needed. Suggested: “diesel powered discharge shall be separated a horizontal distance no more than 30’ feet.....” to help with ambiguity.

Agency Response:

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

320.1.1. Adding additional clarification to the humidification type. Revising the humidification type name from “adiabatic type” to “adiabatic atomizing type” as this description is found in the national standard.

Accept for **323.0 Mechanical Equipment Schedules. [OSHPD 1,1R, 2, 4 & 5].**

Accept for **324.0 Diesel-Powered Emergency Generators. [OSHPD 1, 1R, 2, 3, 4 & 5].** Revising the wording per the CAC recommendation to note that the horizontal distance is a separation distance from the outlet.

Disagree for **325.0 Alternate Source of Power for Safe Temperatures. [OSHPD 2].** Adding additional language to define the safe temperature range of 71-81°F. Safe temperature is based on Federal law, Title 42, §483.10(i)(6) and Title 42, §483.73(b)(1)(ii)(A).

ITEM 2

CHAPTER 4 VENTILATION AIR

Section 402.1 Occupiable Spaces., 402.1.2 Ventilation in Health Care Facilities.

402.1.2 Ventilation in Health Care Facilities.

Publishing error did not properly apply the OSHPD amendment carried forward from the 2019 CMC. Remove period after ASHRAE 170, the OSHPD amendment continues the sentence from model code. Modify adoption of ASHRAE 170-2013, 6.3.1.2. Adding back OSHPD amendment for relief air clearance. The later versions of ASHRAE 170 have modified this section to be more restrictive with a minimum of 10’ needed between relief air from other units and relief air classified as Class 2.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 3

CHAPTER 4 VENTILATION AIR

Section 407.0 Ventilation System Details. [OSHPD 1, 1R, 2, 3, 4 & 5], 407.1 General.

Section 407.2 Outdoor Air Intakes and Exhaust Outlets., 407.2.1 Outdoor Air Intakes.

Section 407.4 Air Circulation.,407.4.1

407.1.2 OSHPD amendment has required exhaust fans to be at the discharge end of the system which is typically exterior to the building to prevent pressurized exhaust duct work. Added language is provided to match the ASHRAE 170 requirement.

407.2 Outdoor Air Intakes and Exhaust Outlets.

407.2.1 Outdoor Air Intakes. Additional wording clarifies requirement for outside air intakes located below grade. 10-foot minimum height requirement per previous amendment aligned with definition of areaway found in ASHRAE 170.

407.4 Air Circulation.

407.4.1.1 Nurseries is being stricken out since the room is no longer identified as requiring positive pressure. The diffuser arrangement is covered in ASHRAE 170, 6.7.2. Class 3 imaging is being added to the section as this room type was newly added to the California Building Code (CBC), Section 1224.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 4

CHAPTER 4 VENTILATION AIR

Section 408.0 Filters. [OSHPD 1, 1R, 2, 3, 4 & 5], 408.1.5

Section 408.4 Filters for Outpatient Facilities., 408.4.2

408.0 Filters. [OSHPD 1, 1R, 2, 3, 4 & 5]

408.1.5 Exception. This change coordinates with revision to Section 320.1.1 to add in the allowance for adiabatic humidification. Previous language limited the humidification type to the dry steam type.

408.4.2 The recirculating filter provision is being added for clinic spaces and aligns with ASHRAE 170. This allowance was missing for clinics but noted for all other sections for healthcare.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 5

CHAPTER 4 VENTILATION AIR, TABLE 4-A, PRESSURE RELATIONSHIP AND VENTILATION REQUIREMENTS FOR GENERAL ACUTE CARE HOSPITALS, SKILLED NURSING FACILITIES, INTERMEDIATE CARE FACILITIES,

CORRECTIONAL TREATMENT CENTERS, OUTPATIENT FACILITIES, AND LICENSED CLINICS

The Table was revised to clean up errors and irregularities. Temperature requirements were added to rooms that were left out of the table during the 2016 Intervening Code Cycle. Previously, temperature requirements were located in Section 320.1. This change will fix errors in the table that listed NR for rooms that require a temperature requirement. Procedure rooms that do not allow recirculating room units were coordinated with ASHRAE 170, Table 7.1.

