

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

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

OSHDP EF 02/15**

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:

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.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:

- Governor's Executive Order No. B-29-15. April 2015
http://gov.ca.gov/docs/4.1.15_Executive_Order.pdf
- 2015 Appliance Efficiency Regulations. July 2015.
<http://www.energy.ca.gov/2015publications/CEC-400-2015-021/CEC-400-2015-021.pdf>

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS

The proposed amendment does not mandate any specific technologies or equipment and it does not require prescriptive standards.

CONSIDERATION OF REASONABLE ALTERNATIVES

There are no alternatives for consideration by the Office. The proposed regulation is in response to the directives of Governor's Executive Order No. B-29-15 that requires State agencies to implement water-conserving measures. The regulation is necessary to align Title 24 with the emergency standards adopted by the California Energy Commission in Title 20, California Code of Regulations. The proposed action provides clarification and consistency between codes.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

No alternatives were identified. The OSHPD finds that small businesses will not be adversely impacted by the proposed amendment. The proposed regulation provides only a reference in Title 24, California Plumbing Code to water-flow rates for water closets and urinals in Title 20, California Code of Regulations.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS

The Office has determined that the proposed regulation will not have a significant adverse impact on businesses. The purpose of the regulation is to provide clarification to the Title 24 code users that flush volume rates for specific plumbing are found in California Energy Commission's appliance efficiency standards of Title 20, California Code of Regulations.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The OSHPD has made an assessment as to whether or not and to what extent this proposal will affect the following:

- **The creation or elimination of jobs within the State of California.**

The proposed regulation will not create or eliminate jobs within California.

- **The creation of new businesses or the elimination of existing businesses within the State of California.**

The proposed regulation will not create new businesses or eliminate existing businesses within California.

- **The expansion of businesses currently doing business with the State of California.**

The proposed regulation will not cause expansion of businesses that are currently doing business in California.

- **The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.**

OSHPD promulgates building standards regarding the design and construction of licensed health facilities to ensure the protection of the public's health and safety in the facilities. The proposed action is in response to the Governor's Executive Order No. B-29-15 proclaiming a State of Emergency due to the severe drought conditions throughout California. The proposed regulation will benefit the health and welfare of the public and the state's environment.

ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS

The proposed amendment provides clarification and consistency by aligning Title 24 with Title 20 Appliance Efficiency Standards for water-conserving plumbing fixtures adopted by the California Energy Commission. OSHPD has determined that there is no cost identified to comply with proposed regulation.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

The proposed regulation does not duplicate or conflict with federal regulations. This action will align Title 24, California Building Standards Code with the California Energy Commission's appliance efficiency requirements within Title 20, California Code of Regulations.