

**NOTICE OF PROPOSED ACTION
TO BUILDING STANDARDS OF THE
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)**

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 (CBSC) on behalf of Division of the State Architect (DSA) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. DSA 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, DSA 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 DSA adopts, amends, or repeals the regulation(s). DSA 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).

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code (HSC) Sections 18930, 18934.5, 18938, 18944 and 18949.1 and Education Code (EDC) Sections 17280–17317, 81130–81147, 81052 and 81053. The purpose of these building standards is to implement, interpret, or make specific the provisions of those same sections.

The Division of the State Architect is proposing this regulatory action based on HSC Section 16022 and EDC Sections 17310, 81142, and 81053.

INFORMATIVE DIGEST

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

Summary of Existing Laws

EDC Sections 17310 and 81142 authorize DSA to establish building standards for public elementary and secondary schools, and community colleges.

EDC Sections 81052 and 81053 authorize DSA to establish building standards which a community college may elect to use in lieu of those standards promulgated in accordance with EDC Section 81142.

HSC Section 16022 authorizes DSA to establish building standards for state-owned and state-leased essential services buildings.

HSC Section 18930 requires that any building standard proposed or adopted by state agencies be submitted to and approved or adopted by the Building Standards Commission, prior to codification.

HSC Section 18938 requires the filing of standards with the Secretary of State by CBSC only after they have been approved by the commissioners. It requires that the administrative regulations become effective 30 days after filing with the Secretary of State, and that they be published in Title 24.

Summary of Existing Regulations

Existing building standards which prescribe the plumbing system design and construction of public elementary and secondary schools, community colleges and state-owned or state-leased essential services buildings, are promulgated by the Division of the State Architect. These regulations are contained in Title 24, Part 5, California Plumbing Code.

Summary of Effect

The proposed action would update Title 24, Part 5, requiring Pre-rinse spray valves to align with the Appliance Efficiency regulations adopted by the California Energy Commission in Title 20 of the *California Code of Regulations* and with federal regulations. The new requirement adds three product classes of spray valves and a maximum flow rate for each product class.

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 DSA'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. DSA developed this proposal in coordination with the California Energy Commission, Department of Housing and Community Development, Building Standards Commission, 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).

DSA 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).

DSA has determined that the proposed regulatory action **WOULD** impose a mandate on local agencies or school districts. The proposed regulatory action would impose a mandate on school districts; however, does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code.

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: DSA 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 DSA. 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), 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.

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. If no cost impact, provide the following statement:

DSA 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).

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, 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 DSA's mission.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

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

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

CONSIDERATION OF ALTERNATIVES

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

DSA has determined that no reasonable alternative considered by DSA or that has otherwise been identified and brought to the attention of DSA 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: 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: dgs.ca.gov/BSC

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

DSA 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:

James P. Hackett, Principal Structural Engineer
Department of General Services, Division of the State Architect
(916) 322-4699
jim.hackett@dgs.ca.gov

Tav Commins, Senior Mechanical Engineer
Department of General Services, Division of the State Architect
(916) 443-9841
Tav.Commins@dgs.ca.gov