

**EMERGENCY NINE-POINT CRITERIA ANALYSIS
OF
PROPOSED BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT - STRUCTURAL SAFETY (DSA-SS AND
DSA-SS/CC)**

**REGARDING THE 2013 CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5**

Building standards submitted to the California Building Standards Commission for approval are required, by Health and Safety Code Subsection 18930(a), to be accompanied by an analysis which will, to the satisfaction of the Commission, justify their approval. The approval of these proposed building standards is justified as follows:

1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.

The Division of the State Architect-Structural Safety (DSA-SS) is proposing adoption of emergency amendments to the 2013 edition California Plumbing Code, as necessary to fulfill the statutory performance objectives for the occupancies regulated by DSA-SS (public schools, community colleges and state essential services buildings), and comply with the Governors Executive Order B-29-15 (issued April 1, 2015) and subsequent California Energy Commissions (CEC) adoption of emergency regulations to improve the efficiency of urinals for sale and installation in new and existing buildings.

DSA has made every effort to avoid proposing regulations that conflict with, overlap or duplicate other building standards. During the review process DSA has not been informed, and has heard no comment that any proposed regulations conflict with, overlap or duplicate other building standards.

2) The proposed building standards are within the parameters established by enabling legislation, and are not expressly within the exclusive jurisdiction of another agency.

DSA-SS is the state agency enabled by legislation to adopt plumbing design and construction regulations for state essential services buildings (Health & Safety Code Section 16022).

The Department of General Services (DGS) is the state agency enabled by legislation to adopt plumbing design and construction regulations for public schools and community colleges, per the Field Act (Education Code Sections 17310 and 81142). This work has been delegated to DSA.

Also, Education Code Section 81053 has authorized DGS to adopt alternative building standards (DSA-SS/CC) for community colleges that elect not to utilize the Field Act. This work has also been delegated to DSA.

3) The public interest requires the adoption of the building standards. The public interest includes, but is not limited to, health and safety, resource efficiency, fire safety, seismic safety, building and building system performance, and consistency with environmental, public health, and accessibility statutes and regulations.

The standards are being proposed for change in response to the Governors Executive Order No. B-29-15 to address an extraordinary drought condition the state is experiencing, and also to align with corresponding plumbing fixture flow rates the California Energy Commission recently adopted via emergency regulation in Title 20, California Code of Regulations.

4) The proposed building standards are not unreasonable, arbitrary, unfair, or capricious, in whole or in part.

The standards are being proposed for change in response to the Governors Executive Order No. B-29-15 to address an extraordinary drought condition the state is experiencing. Additionally, these standards are being proposed to prevent a conflict between Title 20 and Title 24. Therefore, the standards are not unreasonable, arbitrary, unfair, or capricious, in whole or in part.

5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.

DSA has analyzed the cost to building owners and has determined in its economic and fiscal impact statement that the cost is reasonable, since the changes proposed will prevent conflicts in existing regulations and help reduce indoor water use.

6) The proposed building standards are not unnecessarily ambiguous or vague, in whole or in part.

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7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.

There are no national specifications or published standards that have been incorporated into these proposed changes. These changes are based on existing state regulations for mandatory plumbing fixture flow rates, pursuant to requirements contained within Title 20 and Title 24 of the California Code of Regulations.

8) The format of the proposed building standards is consistent with that adopted by the Commission.

The format of the proposed building standards is consistent with the format adopted by the CBSC for Title 24.

9) The proposed building standards, if they promote fire and panic safety as determined by the State Fire Marshal, have the written approval of the State Fire Marshal.

The State Fire Marshal's confirmation that these proposed regulations do not promote fire and panic safety has been solicited.