

UPDATED INFORMATIVE DIGEST
FOR
PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

REGARDING THE 2007 CALIFORNIA PLUMBING CODE (CPC),
CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 5

AMENDMENTS TO THE CALIFORNIA PLUMBING CODE
FOR USE IN CALIFORNIA AS TITLE 24, PART 5

Summary of Existing Laws

Health and Safety Code Section 1226 authorizes the Office of Statewide Health Planning and Development to prescribe, in consultation with the Community Clinics Advisory Committee, minimum building standards for the physical plant of clinics, for adoption in the California Building Standards Code.

Health and Safety Code Section 1275 authorizes the Office to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

Health and Safety Code Section 129850 authorizes the Office to propose building standards, as necessary, in order to carry out the requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act. The Office is also authorized to submit to the California Building Standards Commission for approval and adoption of building standards related to the seismic safety of hospital buildings.

Health and Safety Code Sections 129675 through 130070 authorizes the Office to provide plan review and construction observation for hospitals, skilled nursing facilities and intermediate care facilities in order to assure that these health facilities are compliant with the California Building Standards Code. Specifically, Section 129850 authorizes the Office to develop regulations to effectively carry out the mandate of the Alfred E. Alquist Hospital Facilities Seismic Safety Act.

SIGNIFICANT DECISION

When considering adoption of building standards, such as PEX, the agencies must review all relevant information relating to the proposed standard including approvals by recognized testing and listing agencies. Typically, OSHPD does not believe that standards approved in a national model code must also go through the CEQA process; however, based on information received during previous code adoption cycles a decision was made to consider PEX as a "project" under CEQA guidelines. Therefore, an EIR was conducted to consider all potential environmental impacts this product may have on California's environment. The decision to propose the adoption of PEX with amendments during this code adoption cycle is based on and supported by the EIR.

Summary of Existing Regulations

The existing 2007 California Plumbing Code (CPC) is a part of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code and incorporates, by adoption, by the California Building Standards Commission, the 2006 Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials with for amendments hospitals, skilled nursing facilities, licensed clinics, and correctional treatment centers.

The 2007 CPC contains requirements for plumbing fittings and fixtures for various rooms or areas in hospitals, skilled nursing facilities, licensed clinics, and correctional treatment centers. It also contains requirements for various piping materials, including PEX, which may be used for the distribution of potable water. PEX tubing is currently prohibited in health facilities under OSHPD's jurisdiction.

Updates to Summary of Effect

1. The proposed action will eliminate conflict in Table 4-1, preamble, by omitting "minimum exiting requirements" as

the determination of occupant load for the purpose of calculating the number of required plumbing fixtures.

2. The initial proposed action would amend 2007 CPC by repealing amendments contained in Section 604.0, which prescribe OSHPD's non-adoption of model plumbing code provisions regulating the use of PEX water supply piping. The Initial Statement of Reasons cited a California Environmental Quality Act (CEQA) final environmental impact report (EIR) as the document upon which OSHPD would rely in its plumbing code proposals relating to cross-linked polyethylene (PEX). That document and its various draft versions may be found at <http://www.bsc.ca.gov/pex.htm> .

Public comments made to the draft EIR recommended changes to the EIR upon which OSHPD is relying, resulting in the following effects of the regulations:

- Section 604.1, Exception 5 is being amended to require that PEX be sleeved by an approved material when installed in the soil.
- Section 604.1, Exception 6 is being amended to require that PEX meet NSF P 171 CL-R test standard or the recently approved ASTM F 876-08 test standard for the testing of PEX.

3. The proposed regulations will allow non-aerating laminar flow devices on handwashing fixtures. Editorial and minor technical amendments are also being proposed.

Updates to the Policy Statement Overview

The broad objective of the proposed action is to maintain building regulations in conformance with current state law, by proposing building standards in the 2007 CPC during an annual cycle that ensured adequate public participation, adequate notice, and adequate technical review. The objective is also supported by the development of a legally adequate EIR upon which OSHPD relied in its plumbing code proposals.