

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT
REGARDING THE 2019 CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5**

(OSHPD 06/19)

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.

OSHPD's proposal for amending the 2019 California Plumbing Code was presented to the GREEN/Plumbing, Electrical, Mechanical, and Energy (PEME) Ad Hoc Code Advisory Committee (CAC) meeting during its March 4 and 5, 2020 meeting. OSHPD will address each item individually.

Item 1

**CHAPTER 1 - ADMINISTRATION
DIVISION I - CALIFORNIA ADMINISTRATION**

Section 1.10 OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

1.10.1 OSHPD 1 and OSHPD 1R.

Add the term "SPC or freestanding". This is done to establish consistency with Title 24, Part 2.

1.10.4 OSHPD 4.

Clarify the proper authority having jurisdiction for OSHPD 4 facilities as the Department of Corrections and Rehabilitation.

CAC Recommendation: The GREEN-PEME Ad Hoc Code Advisory Committee recommended Approve as Submitted (AS) to Item 1.

OSHPD Response: OSHPD accepts the CAC recommendation.

Item 2

CHAPTER 2 - DEFINITIONS

Section 210.0 Handwashing Fixture [OSHPD 1, 1R, 2, 3, 4 & 5]

Section 221.0 – S –

Section 222.0 – T –

210.0 Handwashing Fixture [OSHPD 1, 1R, 2, 3, 4 & 5].

Modify the language defining “Handwashing Fixture” to better address infection control measures.

221.0 Scrub Sink [OSHPD 1, 1R, 2, 3, 4 & 5].

Remove “1R” from the OSHPD banner since this is a requirement that is occupancy based and not related to the seismic classification of the building.

222.0 Toilet [OSHPD 1, 1R, 2, 3, 4 & 5].

Remove “1R” from the OSHPD banner since this is a requirement that is occupancy based.

222.0 Toilet Room [OSHPD 1, 1R, 2, 3, 4 & 5].

Remove “1R” from the OSHPD banner since this is a requirement that is occupancy based.

CAC Recommendation: The GREEN-PEME Ad Hoc Code Advisory Committee recommended Further Study (FS) to Item 2.

OSHPD Response: OSHPD accepts the CAC recommendation for *210.0 Handwashing Fixture*. Code Advisory Committee comments requested clarification on the terminology within the definition of handwashing fixture. Amendments were made to provide a clearer definition and to eliminate the word “sink” consistently. Regarding the definitions for *221.0 Scrub Sink*, *222.0 Toilet*, and *222.0 Toilet Room*, OSHPD disagrees with the CAC recommendation. Handwashing fixtures are occupancy based therefore 1R will remain struck from the banners for these definitions as 1R is in reference to a building type and not an occupancy.

Item 3

CHAPTER 3 - GENERAL REGULATIONS

Section 301.7, 310.9, 310.10, 310.12, 310.13, 313.8, 319.0, 321.0, 322.0, 323.0

301.7 OSHPD 1R [OSHPD 1R].

Add this Section to act as a pointer to Section 309 of Title 24, Part 10, for general requirements.

310.9, 310.10, 310.13, 313.8, 319.0, 321.0, 322.0 [OSHPD 1, 1R, 2, 3, 4 & 5]

Remove “1R” from the OSHPD banner since this is a requirement that is occupancy based and not related to the seismic classification of the building.

310.12 [OSHPD 1, 1R, 2, 4 & 5] Services/Systems and Utilities.

Remove “1R” from the OSHPD banner since this is a requirement that is occupancy based. Add verbiage that sanitary drainage cleanouts shall not be installed in operating and delivery rooms to clarify infection control requirements.

323.0 Plumbing Equipment Schedules. [OSHPD 1, 2, 3, 4 & 5]

Add a requirement that equipment schedules in construction documents shall include which plumbing equipment will have special seismic certification and essential power

requirements. This will reduce backchecks, saving the healthcare provider time and money in the design and review process.

CAC Recommendation: The GREEN-PEME Ad Hoc Code Advisory Committee recommended Approve as Submitted (AS) to Item 3.

OSHPD Response: OSHPD accepts the CAC recommendation.

Item 4

CHAPTER 4 - PLUMBING FIXTURES AND FIXTURE FITTINGS

Sections 413.2, 422.1, 422.1.3, 422.2, 422.3.1, 422.4 [OSHPD 1, 1R, 2, 3, 4 & 5]

Table 422.1 - Notes: 7 [BSC, DSA-AC, DSA-SS, DSA-SS/CC, HCD 1 & HCD 2, OSHPD 1, 1R, 2, 3, 4 & 5]

Remove "1R" from the OSHPD banner since this is a requirement that is occupancy based and not related to the seismic classification of the building.

