

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT
REGARDING THE 2022 CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5
(HCD 02/22)**

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 6 WATER SUPPLY AND DISTRIBUTION, Section 604.2 Lead Content.

HCD proposes continued adoption of the above referenced section with a new California amendment. HCD is proposing to restore a pointer to Health and Safety Code (HSC) Section 116875 which was repealed in prior editions of the CPC due to duplication with model code. HCD proposes to add a pointer to Section 116876, which was added by Assembly Bill 100 (Chapter 692, Statutes of 2021); and restore the pointer to Section 116875 which is referenced in Section 116876. This proposed action does not add a new regulatory requirement. There is no fiscal impact associated with this amendment.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 2

Chapter 6 WATER SUPPLY AND DISTRIBUTION, Section 605.9.1 Fittings.
(Associated with Item 5).

HCD proposes continued adoption of the above referenced section with revision to an existing California amendment. This revision will repeal the identifying year for NSF 14-2009, leaving only the term "NSF 14." By repealing the identifying year in the CPC, this national standard reference will continue to be incorporated into the CPC upon update of the Uniform Plumbing Code (UPC). This will avoid regularly monitoring and coordinating updates to future code cycles. There is no fiscal impact associated with this revision.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 3

Chapter 6 WATER SUPPLY AND DISTRIBUTION, Section 610.5 Sizing per Appendices A, C, and M. (Associated with Item 7).

HCD proposes continued adoption of the above referenced section with a new California amendment. The proposed amendment adds reference to Appendix M as an alternative method for sizing water pipes in new single-family and multi-family residential buildings. See item 7 for history of adoption of Appendix M. There is no fiscal impact associated with this amendment because it is recognizing an alternative method.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 4

Chapter 15 ALTERNATE WATER SOURCES FOR NONPOTABLE APPLICATIONS, Section 1501.9.1 Commercial, Industrial, Institutional, and Residential Restroom Signs; and Section 1501.9.2 Equipment Room Signs.

HCD proposes continued adoption of the above referenced sections with existing California amendments, and addition of new California amendments. The proposed amendments repeal references to “reclaimed (recycled) water” that remain in these sections after Department of Water Resources (DWR) amended Section 1501.9 in a previous code cycle moving signage for reclaimed (recycled) water to Section 1505.12 Signage. Section 1505.12 is specific to signage for rooms and water closets that use reclaimed (recycled) water in commercial, industrial, institutional, residential restrooms and equipment rooms, making references to “reclaimed (recycled) water” in Section 1501.9 no longer relevant. HCD proposes to repeal the last sentence in Section 1501.9.2. This sentence refers to another sentence in the 2021 Uniform Plumbing Code which was not adopted by HCD, therefore, the reference in the last sentence is no longer valid.

These new HCD amendments provide clarity for the code user that these signage requirements in Sections 1501.9.1 and 1501.9.2 are specific to on-site treated nonpotable gray water. There is no fiscal impact associated with this amendment.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 5

Chapter 17 REFERENCED STANDARDS, Table 1701.1 Referenced Standards.

(Associated with Item 2).

HCD proposes continued adoption of the above referenced table with a new California amendment. HCD is proposing to amend this table to include Section 605.9.1 as a referenced section for NSF 14. There is no fiscal impact associated with this amendment.

CAC Recommendation (if applicable):

TDB

Agency Response:

TDB

ITEM 6

APPENDIX A RECOMMENDED RULES FOR SIZING THE WATER SUPPLY SYSTEM, Section A 103.1 Supply Demand. (Associated with Item 7).

HCD proposes continued adoption of the above referenced appendix with a new California amendment (exception). This amendment points to Appendix M which is proposed for adoption in a separate action, as an alternative method to using Table A103.1 and Chart A 103.1(1) or Chart A 103.1(2), whichever is applicable, to calculate water supply demand. This will provide the building, planning, and design community with a wider range of options for sizing water supply systems for new single-family and multi-family dwellings. There is no fiscal impact associated with this amendment because it is recognizing an alternative method.

CAC Recommendation (if applicable):

TDB

Agency Response:

TDB

ITEM 7

APPENDIX M PEAK WATER DEMAND CALCULATOR. Section M 101.1 Applicability and Table M 102.1 Design Flow Rate for Water Conserving Plumbing Fixtures and Appliances in Residential Occupancies. (Associated with Items 3 and 6).

