

**FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT - STRUCTURAL SAFETY (DSA-SS)**

**REGARDING ADOPTION OF THE 2006 UNIFORM PLUMBING CODE (UPC),
FOR USE IN THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5**

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:

(Government Code Section 11346.9(a) (1) requires an update of the information contained in the initial statement of reasons. If update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the initial statement of reasons, the state agency shall comply with Government Code Section 11347.1)

The Initial Statement of Reasons (shown below on pages 1-3) were revised regarding Section 604, pursuant to comments received during the 45 Day public comment period (see page 4 of this document).

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE FOR PROPOSED CHANGES

DSA proposes to repeal the 2000 edition of the Uniform Plumbing Code (UPC), and to adopt the 2006 edition of the Uniform Plumbing Code (published by the International Association of Plumbing and Mechanical Officials) for codification and effectiveness as the 2007 California Plumbing Code. DSA proposes this action in order to comply with state law requiring state agencies to propose adoption of the latest edition model codes within one year of the publication date.

Building standards proposed by DSA-SS for adoption would be applicable to public elementary and secondary schools, community colleges, and state-owned or state-leased essential services buildings.

CHAPTER 1 - Administration

Proposed action:

Repeal of DSAA-SS amendments in *Sections 101.1, 101.2, 101.4, 101.6, 101.7, 101.8, 101.9, 101.10, 101.11, 101.11.10.*

Adoption of *Sections 101.1, 101.2, 101.3, 101.3.1, 101.3.2, 101.4, 101.5, 101.6, 101.7, 101.8, 101.8.1, 101.9, 101.10, 101.11, 101.12, 101.13, 109.2.*

In a coordinated effort with other proposing state agencies, under the direction of the Building Standards Commission, the repealed amendments will be relocated as new amendments into the "California Chapter 1", which contains only state regulations. The unamended model code Chapter 1 is proposed to be relocated into Appendix Chapter 1, for use by local jurisdictions. This action is being proposed for Parts 2, 3, 4, and 5 of Title 24, each of which adopts a nationally-recognized model code by reference.

CHAPTER 2

Section 203.0 - DSA has determined that the amendment referencing the term "*enforcement agency*" is not necessary, and that DSA's code enforcement role is clearly defined by the model code definition of "authority having jurisdiction" and *Section 109 of State Chapter 1.*

Section 205.0 - DSA has determined that the amendment referring to the "most recent" edition California Building Code is not necessary. The currently effective edition California Building Code is the only applicable code for use in conjunction with any other Parts of Title 24, except where specifically noted otherwise.

Section 207.0 - See Section 203.0 above.

Section 216.0 - DSA has determined that this amendment, defining "*noncarriage toilet facility*," currently has no application to any occupancies or uses within DSA-SS jurisdiction, and is therefore proposed for repeal.

Section 218.0 - DSA has determined that this amendment, defining "*personal service room*," currently has no application to any occupancies or uses within DSA-SS jurisdiction, and is therefore proposed for repeal.

Section 221.0 - DSA has determined that this amendment, defining "*state building codes*", is duplicative with provisions contained in *California Chapter 1* which clarify the title of the state's building standards, and is therefore proposed for repeal.

Section 223.0 - DSA has determined that this amendment, which clarifies the term "UPC" is not necessary. This amendment is technically incorrect, as the currently adopted edition of the Uniform Plumbing Code is the only applicable edition UPC for application to DSA-SS regulated occupancies.

CHAPTER 3

Section 316.2.4 - DSA has determined that this amendment, which requires that dielectric unions be used at all points of connection where there is a dissimilarity of metals, is sufficiently addressed by model code provisions (Sec. 508). This is an issue best addressed by the model code development process, as there are numerous means to mitigate potential metal pipe corrosion when dissimilar metals are connected, while this amendment prescribes that only one method is permitted.

CHAPTER 4

Section 407.4.1 - DSA has determined that this amendment, which regulates the water stream height (2") of a drinking fountain, should be repealed as it is duplicative and conflicting with the requirements of Section 1115B.2.1.5.3.5.4 (which requires a 4" stream of water).

Table 4-1 Footnote 19 - DSA, the other proposing state agencies (SFM, OSHPD, HCD), and the Building Standards Commission are proposing the adoption of Footnote 19, which clarifies the application of specific code provisions for alternate methods and materials to determine the minimum number of plumbing fixtures.