Rows for Class 1, 2 and 3 imaging have been added to the Table. These spaces were added to CBC, Section 1224 in the Triennial Code Cycle and were derived from the 2018 Facilities Guidelines Institute (FGI). The ventilation requirements were not added to ASHRAE 170 until the 2021 edition and are being included in the Intervening Code Cycle. The requirements for these spaces matches similar room types already noted in the *Table 4-A*.

Two rooms revise the pressure requirement from 'P' to "Positive" to coordinate with other table entries.

Footnote 'b' was revised to align with USP 800 (U.S. Pharmacopeia).

Footnote 'f' was revised to remove 'nurseries' specifically being required to have a 15% pressure differential. Room was changed to NR for pressure differential in the 2015 Triennial Code Cycle and no longer has a required pressure differential.

Footnote 'u' has stricken out previous OSHPD language that conflicts with the newer amendment added in the 2018 Triennial Code Cycle.

Footnote 'ac' adds previous language back into the code. This amendment was dropped in the 2016 Intervening Code Cycle during the *Table 4-A* coordination with ASHRAE 170 Table 7-1. CBC, Section 1224.29.1.4 refers to the CMC for an exhaust requirement for a modular toilet.

Footnote 'ad' is added for non-HD segregated compounding areas. The Table has NR for all columns for this space, however, the room still requires ventilation. The footnote is to indicate that the use does not have any additional ventilation requirements beyond that for the space that the equipment is located.

CAC Recommendation:

Approve. CAC recommended to include banner, as needed.

Agency Response:

Disagree. After further review, it was determined one of the changes to the *Table 4-A* applied to another room type. Angiography room has been added to *Table 4-A* similar to the change made for Electroconvulsive therapy procedure room and Interventional imaging procedure room. Note that Procedure rooms do not allow recirculating room units and were coordinated with ASHRAE 170, Table 7.1.

Regarding the CAC recommendation to include a banner, the title identifies OSHPD use types by definition rather than by banner.

ITEM 6

CHAPTER 4 VENTILATION AIR, TABLE 4-B, FILTER EFFICIENCIES FOR CENTRAL VENTILATION AND AIR-CONDITIONING SYSTEMS IN GENERAL ACUTE CARE HOSPITALS, ACUTE PSYCHIATRIC HOSPITALS, OUTPATIENT FACILITIES, AND LICENSED CLINICS¹

Operating Rooms and similar rooms of the same restrictive level were provided in a separate row and the filtration level was increased to align with changes made in ASHRAE 170, 2017 and 2021 edition. Filtration for Operating rooms was increased from MERV 14 to MERV 16.

Filtration requirements for administration, support areas, and for psychiatric hospitals. The minimum level of filtration was increased to match the requirements found in Part 6, California Energy Code, and Part 11, California Green Building Standards Code. This change is to match the minimum level of filtration with other occupancies of similar use in California buildings.

CAC Recommendation:

Approve. CAC recommended to include banner, as needed.

Agency Response:

Accept. Regarding the CAC recommendation to include a banner, the title identifies OSHPD use types by definition rather than by banner.

ITEM 7

CHAPTER 4 VENTILATION AIR, TABLE 4-C, FILTER EFFICIENCIES FOR CENTRAL VENTILATION AND AIR-CONDITIONING SYSTEMS IN SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES AND CORRECTIONAL TREATMENT CENTERS¹

Filtration requirements for administration and other nonpatient areas in skilled nursing areas was increased to match filtration requirements found in Part 6, California Energy Code, and Part 11, California Green Building Standards Code.

CAC Recommendation:

Approve. CAC recommended to include banner, as needed.

Agency Response:

Accept. Regarding the CAC recommendation to include a banner, the title identifies OSHPD use types by definition rather than by banner.

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. The 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 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 with 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.

The proposed building standards and regulations regarding the design and construction of licensed health facilities ensure protection of the public's 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.