

**FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF STATEWIDE HEALTH PLANNING & DEVELOPMENT

REGARDING THE CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5

OSHDP EF 02/15**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS

OSHDP finds that no revisions have been made which would warrant a change to the initial statement of reasons for the proposed actions. The initial statement of reasons is as follows:

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS

In response to State of Emergency proclamations issued by Governor Brown in January and April of 2014, and most recently in Executive Order B-29-15 (issued April 1, 2015), the California Energy Commission recently adopted emergency standards in Title 20, California Code of Regulations that prohibit specific noncompliant plumbing fixtures from being sold or offered for sale in California effective January 1, 2016. In order to be approved for sale in California the appliance manufacturer must have California Energy Commission certification that the product meets specific appliance efficiency standards. The newly adopted standards include specific water-conserving flow rate requirements for water closets and urinals. However, the Title 24, Part 5, California Plumbing Code also contains water-flow rates for these plumbing fixtures that are based on model code. In order to prevent confusion and conflict between Title 24 and Title 20, the Office of Statewide Health Planning and Development (OSHDP) is proposed emergency building standards in order to align the water-consumption rates to those recently adopted by the California Energy Commission in Title 20.

The OSHDP in coordination with the California Building Standards Commission, Department of Housing and Community Development, Division of the State Architect, and other stakeholders, developed emergency regulations that amend various parts of the 2013 Title 24, California Code of Regulations pertaining to water-conserving plumbing fixture requirements.

This rulemaking represents OSHDP's proposal for the permanent adoption of the emergency building standards that were approved by the California Building Standards Commission on December 16, 2015. This proposal will amend Title 24, Part 5, California Plumbing Code, Section 403.1 for the following reasons:

Title 24, Part 5, California Plumbing Code

Section 403.1 Flush Volumes - The proposed amendment to Section 403.1 of the 2013 California Plumbing Code provides a reference to the water closet and urinal water-consumption rates specified in the Appliance Efficiency Standards of Title 20, California Code of Regulations. This proposed action will align the water-consumption rates to the Title 20 provisions adopted by the California Energy Commission. The purpose of the amendment is to inform Title 24, California

Plumbing Code users where the flush volume rate requirements for the specified plumbing fixtures are located.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S)

OSHPD did not receive any objections or recommendations for the proposed actions as noticed during the 45-Day Comment Period of January 1, 2016 through February 15, 2016.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

OSHPD has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

OSHPD has determined that the proposed regulations will not have an adverse economic impact on small businesses. The proposed regulation is a technical modification that will provide clarification.