

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE CALIFORNIA ENERGY COMMISSION
REGARDING THE 2022 CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5**

(CEC 02-21)

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 4, Section 401, Note 4

The specific purpose of amending this section is to prevent possible confusion regarding the interaction between standards for plumbing fixtures and fittings subject to regulation as water-using appliances, and standards for plumbing systems specified in adopted model code language.

Adding a subsection that identifies the overlap of model Plumbing Code requirements and requirements in California's Appliance Efficiency Regulations (Title 20, Section 1601 et seq) is reasonably necessary to preclude misapplication of associated requirements.

CAC Recommendation (if applicable):

NA

Agency Response:

NA

Item 2

Chapter 5, Section 501.2

The specific purpose of amending this section is to assist readers of the Plumbing Code by identifying additional energy efficiency-based requirements in the Energy Code that are applicable to water heating systems. This addresses a problem where readers of the Plumbing Code may be unaware that there are measures in the Energy Code that apply to these systems, or may know that the requirements exist but may be unsure of where they are located or what they entail.

Adding a subsection that identifies the additional Energy Code requirements and provides express section references is reasonably necessary to preclude misunderstanding or misapplication of associated requirements.

CAC Recommendation (if applicable):

NA

Agency Response:

NA

Item 3

Chapter 6, Section 609.12.3

The specific purpose of amending this section is to assist readers of the Plumbing Code by identifying additional energy efficiency-based requirements in the Energy Code relating to pipe insulation. This addresses a problem where readers of the Plumbing Code may be unaware that there are measures in the Energy Code that apply, or may know that the requirements exist but may be unsure of where they are located or what they entail.

Adding a subsection that identifies the additional Energy Code requirements and provides express section references is reasonably necessary to preclude misunderstanding or misapplication of associated requirements.

CAC Recommendation (if applicable):

NA

Agency Response:

NA

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).

The proposed amendments are drafted to be clarifying and nonsubstantive in nature; they are based solely upon the extant language of the respective Parts of the Building Standards Code.

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.

The proposed amendments are drafted to be clarifying and nonsubstantive in nature; they do not impose 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.

Staff identified one alternative, the “do nothing” alternative of proposing no amendments to the identified sections.

Staff rejected the “do nothing” alternative as being less effective at ensuring that appropriate code provisions are applied to building projects. While information clarifying the interactions between the respective Parts of the Building Standards Code or between the Building Standards Code and separate regulations applying to appliances could instead be communicated in supplemental advisory materials or other publications, this would only serve to increase the knowledge needed and number of steps necessary to find these clarifications.

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.

The proposed amendments are drafted to be clarifying and nonsubstantive in nature; they do not have any adverse impact on small business.

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 proposed amendments are drafted to be clarifying and nonsubstantive in nature; the fact that they are nonsubstantive means that they do not have an 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)

California Energy Commission staff 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.
The proposed amendments are drafted to be clarifying and nonsubstantive in nature; they will not act to create or eliminate jobs.
- B.** The creation of new businesses or the elimination of existing businesses within the State of California.
The proposed amendments are drafted to be clarifying and nonsubstantive in nature; they will not act to create or eliminate businesses.
- C.** The expansion of businesses currently doing business within the State of California.
The proposed amendments are drafted to be clarifying and nonsubstantive in nature; they will not act to expand or contract business occurring within the State.
- D.** The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.

The proposed amendments are drafted to be clarifying and nonsubstantive in nature; they will not provide a direct benefit to the health and welfare of California residents, worker safety, or the state's environment. The proposed amendments provide indirect benefits by preventing confusion or misunderstanding that may otherwise have occurred, however as this benefit is by its nature speculative it is best treated as *de minimis*.

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.

The proposed amendments are drafted to be clarifying and nonsubstantive in nature; they do not impose or increase compliance costs. The proposed amendments provide benefit by preventing confusion or misunderstanding that may otherwise have occurred, however as this benefit is by its nature speculative the estimation of positive monetary benefits is zero.

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.

The proposed amendments are drafted to be clarifying and nonsubstantive in nature; they do not duplicate or conflict with federal regulations.