

**INITIAL STATEMENT OF REASONS
FOR PROPOSED PLUMBING STANDARDS
OF THE DIVISION OF THE STATE ARCHITECT -- ACCESS COMPLIANCE**

**REGARDING THE ADOPTION BY REFERENCE OF THE
2006 EDITION OF THE UNIFORM PLUMBING CODE (UPC)
INTO THE CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 5**

Chapter's 1, 2, 3, 4 and 16

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when a rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE

Government Code Section 4450(b) directs the State Architect to develop and submit proposed building standards to the California Building Standards Commission (CBSC) for approval and adoption pursuant to Health and Safety Code Section (H&SC§) 18935 and to develop other regulations for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities.

The regulations and building standards relating to access for persons with disabilities are to be consistent with the standards for buildings and structures that are contained in pertinent provisions of the latest edition of the selected model code, as adopted by the CBSC; these regulations and building standards must contain additional requirements relating to buildings, structures, sidewalks, curbs, and other related facilities that the State Architect determines are necessary to ensure access and usability for persons with disabilities.

The actions described are reasonably necessary to carry out the purpose for which they are proposed. The rationale for these actions is to establish minimum requirements for accessibility by persons with disabilities to public buildings, public accommodations, commercial buildings, and publicly funded housing.

The general purpose of these regulations is to adopt plumbing standards, required by the California Building Code, into CCR, Title 24, Part 5, as indicated in the matrix adoption table of the Express Terms document, for the following programs:

- Access to Public Buildings by Persons with Disabilities: To ensure that all buildings, structures, sidewalks, curbs, and related facilities constructed in California by the use of state, county, or municipal funds, or the funds of any political subdivision of California will be accessible to and usable by persons with disabilities.
- Access to Public Accommodations and Commercial Facilities by Persons with Disabilities: To ensure that all buildings, structures, sidewalks, curbs, and related facilities used by the general public and constructed in California by the use of private funds will be accessible to and usable by persons with disabilities.
- Public Housing: To incorporate building standards into regulations developed by the Division of the State Architect for public housing.

This proposed action by DSA/AC will:

- Bring forward existing California amendments, which represent no change in effect from the 2001 California Plumbing Code. Some of the existing California amendments may be further amended as follows:
 - Language modified to clarify existing code provisions.
- Repeal existing California amendments to eliminate duplicative provisions adopted and/or amended by DSA/AC in CCR, Title 24.
- Codify non-substantive editorial and formatting amendments.

The specific purpose and rationale of each adoption, amendment, or repeal is as follows:

DSA/AC is bringing forward these chapters from the 2001 California Plumbing Code with the following amendments:

CHAPTER 1 -- ADMINISTRATION

DSA/AC is carrying forward existing, approved language from CPC Section 101.4.1.1.3.1 and relocating the provisions of this section to Section 412.1.1.

DSA/AC is repealing the balance of Chapter 1 (Administration) as published in the 2001 edition of the CPC because a new California Chapter 1 (General Code Provisions) is adopted as part of the 2006 IBC Code adoption in Part 2, California Chapter 1 of Title 24. Because DSA/AC is repealing CPC Chapter 1 DSA/AC is proposing to adopt a Note only, under the title of the CPC California Chapter 1 (General Code Provisions), as a cross-reference to Part 2, California Chapter 1.

CHAPTER 2 -- DEFINITIONS

DSA/AC is repealing the entire Chapter 2, definitions from the 2001 edition of the CPC because technical provisions no longer exist in the CPC. The California Building Code contains all terms and meanings specific to the applications listed in Section 109.1 of the CBC as regulated by the DDSA/AC.

CHAPTER 3 – GENERAL REGULATIONS

DSA/AC is repealing the entire Chapter 3, general UPC regulations from the 2001 edition of the CPC because technical provisions no longer exist in the CPC. The California Building Code contains all general accessibility provisions specific to the applications listed in Section 109.1 of the CBC as regulated by the DSA/AC.

CHAPTER 4 – PLUMBING FIXTURES AND FIXTURE FITTINGS

DSA/AC is repealing the entire Chapter 4, plumbing fixtures and fixture fittings from the 2001 edition of the CPC because technical provisions exist in Title 24, Part 2, Chapters 11A or 11B. DSA/AC is proposing to adopt a Note only, under the title of the CPC Chapter 4, as a cross-reference to Part 2, Chapters 11A or 11B.

DSA/AC is carrying forward existing, approved language from CPC Section 101.4.1.1.3.1 and relocating the provisions of this section to Section 412.1.1.

Preemptive editorial amendments are shown in Section 411.7 Exception No. 1 and in Table 4-1 (in the 1st paragraph). The UPC cross-references ICC.ANSI A117.1, which is not adopted in California. Therefore, DSA/AC is showing these preemptive amendments by changing the cross reference to read, Chapter 11A or 11B, of the California Building Code, shall be used.

DSA/AC is proposing amendment to Table 4-1 of the 2006 Uniform Plumbing Code as Footnote #19. This amendment is made to coordinate adoption and enforcement with BSC, DSA-SS, HCD & OSHPD. Foot note #19 is adopted to read: “¹⁹ [For BSC, DSA AC, DSA SS, HCD & OSHPD] In accordance with §§108.7 and 301.2, the Authority Having Jurisdiction shall be permitted to use alternative design criteria when determining the minimum number of plumbing fixtures.”

CHAPTER 16 – PLUMBING REQUIREMENTS FOR ACCOMMODATION OF PERSONS WITH PHYSICAL DISABILITIES

DSA/AC is repealing the entire Chapter 16, plumbing requirements for accommodation of persons with disabilities from the 2001 edition of the CPC because technical provisions no longer exist in the CPC. The California Building Code contains all plumbing requirements for accommodation of persons with disabilities provisions specific to the applications listed in Section 109.1 of the CBC as regulated by the Division of the State Architect.

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

DSA/AC relied on the 2006 edition of the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials and the 2006 edition the International Building Code of the International Code Council, Inc.

CONSIDERATION OF REASONABLE ALTERNATIVES

The alternative to repealing the indicated plumbing standards contained in this Part is to maintain them in place. This alternative was rejected since it would result in technical requirements that are outdated and in conflict with the current national standards.

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

The DSA/AC has made a determination that this proposed regulatory action will not have an adverse impact on small business. DSA/AC has determined that no reasonable alternative considered by DSA/AC or that has otherwise been identified and brought to the attention of DSA/AC would be more effective in carrying out the purpose for which this action is proposed, or would lessen any adverse impact on small business.

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

The DSA/AC has made an initial determination that this proposed action would not have a significant adverse economic impact on business. This proposed action would ensure that the State Architect's regulations and plumbing standards published in CCR, Title 24, Part 5, would not prescribe a lesser standard of accessibility or usability than provided by the Federal Accessibility Guidelines prepared by the federal Access Board as adopted by the United States Department of Justice to implement the Americans with Disabilities Act of 1990 (Public Law 101-336), consistent with Government Code Section 4450(c).

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

The DSA/AC is not within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal. The DSA is proposing to amend plumbing standards applicable to the design of accessible public buildings, public accommodations, commercial buildings and publicly funded housing.

The Federal Americans with Disabilities Act (ADA) of 1990; ADA Standards for Accessible Design, 28 Code of Federal Regulations Part 36, revised as of July 1, 1994; and the Federal Fair Housing Amendments Act of 1988 are the only Federal provisions the Division of the State Architect is aware of which may apply to the proposed adoption of these standards.