

**NOTICE OF PROPOSED ACTION
TO BUILDING STANDARDS OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION
REGARDING THE 2019 CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5
(BSC 03/19)**

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

Notice is hereby given that the California Building Standards Commission (BSC) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. The BSC is proposing building standards in the 2019 California Plumbing Code.

PUBLIC COMMENT PERIOD

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **April 10, 2020**, until **5:00 PM** on **May 26, 2020**.

Please address your comments to:

California Building Standards Commission
Attention: Mia Marvelli, Executive Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Written comments may also be emailed to CBSC@dgs.ca.gov.

Any interested person, or his or her duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by BSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Reference: Government Code Section 11346.5(a)(18).

Following the public comment period, BSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which BSC adopts, amends, or repeals the regulation(s). BSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

Reference: Government Code Section 11346.5(a)(2).

CBCS proposes to adopt these building standards under the authority granted by Health and Safety Code Sections 18928, 18928(b), 18928.1, 18930.5, 18934.5, 18940.5, and 18941.8, and Water Code Section 14877.1. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Sections 18928, 18928(b), 18928.1, 18930.5, 18934.5, 18940.5, and 18941.8, and Water Code Section 14877.1.

INFORMATIVE DIGEST

Reference: Government Code Section 11346.5(a)(3).

Summary of Existing Laws

Health and Safety Code Section 18928 authorizes BSC to adopt the most recent edition of the Uniform Plumbing Code.

HSC Section 18928(b) sets forth that each state agency adopting or proposing adoption of a model code, national standard, or specification shall adopt or propose adoption of the most recent edition of the model code, as amended or proposed to be amended by the adopting agency, within one (1) year after the date of publication of the model code, national standard, or specification.

HSC Section 18928.1 specifies that building standards adopted or approved by the commission shall incorporate the text of the model codes, applicable national specifications, or published standards, in whole or in part, only by reference, with appropriate additions or deletions therefrom.

HSC Section 18930.5 states that if no state agency has the authority or expertise to propose green building standards applicable to a particular occupancy, the commission shall adopt, approve, codify, update, and publish green building standards for those occupancies.

HSC Section 18934.5 sets forth that where no state agency has the authority to adopt building standards applicable to state buildings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings.

HSC Section 18940.5 authorizes BSC and other state agencies that propose green building standards for inclusion in Part 11 of Title 24 of the California Code of Regulations to the extent that it is feasible, reference or reprint the green building standards in other relevant portions of Part 2, 2.5, 3, 4, 5, or 6 of Title 24 of the California Code of Regulations.

HSC Section 18941.8 authorizes BSC to adopt building standards for the construction, installation, and alteration of graywater systems for indoor and outdoor uses in nonresidential occupancies.

Water Code Section 14877.1 specifies that the authority of the Department of Water Resources to adopt standards for nonresidential occupancies shall terminate upon the adoption of standards by the California Building Standards Commission pursuant to Section 18941.8 of the Health and Safety Code.

Summary of Existing Regulations

The existing 2019 California Plumbing Code (Part 5, Title 24, California Code of Regulations) incorporates, by adoption by the California Building Standards Commission, the 2018 Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials (IAPMO), with amendments for state buildings and buildings constructed by the University of California and California State Universities. Additional Building Standards Commission (BSC) amendments reference and/or reprint green building standards into the 2019 California Plumbing Code (CPC), as appropriate, pursuant to Health and Safety Code Section 18940.5. Relative to this proposal, BSC maintains existing amendments applicable to specified state buildings, as well as referenced and/or reprinted green building standards, as follows:

- Chapter 4: Flow rates, flush volumes, and plumbing fixture counts
- Chapter 15: Construction, alteration, discharge, use and repair of alternate water source systems for nonpotable applications
- Chapter 16: Installation, construction, alteration, and repair of nonpotable rainwater catchment systems

Summary of Effect

This proposal contains regulations that will affect specified state buildings, state colleges and universities, as well as green building standards reprinted in the California Plumbing Code pursuant to Health and Safety Code Section 18940.5 that will affect nonresidential buildings for which no other state agency has authority. Because this proposal makes only non-substantive, clarifying changes to existing code language there is no intended change in regulatory effect (see Initial Statement of Reasons for detailed rationale and benefits of each code change).

Comparable Federal Statute or Regulations

This proposal does not differ substantially from existing comparable federal regulations or statutes. Elements of this proposal align with the federal WaterSense standards for pre-rinse spray valves in commercial buildings, which is also consistent with Title 20 Appliance Efficiency regulations adopted by the California Energy Commission.

Policy Statement Overview

This proposal makes clarifying code changes that align with appropriate state and federal laws and regulations, including the federal WaterSense standards and the 2018 Uniform Plumbing Code. The benefits of this code change include clarifying code language that will produce sensible and usable state building standards that promote health and safety, consistent with BSC's mission.

Evaluation of Consistency

This proposal aligns with specified Appliance Efficiency regulations in Title 20 of the California Code of Regulations, and reprints specified green building standards from Part 11 of Title 24 pursuant to Health and Safety Code Section 18940.5. BSC developed this proposal in coordination with the California Energy Commission, Department of Housing and Community Development, Division of the State Architect, and Department of Water Resources to ensure consistency. As such, this proposal is not inconsistent or incompatible with existing state regulations.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

Reference: Government Code Section 11346.5(a)(4).