CHAPTER 6

Section 604 (including repeal of 2001 CPC Section 604.1 Exception #2; new amendment footnote 1 to 2006 UPC Table 6-4; continuation of non-adoption of Sections 604.11, 604.11.1, 604.11.2; and new amendment to Sections 604.13, 604.13.1, 604.13.2):

Building standards for cross-linked polyethylene tubing (PEX) first appeared in the 2000 Uniform Plumbing Code; and building standards for cross-linked polyethylene-aluminum-cross-linked polyethylene tubing (PEX-AL-PEX) first appeared in the 2003 Uniform Plumbing Code. PEX and PEX-AL-PEX are now utilized in 49 other states, and in over 300 localities in California.

DSA gives great weight to the methods and testing which led to inclusion of these products in the Uniform Plumbing Code; and for this reason, included the products in the proposed 2007 California Plumbing Code. However, during the public comment period for adoption of these products into the 2007 California Plumbing Code several issues were raised that cannot be fully addressed within the timeframe for adoption in this code adoption cycle. Therefore, DSA proposes to remove proposed building standards for PEX and PEX-AL-PEX from the proposed 2007 California Plumbing Code.

Section 606.2.4 - DSA is proposing to repeal this amendment, as model plumbing code provisions and referenced standards adequately address PVC pipe joint construction.

Section 606.2.4 - DSA is proposing to repeal this amendment, as the building code explicitly and adequately addresses seismic anchorage of plumbing systems and equipment.

CHAPTER 7

Section 701.1.2.1 - DSA is proposing to repeal this amendment to Section 701 of the Uniform Plumbing Code, which restricts the use of ABS and PVC as drainage pipe. Section 701 of the Uniform Plumbing Code otherwise permits the use of ABS and PVC as drainage pipe with specified conditions. Section 903 of the 2001 CPC as adopted by DSA-SS permits the use of ABS and PVC pipe materials for use as vent piping, which is associated with the sanitary

drainage system. DSA has no rationale or reason to continue this restriction on the use of drainage pipe materials that are otherwise permitted by the Uniform Plumbing Code.

Section 705.1.1.1 - DSA is proposing repeal of this amendment, as the model plumbing code (Section 310) addresses workmanship of pipe joint preparation.

Section 705.2.5 - DSA is proposing to repeal this amendment, as model plumbing code provisions and referenced standards adequately address PVC pipe joint construction.

CHAPTER 8

Section 811.2.1 - DSA is proposing repeal of this amendment, as Section 811 of the Uniform Plumbing Code (UPC) sufficiently prescribes requirements for pipe materials used for conveying acid waste. This DSA-SS amendment, which prescribes that ABS or PVC piping may be used for acid waste lines, implies that these materials may be used without qualification, which conflicts with Section 811.2 of the UPC. Section 811.2 of the UPC specifies requirements for chemical waste lines, and does not qualify ABS or PVC materials for this application.

CHAPTER 12

Section 1202.2.1 - Editorial change only; renumbered from 1202.2.1 to 1203.10 due to model code format change.

Section 1211.21 - Editorial change only; renumbered from 1211.21 to 1211.18 due to model code format change.

APPENDIX D

Section D.1 (a.1) - DSA is proposing repeal of this amendment, as the UPC adequately and sufficiently regulates materials used for roof drainage piping.

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

None required for the proposed adoption of the 2006 edition UPC, as Section 18928 of the Health & Safety Code mandates this proposed action.

CONSIDERATION OF REASONABLE ALTERNATIVES

The Division of the State Architect has not considered any reasonable alternatives to the proposed action, as this action is required by state law.

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

The Division of the State Architect has not identified any reasonable alternatives to the proposed action, and no adverse impacts to small business are expected as a result of this proposed action.

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

The Division of the State Architect has no evidence indicating any potential significant adverse impact on business with regard to this proposed action.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

The regulations proposed for adoption do not duplicate or conflict with federal regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS.

(Pursuant to Government Code Section 11346.9(a) (2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s).)

The Division of the State Architect has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).

