

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
DIVISION OF THE STATE ARCHITECT (DSA-SS AND DSA-SS/CC)
REGARDING THE 2019 CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5
(DSA/SS/CC 03/19)**

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.

The State Architect's proposal to amend the 2019 California Plumbing Code (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. Each committee recommendation is listed below, accompanied by DSA's response.

ITEM 1: PRE-RINSE SPRAY VALVE

In coordination with the Department of Housing and Community Development (HCD), the Building Standards Commission (BSC), the Office of Statewide Health Planning and Development (OSHPD), and the California Energy Commission (CEC), the Division of the State Architect (DSA) is proposing this new subsection to align with the Appliance Efficiency regulations adopted by the CEC in Title 20 of the *California Code of Regulations*. On January 28, 2019, the amended federal standards for all commercial pre-rinse spray valves went into effect (Title 10, Code of Federal Regulations, section 431, subpart O). The federal standards for flow rate of commercial pre-rinse spray valves manufactured on or after January 28, 2019, shall be equal to or less than the values shown in Table H-2. Table H-2 can be found in Title 20, California Code of Regulations, section 1605.1(h)(4). Per Title 20 Section 1605.3(h)(4)(A), commercial pre-rinse spray valves manufactured on or after January 1, 2006, shall have a minimum spray force of not less than 4.0 ounces-force (ozf) [113 grams-force (gf)]. Additionally, Title 20 has a requirement that pre-rinse spray valves need to be labeled per Title 20, Section 1607(d)(7) so DSA is also adding a reference to that code section. Lastly, the model code Section 420.3 has a requirement for valves to be equipped with an integral automatic shutoff and DSA is proposing to duplicate that requirement in new Section 420.3.1. Finally, this code change reflects the same provisions proposed for adoption by DSA in CALGreen Section 5.303.3.4.6. Consistency among federal law and state regulations will benefit the code user, and there is no intended change in regulatory effect.

CAC Recommendation: The GREEN/PEME Ad Hoc Code Advisory Committee recommended Approve as Submitted to the proposed amendment to Chapter 4, **Section 420.3.1 and Table H-2.**

DSA-SS Response: DSA accepts the CAC recommendation.

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).

10 Code of Federal Regulations part 431 (O) (2019) provides standards for all commercial pre-rinse spray valves. In coordination with HCD and BSC, DSA relied on these federal regulations to support its amendments specific to pre-rinse spray valves.

CCR, title 20, sections 1605.1 (h)(4), 1605.3 (h)(4), and 1607 (d)(7) highlight the federal standards for flow rate of commercial pre-rinse spray valves manufactured on or after January 28, 2019. DSA relied on these state regulations to support its amendments specific to pre-rinse spray valves.

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.

California Building Standards Law (Health and Safety Code Section 18901 et seq) requires the adoption of the Uniform Plumbing Code into the California Plumbing Code (CPC), which contains prescriptive building standards. However, this proposal does not mandate the use of specific technologies or equipment beyond the existing requirements already contained within the CPC. This proposal only contains clarifying code language with no intended change in regulatory effect.

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.

DSA has not identified any reasonable alternatives to these proposed regulations, which do not mandate the use of specific technologies or equipment. This proposal includes clarifying code language with no intended change in regulatory effect.

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.

DSA has not identified any reasonable alternatives to these proposed regulations, which would not have an adverse impact on small business. This proposal includes clarifying code language with no intended change in regulatory effect.

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.

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), DSA coordinated with the California Energy Commission, Department of Housing and Community Development, Building Standards Commission, 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, DSA has determined that this regulation will not have a significant adverse economic impact on business.

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)

DSA 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, it 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, it 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, it 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 code change include clarifying code language that will produce sensible and usable state building standards that promote health and safety, consistent with DSA's mission.

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.

Because this proposal makes only non-substantive, clarifying changes to existing code language resulting in no change in regulatory effect, DSA estimates there will be no additional cost for the regulated community to comply with these building standards. 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 DSA's mission. In coordination with HCD, DWR, BSC, and other state agencies and stakeholders, DSA's assumption of no additional cost of compliance is based on the fact that the proposal preserves the existing status quo of the CPC with no intended change in regulatory effect.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

Government Code Section 11346.2(b)(6) requires a department, board, or commission within the Environmental Protection Agency (EPA), 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.

While DSA is not within the EPA, the Resources Agency, or the Office of the State Fire Marshal, it is important to note that 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.