BSC has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Reference: Government Code Section 11346.5(a)(5).

BSC has determined that the proposed regulatory action would not impose a mandate on school districts. BSC does not have authority to impose building standards or regulations on school districts. While local agencies (e.g. city and county building departments) are required to enforce the California Plumbing Code, this proposal does not impose new mandates that would require state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. This proposal makes only clarifying changes to existing code language and would have no change in regulatory effect.

ESTIMATE OF COST OR SAVINGS

Reference: Government Code Section 11346.5(a)(6).

An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- A. Cost or Savings to any state agency: No cost or savings
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: No cost or savings
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: No cost or savings
- D. Other nondiscretionary cost or savings imposed on local agencies: No cost or savings
- E. Cost or savings in federal funding to the state: No cost or savings

Estimate: BSC has determined that this proposed action makes only clarifying changes to existing code language and would have no change in regulatory effect. Any additional expenditure resulting from this proposed action would be minor and absorbable within the existing budget and resources of BSC. This proposal does not impose new mandates on local agencies that would require state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

Reference: Government Code Section 11346.5(a)(8).

If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

CBSC has made an initial determination that the adoption of these regulations will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

DECLARATION OF EVIDENCE

Reference: Government Code Section 11346.5(a)(8).

In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

Regarding the proposal to align California Plumbing Code Section 420.3.1 with corresponding Appliance Efficiency regulations in Title 20 of the California Code of Regulations (pre-rinse spray valves), BSC coordinated with the California Energy Commission, Department of Housing and Community Development, Division of the State Architect, and the Office of Statewide Health Planning and Development to ensure consistency between Titles 20 and 24 and ensure compliance with federal WaterSense standards. Because this proposed code change aligns with existing law and regulation, BSC has determined that this regulation will not have a significant adverse economic impact on business.

Regarding the proposal to amend CPC *Table A* and Section 422.1, CBSC conducted a stakeholder workshop on August 27, 2019, which was attended by representatives from Plumbing and Heating Council of California, Department of Parks and Recreation, Contractors State License Board, Santa Barbara County Building Division, International Association of Plumbing and Mechanical Officials, California Building Industry Association, Department of Housing and Community Development, Division of the State Architect, International Code Council, Plumbing Manufacturers International, Sacramento County Building Division, Sutter Healthcare, and other members of the public. Based on comments and feedback received during this workshop, BSC is proposing this code change in coordination with the Division of the State Architect. Workshop comments were considered, then an emailing was dispatched of modified proposal information on September 25, 2019 to attendees and interested parties, asking for further input. Additionally, economic impact information/opinions were specifically solicited. To date, BSC has not received any responsive comments. Anticipated economic impact on businesses under this proposal is considered insignificant.

Regarding the proposal to amend various sections within Chapters 15 and 16 of the CPC, BSC coordinated with the Department of Housing and Community Development and the Department of Water Resources to co-adopt clarifying code language with no intended change in regulatory effect. Likewise, these proposed code changes will not have a significant adverse economic impact on business.

BSC's proposal to amend the 2019 CPC was presented to the Green/Plumbing, Electrical, Mechanical, and Energy (GREEN/PEME) Ad Hoc Code Advisory Committee during its March 4-5, 2020 meeting (see the Initial Statement of Reasons for the committee's recommendations and BSC's responses).

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

Reference: Government Code Section 11346.5(a)(11).

Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

Not applicable

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

BSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This proposal makes only clarifying changes to existing code language and would have no change in regulatory effect.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

Reference: Government Code Section 11346.5(a)(10).

BSC 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.

Because this proposal makes only non-substantive, clarifying changes to existing code language resulting in no change in regulatory effect, this proposal will not affect the creation or elimination of jobs within the State of California.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

Because this proposal makes only non-substantive, clarifying changes to existing code language resulting in no change in regulatory effect, this proposal will not affect the creation of new businesses or the elimination of existing businesses within the State of California.

C. The expansion of businesses currently doing business within the State of California.

Because this proposal makes only non-substantive, clarifying changes to existing code language resulting in no change in regulatory effect, this proposal will not affect the expansion of businesses currently doing business within 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 benefits of this proposal include clarifying code language that will produce sensible and usable state building standards that promote health and safety, consistent with BSC's mission.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).

BSC has determined there would be no additional cost to comply with these proposed building standards. BSC does not have authority to impose building standards or regulations applicable to housing.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).

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

AVAILABILITY OF RULEMAKING DOCUMENTS

Reference: Government Code Sections 11346.5(a)(16) and 11346.5(a)(20).

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the CBSC website: www.dgs.ca.gov/BSC.

Reference: Government Code Section 11346.5(a)(19).

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the CBSC website: www.dgs.ca.gov/BSC

Reference: Government Code Section 11346.5(a)(21).

BSC shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

Reference: Government Code Section 11346.5(a)(14).

General questions regarding procedural and administrative issues should be addressed to:

Michael L. Nearman, Deputy Executive Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-0916

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Kevin Day, Staff Services Manager I (Specialist)
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No.: (916) 263-0916
Kevin.day@dgs.ca.gov

Enrique M. Rodriguez, Associate Construction Analyst
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No.: (916) 263-0916
Enrique.rodriquez@dgs.ca.gov