

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

REGARDING THE
CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4**

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

The Office of Statewide Health Planning and Development (OSHPD) finds that no revisions have been made which would warrant a change to the initial statement of reasons for the following proposed amendments:

- Clarify the heating, cooling, and humidification requirements for hospitals
- Clarify the ventilation requirements for rooms that do not require continuous directional control
- Adopt requirements of nationally recognized guidelines

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S)

OSHPD received the public comments as noted below:

SECTION 314.1.3 and SECTION 315.1.3

Commenter:

Shlomo Rosenfeld and Associates
Oakland, California

The commenter recommends adding the words "and ASHRAE 1994 supplement to climatic data for region X"

OSHPD Response:

OSHPD accepts the comment and has incorporated the recommendation in the Final Express Terms.

SECTION 315.1.1

38 separate comments were received regarding Section 315.1.1 of the 2007 CMC. The specific names of the various commenters are available on the CBSC website.

Background:

OSHPD has proposed adding an exception to Section 315.1.1 regarding the temperature and humidification requirements for sensitive rooms and areas shown in Table 315. The exception would allow for an alternate means of compliance to be submitted to OSHPD, requesting exemption from humidification requirements if it can be demonstrated that without the required humidification, the resulting room humidity would fall outside of the required humidity range no more than 0.5% of the time on an annual basis.

Comments:

The commenters recommend using 5% instead of .5% in the proposed exception to Section 315.1.1 as the percentage of time that the humidity may be outside of the recommended range and thus qualify for this exception. The commenters maintain that changing to the 5% allowance would save hospital facilities millions of dollars on what they maintain are unnecessary humidifiers.

OSHPD Response:

OSHPD has withdrawn the proposed exception to Section 315.1.1, and will study this issue further.

Section 315.1.2 Exception 2

Commenters:

Shlomo Rosenfeld and Associates
Oakland, California

And

Shulamit Rabinovich
Oakland, California

The commenters recommend that OSHPD not delete the words "controlled by the same thermostat".

OSHPD Response:

It is the opinion of OSHPD that leaving the words "controlled by the same thermostat" in the text of exception 2, would result in hospitals having to install additional humidifiers at substantial cost, without receiving additional benefits to the patients or staff. Therefore, while OSHPD appreciates the concerns raised by the commenters, OSHPD will continue to propose that the term "controlled by the same thermostat" be removed from exception 2.

Table 4A

Commenter:

Shlomo Rosenfeld and Associates
Oakland, California

The commenter recommends that OSHPD add a sentence at the end of footnote 8, noting that the "NR" designation still requires minimizing directional airflow.

OSHPD Response:

OSHPD accepts the comment and has incorporated the recommendation in the Final Express Terms.

Section 407.3.1

Commenter:

Shlomo Rosenfeld and Associates
Oakland, California
&
Erik S Emblem
Sacramento, California

The commenters raise concerns regarding the lack of design, testing, and balancing tolerances.

OSHPD Response:

OSHPD agrees with the comment and has changed the text of the Final Express Terms, to include the Testing, Adjusting and Balancing Bureau (TABB).

Section 504.1

Commenter:

Shlomo Rosenfeld and Associates
Oakland, California

The commenter recommends that OSHPD add a sentence stating that “ Exhaust ducts under positive pressure shall not extend into or through ducts or plenums”

OSHPD Response:

This issue is outside of the rulemaking. OSHPD is not proposing any changes to Section 504.1 at this time.

Section 404.0

Commenter:

Shlomo Rosenfeld and Associates
Oakland, California

The commenter recommends that OSHPD move a sentence from Section 403.7 to Section 404.0 regarding make-up air.

OSHPD Response:

This issue is outside of the rulemaking. OSHPD is not proposing any changes to either Section 403.7 or Section 404.0 at this time.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

OSHPD 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 regulation.

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

No alternatives were proposed. OSHPD has determined that the proposed regulations will not have an adverse economic impact on small businesses.

COMMENTS MADE BY THE OFFICE OF SMALL BUSINESS ADVOCATE

OSHPD did not receive comments from the Office of Small Business Advocate.

COMMENTS MADE BY THE TRADE AND COMMERCE AGENCY

OSHPD did not receive comments from the Trade and Commerce Agency.