

**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 06/22)**

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 2 DEFINITIONS

Section 210.0 – H –

210.0 – H –

Adding tolerance to discharge of gooseneck spout for handwashing fixtures. Most faucets with gooseneck spouts do not discharge directly down to make the 180 degrees as noted in the definition. Most faucets have a slight angle at discharge to prevent splashing. +/-5 degrees for discharge is added to align with currently available products.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 2

CHAPTER 3 GENERAL REGULATIONS

Section 310.0 Prohibited Fittings and Practices., 310.9 [OSHPD 1, 2, 3, 4 & 5]

310.9 [OSHPD 1, 2, 3, 4 & 5] Compounding ante and buffer rooms are ISO rated spaces per USP standards. Rooms added as sensitive space to provide special precautions to prevent drainage piping leakage in clean rooms.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 3

CHAPTER 3 GENERAL REGULATIONS

Section 321.0 Essential Plumbing Provisions. [OSHPD 1, 2, 3 (Surgical Clinics), 4 & 5]

321.0 Essential Plumbing Provisions. [OSHPD 1, 2, 3 (Surgical Clinics), 4 & 5]

Adding domestic hot water high temperature alarm to the list of equipment required to be on essential power. A general requirement for alarms to be on essential power can be found in CEC Article 517, this requirement will be more specific to ensure power to the alarm will be maintained in the event of loss of power for patient safety. The domestic hot water system is provided with essential power so the alarm is needed for patient safety.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 4

CHAPTER 4 PLUMBING FIXTURES AND FIXTURE FITTINGS

Section 422.0 Minimum Number of Required Fixtures., Section 422.1 Fixture Count., 422.1.3 [OSHPD 1, 2, 3, 4 & 5]

422.1 Fixture Count. OSHPD is providing code changes to Section 422.1 for fixture counts. Table 4-2 provides fixture counts based on function and use inside of the healthcare facility. Table 422.1 is based on occupancy. Requiring compliance with both Table 422.1 and Table 4-2 requires designers to provide two separate and contradictory design approaches to providing fixture counts for the building. OSHPD's intent is to use Table 4-2 as the single requirement for fixture calculations in healthcare.

422.1.3 [OSHPD 1, 2, 3, 4 & 5] Removed redundant language covered in Section 422.1. Code section is to provide pointer to requirements found in the California Building Code.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 5

CHAPTER 4 PLUMBING FIXTURES AND FIXTURE FITTINGS

TABLE 4-2

TABLE 4-2 [OSHPD 1, 2, 3, 4 & 5]²⁴ MINIMUM PLUMBING FACILITIES

CPC Table 4-2 was analyzed with CBC 1224, 1225 and 1228 requirements and revisions are provided to coordinate the CPC Table 4-2 with existing requirements. Additional changes are provided to coordinate with revision to CPC 422.1.

Airborne infection isolation rooms revised footnote 20 to coordinate handwashing fixture locations with CBC 1224 and FGI. Footnote 16 has been stricken out for bathing facilities due to changes in CBC 1224 revising the central bathing and special bathing requirements.

Moved LDRP location to group with other related labor/delivery room types.

A 1:16 bed fixture ratio was provided for post anesthesia care unit and preoperative patient holding. The restroom count for patients was missing from the table, counts were coordinated with CBC 1224 and with FGI guidelines.

Handwashing fixture was added to MRI and Ultrasound rooms to coordinate with CBC 1224 requirements.

A 1:15 ratio was provided for staff toilets in the surgical service space. The Table previously had a count of 1 and larger surgical spaces would rely on Table 422.1 for increased fixtures for staff.

The ratios for the skilled nursing patient beds were revised to reflect the requirements in CPC 1225. Rooms can serve a max of 2 patients and up to 2 rooms can be served from a single patient room. The previous ratio was at 1:8 and has been revised to match the maximum 1:4 provided in the building code.

Footnote 16 has been repurposed for dining area fixture counts. Dining area is added to the table and refers to Table 422.1 for public use counts.