(Government Code Section 11346.9(a) (3))

45 Day Public Comment Period (September 8, 2006 through October 23, 2006)

Comment #1 - DSA/SS 06/06 - Cudahy - Sections 701.1.2.1; Section D1 a.1 of Appendix D
Commenter: Michael Cudahy, representing the Plastic Pipe and Fittings Association (PPFA)

Mr. Cudahy commented that the PPFA supports the DSA-SS proposal to repeal amendments to Sections 701.1.2.1 and D1 a.1, which would remove restrictions on the use of ABS and PVC pipe for use in sanitary drainage and storm drainage systems.

DSA Response: None required, as the commenter concurs with DSA's proposal.

Comment #2 - DSA/SS 06/06 - Stacy - Sections 604.1, 604.11, 604.11.1, 604.11.2, 604.13, 604.13.1, 604.13.2; Table 6-4

Commenter: Kate H. Stacy, representing the City and County of San Francisco

Ms. Stacy commented that the City and County of San Francisco opposes the DSA-SS proposal to repeal DSA's non-adoption of model code provisions for PEX and PEX-AL-PEX contained in the California Plumbing Code. The commenter requests that an adequate examination of potential public health and safety impacts, and environmental impacts be conducted through a comprehensive study and preparation of an Environmental Impact Report.

DSA Response: The concerns raised cannot be fully addressed within the timeframe for adoption in this code adoption cycle. Therefore, DSA proposes to remove proposed building standards for PEX and PEX-AL-PEX from the 2007 California Plumbing Code.

Comment #3 - DSA/SS 06/06 - Delgadillo - Sections 604.1, 604.11, 604.11.1, 604.11.2, 604.13, 604.13.1, 604.13.2; Table 6-4

Commenter: Rocky Delgadillo, representing the City of Los Angeles

Mr. Delgadillo commented that the City of Los Angeles opposes the DSA-SS proposal to repeal DSA's non-adoption of model code provisions for PEX and PEX-AL-PEX contained in the California Plumbing Code. The commenter requests that an adequate examination of potential public health and safety impacts, and environmental impacts be conducted through a comprehensive study and preparation of an Environmental Impact Report.

DSA Response: The concerns raised cannot be fully addressed within the timeframe for adoption in this code adoption cycle. Therefore, DSA proposes to remove proposed building standards for PEX and PEX-AL-PEX from the 2007 California Plumbing Code.

Comment #4 - DSA/SS 06/06 - Cudahy - Sections 604.1, 604.11, 604.11.1, 604.11.2

Commenter: Michael Cudahy, representing the Plastic Pipe and Fittings Association (PPFA)

Mr. Cudahy commented that the PPFA supports the DSA-SS proposal to repeal amendments to Sections 604.1, 604.11, 604.11.1 and 604.11.2, which would remove restrictions on the use of PEX piping for use in potable water distribution systems.

DSA Response: None required, as the commenter concurs with DSA's proposal.

Comment #5 - DSA/SS 06/06 - Adams Broadwell Joseph & Cardozzo - Sections 604.1, 604.11, 604.11.1, 604.11.2, 604.13, 604.13.1, 604.13.2; Table 6-4

Commenter: Thomas Enslow, representing the Coalition for Safe Building Materials

Mr. Enslow commented that the Coalition for Safe Building Materials opposes the DSA-SS proposal to repeal DSA's non-adoption of model code provisions for PEX and PEX-AL-PEX contained in the California Plumbing Code. The commenter requests that an adequate examination of potential public health and safety impacts, and environmental impacts be conducted through a comprehensive study and preparation of an Environmental Impact Report.

DSA Response: The concerns raised cannot be fully addressed within the timeframe for adoption in this code adoption cycle. Therefore, DSA proposes to remove proposed building standards for PEX and PEX-AL-PEX from the 2007 California Plumbing Code.

45 Day Public Comment Period (November 24, 2006 through January 8, 2007) for Modified Express Terms

No comments were received by DSA during this 45 Day Public Comment Period.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS.

(Government Code Section 11346.9(a) (4))

The Division of the State Architect has determined that no alternative considered 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 regulations.

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

(Government Code Section 11346.9(a) (5))

There are no rejected proposed alternatives to identify. This proposal will not have an adverse economic impact on small businesses.

COMMENTS MADE BY THE OFFICE OF SMALL BUSINESS ADVOCATE.

(Government Code Section 11347.6)

No comments were received from the Office of Small Business Advocate for this proposal.

COMMENTS MADE BY THE TRADE AND COMMERCE AGENCY.

(Government Code Section 11347.6)

No comments were received from the Trade and Commerce Agency for this proposal.