Table 4-2 [OSHPD 1, ~~1R~~, 3, 4, & 5]²⁴ MINIMUM PLUMBING FACILITIES

Remove "1R" from the OSHPD banner since this is a requirement that is occupancy based and not related to the seismic classification of the building.

Insert footnote 2 for Public Toilet – Male and Public Toilet – Female. This footnote was omitted in a previous publishing error.

CAC Recommendation: The GREEN-PEME Ad Hoc Code Advisory Committee recommended Approve as Submitted (AS) to Item 4.

OSHPD Response: OSHPD accepts the CAC recommendation.

Item 5

CHAPTER 6 - WATER SUPPLY AND DISTRIBUTION

Section 604.1 Pipe, Tube, and Fittings.

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

604.1 Pipe, Tube, and Fittings.

Remove "1R" from the OSHPD banner since this is a requirement that is occupancy based and not related to the seismic classification of the building.

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

613.2 Add language to clarify how redundancy is a component of this plumbing requirement for hot water equipment.

CAC Recommendation: The GREEN-PEME Ad Hoc Code Advisory Committee recommended Approve as Submitted (AS) to Item 5.

OSHPD Response: OSHPD accepts the CAC recommendation.

Item 6

CHAPTER 7 - SANITARY DRAINAGE

701.2 Drainage Piping. (b) [OSHPD 1, 1R, 2, 3, 4 & 5]

Remove "1R" from the OSHPD banner since this is a requirement that is occupancy based and not related to the seismic classification of the building.

CAC Recommendation: The GREEN-PEME Ad Hoc Code Advisory Committee recommended Approve as Submitted (AS) to Item 6.

OSHPD Response: OSHPD accepts the CAC recommendation.

Item 7

CHAPTER 9 - VENTS

Section 903.0 Materials

903.1.3 [OSHPD 1, 1R, 2, 3, 4 & 5]

Remove "1R" from the OSHPD banner since this is a requirement that is occupancy based and not related to the seismic classification of the building.

CAC Recommendation: The GREEN-PEME Ad Hoc Code Advisory Committee recommended Approve as Submitted (AS) to Item 7.

OSHPD Response: OSHPD accepts the CAC recommendation.

Item 8

CHAPTER 11 - STORM DRAINAGE

Section 1101.4 Material Uses [OSHPD 1, 1R, 2, 3, 4 & 5]

Remove "1R" from the OSHPD banner since this is a requirement that is occupancy based and not related to the seismic classification of the building.

Section 1101.4.2 Conductors

1101.4.2.2 [OSHPD 1, 1R, 2, 3, 4 & 5]

Remove "1R" from the OSHPD banner since this is a requirement that is occupancy based and not related to the seismic classification of the building.

CAC Recommendation: The GREEN-PEME Ad Hoc Code Advisory Committee recommended Approve as Submitted (AS) to Item 8.

OSHPD Response: OSHPD accepts the CAC recommendation.

Item 9

CHAPTER 13 - HEALTH CARE FACILITIES AND MEDICAL GAS AND MEDICAL VACUUM SYSTEMS

Section 1304.0 Medical Gas and Medical Vacuum Piping Systems

1304.1.3 [OSHPD 1, 1R, 2, 3 & 4]

This new section is added to ensure safe design and operation of a multi-building medical gas system as the scope of the national standard NFPA 99-2015 assumes that a subject medical gas system is being applied to only one building.

CAC Recommendation: The GREEN-PEME Ad Hoc Code Advisory Committee recommended Further Study (FS) to Item 9.

OSHPD Response: OSHPD accepts the CAC recommendation. A member of the CAC requested it be clarified where the source of medical gas system can originate. Amendments were applied, clarifying and simplifying the requirement of this Section stating where the source a medical gas system cannot originate from if serving identified occupancies.

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).

Response: There are no technical, theoretical or empirical studies/reports or other documents to identify as the basis for this proposal.

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.

Response: These regulations do not mandate the use of technology 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.

Response: 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.

Response: Small businesses will not be adversely impacted by the proposed amendments.

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 did not identify any cost to comply with the proposed amendments. The proposed amendments are editorial and minor technical changes that will provide clarification within the code. OSHPD did present for public information at the Hospital Building Safety Board meetings.

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)

The Office of Statewide Health Planning and Development 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.

Response: 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.

Response: 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.

Response: 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.

Response: 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 associated with the design and construction of health facilities that reflect current construction practices and current practices of medicine. Worker safety and the state's environment will not be affected.

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.

Response: OSHPD did not identify any cost to comply with the proposed adoption and amendments. The proposal includes minor technical and editorial modifications that will provide clarification and consistency within the code.

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.

Response: The proposed regulations do not duplicate or conflict with federal regulations.