HCD proposes to adopt the 2021 UPC Appendix M into the 2022 CPC to provide an alternative method to calculate the water supply demand load for new single- and multi-family dwellings with specified plumbing fixtures, fixture fittings, and appliances. HCD did not adopt UPC Appendix M during the 2021 Triennial Code Adoption Cycle as part of the 2022 CPC. Subsequent to the 2021 Triennial Code Adoption Cycle, HCD received a petition from Pacific Gas and Electric (PG&E) to adopt UPC Appendix M, Peak Water Demand Calculator, into the CPC as an alternative method. This proposed adoption will provide the building, planning, and design community with a wider range of options for new single- and multi-family projects. Petitioner supplied data from a 2021 presentation made to the New York State Green Building Conference, and from a 2022 Emerging Water Technology Symposium in Seattle, WA., estimates \$500.00 to

\$1,200.00 savings in first construction costs per apartment due to downsizing plumbing systems. The formal petition PG&E submitted to HCD supports first cost construction savings of \$500.00 to \$1,000.00 per apartment.

Section M 101.1 Applicability.

HCD proposes a new California amendment to Section M 101.1. This new California amendment clarifies that Appendix M is a voluntary alternative method to estimate the water supply demand load. There is no fiscal impact associated with this amendment.

Table M 102.1. Design Flow Rate for Water Conserving Plumbing Fixtures and Appliances in Residential Occupancies.

HCD proposes new California amendments to Table M 102.1 Design Flow Rate for Water-Conserving Plumbing Fixtures and Appliances in Residential Occupancies. These amendments provide consistency with maximum design flow rates for water conserving plumbing fixtures in the CPC; CALGreen; and California Code of Regulations, title 20, Appliance Efficiency Regulations under the authority of the California Energy Commission. These amendments will provide consistency and clarity for the code user. HCD proposes to delete the footnote in Table M 102.1 since it relates to CALGreen Section A4.303.3, which identifies ENERGY STAR rated clothes washers and dishwashers as an elective measure and is not mandatory. There is no fiscal impact associated with this amendment.

CAC Recommendation (if applicable):

TDB

Agency Response:

TDB

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).

1. NSF 14-2018, Plastics Piping System Components and Related Materials. Published by NSF International.
2. [Assembly Bill 100 \(Chapter 692, Statutes of 2021\)](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB100). (https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB100). This bill amends the Health and Safety Code by the addition of Section 116876 which restricts endpoint devices used in California for dispensing water for human consumption to the performance standards found in the 2020 NSF International Standard (effective 2020) for lead leaching.
3. Information supporting adoption of Appendix M provided by Gary Kline to HCD is from a 2021 presentation made to the New York State Green Building Conference, and from a 2022 Emerging Water Technology Symposium in Seattle, Washington showing a first construction cost savings of \$500.00 to \$1,200.00 per apartment.

4. The formal petition PG&E submitted to HCD to adopt Appendix M shows fiscal impact data that supports first cost construction savings of \$500.00 to \$1,000.00 per apartment (p.8).

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.

HSC Section 17922 requires HCD to adopt by reference model building codes, e.g., UPC, which contains prescriptive standards. Prescriptive standards provide the following: explicit guidance for certain mandated requirements; consistent application and enforcement of building standards while also establishing clear design parameters; and ensure compliance with minimum health, safety, and welfare standards for owners, occupants, and guests. Performance standards are permitted by state law; however, they must be demonstrated to the satisfaction of the proper enforcing agency. This rulemaking follows the format of the original 2022 CPC adoption.

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 alternative. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.

There were no alternatives available to HCD. The proposed amendments are the only reasonable alternative for implementing a petition submitted to HCD for requested changes to the 2022 CPC. Other changes were for the purposes of updating reference standards, clarifying signage for on-site treated nonpotable water, and California statutes.

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.

None. HCD's selected alternative will reduce the construction costs for single- and multi-family dwellings.

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.

HCD has determined that this regulatory action would have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states. These regulations recognize Appendix M as a voluntary alternative method to calculate the water supply demand load for residential structures in California which will reduce construction costs for single- and multi-family dwellings.

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 Department of Housing and Community Development 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.

These regulations will not affect the creation, or cause the 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.

These regulations will not affect the creation or the elimination of existing businesses within the State of California.

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

These regulations 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 potential benefits of these regulations include cost savings in initial construction and future ongoing system use, reduced public health risk and improved water quality, and reduced carbon emissions.

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.

There is no increased cost of compliance for the proposed California amendments. The proposed adoption of Appendix M offers a wider range of options to calculate the water supply demand for new single- and multi-family dwellings that will benefit the building, planning, design community, and California residents. Data provided by petitioner estimates that using Appendix M will potentially save \$500.00 to \$1,200.00 in construction costs per apartment due to downsizing plumbing systems.

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.

These regulations do not duplicate nor conflict with federal regulations. The State of California has preemptive authority to adopt more restrictive mandatory standards for the construction methods and materials addressed in these regulations.