

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
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.

ITEM 1: Section 420.3.1 Pre-rinse Spray Valve

In coordination with the Department of Housing and Community Development (HCD), the Office of Statewide Health Planning and Development (OSHPD), and the California Energy Commission (CEC), DSA-SS/CC 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). And 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), and 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 BSC is proposing to duplicate that requirement in new Section 420.3.1. Finally, this code change reflects the same provisions adopted by DSA-SS 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.

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).

No technical reports or studies were used in the development of these proposed amendments.

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 do not contain any mandates for specific technologies or equipment or 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.

The Division of the State Architect did not identify nor determine any reasonable alternatives to the proposed plumbing regulations.

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 Division of the State Architect did not identify any reasonable alternatives to the proposed plumbing regulations that would lessen 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.

No significant adverse impact on business was determined and no other documents or evidence was determined applicable to the proposed revisions.

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)

BSC 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 Division of the State Architect did not identify any amended regulation that would lead to 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.

The Division of the State Architect did not identify any amended regulation that would lead to 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.

The Division of the State Architect did not identify any amended regulation that would lead to 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.

Part 5, California Plumbing Code provides the plumbing regulations for application of the California Building Code (Part 2) and the proposed amendment would bring the CPC in alignment with Title 20 Chapter 4, Article 4, Section 1603.3(h)(4) and further reduce potable water consumption where commercial pre-rinse spray valves are used.

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 BSC'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.

DSA is not affiliated with the EPA, Resources Agency, or OSFM; however, these proposed plumbing regulations do not duplicate or conflict with federal regulations.