Footnote 36 added to reflect the handwashing fixture location requirement found in CBC 1228 for psychiatric patient rooms. The table shows the fixture is required in the patient room, however 1228 requires the handwashing fixture to be located in the toilet room with the option of providing a second handwash fixture in the patient room.

Footnote 37 added to clarify surgical staff fixture count can be met with fixtures located throughout the department.

CAC Recommendation:

Approve

Agency Response:

Disagree. Two additional rooms are being added to *TABLE 4-2* to coordinate with California Building Code Section **1224.18.1. RADIOLOGICAL/DIAGNOSTIC IMAGING SERVICE SPACE., Minimum Requirements.** CT Scan and Class 1 Imaging are being added to the table as these rooms require a handwashing station per the California Building Code, Part 2, Volume 1. The handwashing fixture for the Radiological/Imaging Service Space is removed. These changes align with California Building Code Section **1224.18.1** revision under the 2021 Triennial Code change.

ITEM 6

CHAPTER 6 WATER SUPPLY AND DISTRIBUTION

Section 605.9 PEX Plastic Tubing and Joints., 605.9.1 Fittings.

Section 605.9.1 Fittings.

The edition for NSF 14 is stricken out. The edition will be as adopted in Chapter 17 referenced standards.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 7

CHAPTER 6 WATER SUPPLY AND DISTRIBUTION

Section 613.0 [OSHPD 1, 1R, 2, 3, 4 & 5] Domestic Hot-Water Distribution Systems for Health Facilities and Clinics., 613.2

613.0 [OSHPD 1, 1R, 2, 3, 4 & 5] Domestic Hot-Water Distribution Systems for Health Facilities and Clinics. Remove OSHPD 1R designation from requirement. 1R includes uses other than healthcare unless another OSHPD designation is provided in the space.

613.2 Exception is added for primary care clinics due to the hot water use is limited to handwashing and the ease of replacement of equipment typically used in this setting. The state amendment is more restrictive than national codes and was applied to all OSHPD use types.

CAC Recommendation:

Approve **613.0 [OSHPD 1, 1R, 2, 3, 4 & 5] Domestic Hot-Water Distribution Systems for Health Facilities and Clinics.** and Further Study for **613.2 Exception** under 9-Point Criteria 6. Consider changing “may” which is permissive, shall is required; and clarification of the wording for primary care clinics to ensure application. OSHPD also recommended changing the *Exception* approval from OSHPD to the Authority Having Jurisdiction (AHJ).

Agency Response:

Accept. Wording of the **613.2 Exception** has been changed from “may” to “shall”. Upon further study, OSHPD added that the use also include non-specialty clinics. The approval of the code Exception was changed from OSHPD approval to the Authority Having Jurisdiction (AHJ) approval since most clinic reviews are done by the local AHJ.

ITEM 8

CHAPTER 6 WATER SUPPLY AND DISTRIBUTION

Section 614.0 Dialysis Water-Distribution Systems., 614.1 [OSHPD 1, 1R, 2, 3, 4 & 5]

614.1 [OSHPD 1, 1R, 2, 3, 4 & 5]. Remove OSHPD 1R designation from requirement. 1R includes uses other than healthcare unless another OSHPD designation is provided in the space. Dialysis piping type allowance was revised to match current referenced standards.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 9

CHAPTER 6 WATER SUPPLY AND DISTRIBUTION

Section 615.0 Identification of Potable and Nonpotable Water Lines., 615.4 [OSHPD 1] Emergency Water Supply., 615.4.1

615.4.1 Code section updated to match the change of section number in the CBC. CBC section changed from 1616A.1.42 to 1617A.1.40.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 10

CHAPTER 7 SANITARY DRAINAGE

Section 727.0 [OSHPD 1] Emergency Sanitary Drainage., 727.1

727.1 Code section updated to match the change of section number in the CBC. CBC section changed from 1616A.1.42 to 1617A.1.40.

CAC Recommendation:

Approve

Agency Response:

Accept

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 new jobs or eliminate existing 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.