

**FINAL 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**

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 the following revisions are updates to the Initial Statement of Reasons:

The amendments originally proposed for Sections 604.1, 701.1.2.1, 903.1.2.1 and 1101.3.1 regarding CPVC, PVC and ABS piping material have been withdrawn by OSHPD.

INITIAL STATEMENT OF REASONS:

OSHPD is mandated to adopt the most recent edition of model code, as amended by the Office, pursuant to Health and Safety Code Section 18928. This proposed rulemaking represents the Office's proposal to adopt the 2009 Uniform Plumbing Code (UPC) published by International Association of Plumbing and Mechanical Officials (IAPMO) and carry forward existing California amendments of the 2007 California Plumbing Code (CPC). It was also necessary to propose a few editorial and minor technical modifications to the existing requirements for clarification and consistency within the code as identified below:

California Chapter 1 and Appendix Chapter 1

"California Chapter 1, General Code Provisions" is being retitled to "Chapter 1, California Administration, Division I". "Appendix Chapter 1, Administration", is being retitled as "Administration, Division II" and is being moved from the back of the code publication to the front and will follow Chapter 1, California Administration, Division I. These changes are intended to provide a more user-friendly format.

Section 210.0 – H- Definition

"Handwashing Fixture" definition is amended to permit manual temperature controls. This is consistent with current healthcare industry practice.

Section 221- S- Definition

"Scrub Sink" definition is amended to permit manual temperature controls. This is consistent with current healthcare industry practice.

Section 402.3.1 Nonwater Urinals

Based on public safety and infection control concerns, OSHPD is proposing to not allow use of nonwater urinals in health facilities until an evaluation and analysis of this product can be performed and OSHPD can be assured that there are no public safety and environmental concerns associated with this product.

Section 406.5 Drinking Fountains

Amendment is being repealed because it is unnecessary.

Section 412.1 Fixture Count

This amendment was inadvertently eliminated during publication of the 2007 California Plumbing Code

Table 4-2 Minimum Plumbing Facilities

Amendments to this table are necessary for coordination and consistency with the California Building Code.

Section 604.1, Exception 1 Materials

The amendment originally proposed for this section has been withdrawn by OSHPD.

Section 606.2.4.1 Materials

This amendment is being repealed because it is an unnecessary reference to another section in the code.

Section 612.2

This sentence was inadvertently eliminated during publication of the 2007 California Plumbing Code.

Section 612.6

This section is modified to for consistency with the nationally recognized standard, 2006 Guidelines for Design and Construction of Health Care Facilities.

Section 613.1

This section was modified to allow *PVDF* (polyvinylidene fluoride) as an additional piping material for dialysis water feedline. This piping material meets the standards established by the ANSI/American Association of Medical Instrumentations (AAMI) RD62, Water treatment equipment for hemodialysis applications.

Section 613.7

This amendment is necessary for clarification and to specify the adoption of the latest and most appropriate standard for water used in dialysis treatment.

Section 701.1.2.1 Materials

The amendment originally proposed for this section has been withdrawn by OSHPD.

Section 705.1.1.1 Joints and Connections

This amendment is being repealed because it is not necessary.

Section 705.2.5 Joints and Connections

This amendment is being repealed because OSHPD is adopting model code requirements for ABS and PVC piping.

Section 903.1.2.1 Materials

The amendment originally proposed for this section has been withdrawn by OSHPD.

Section 1101.3.1 Material Uses

The amendment originally proposed for this section has been withdrawn by OSHPD.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

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).

- ***Public comments received during the 45-Day Public Comment Period from August 28, 2009 to October 12, 2009.***

COMMENTERS: Chris Hopkins; Richard Christman; Pennie Feehan, *Pennie L. Feehan Consulting*; Marla Lytle; James Simonelli, Executive Director, California Metals Coalition Bob Adler; Al Chang; Dennis Merrill; Joe Riffle; Chris Angulo; Jennifer Costa; Justus Samuels; W.C. Franklin; Nancy Lee Israels; Henningsen; Dale Darling; Dori Keenan; Kevin McCullough; Andrea Gomez; Eusebio Salinas; Dave Robinson; Mark Mizokami; Daniel Castaneda; Monica Perez; Ngueruk Sherry; Kurt Winter; Michelle Schultz; Zeydi Gutierrez; Martin Israels; Pauline Aragon; Mario Tanigawa; Jose Alvarez; Michael Lave; Maria Christina Forde; Michael S. Long; I.K. Johnson; Cecilio Lopez; Maggie Moctezuma; Jim Anderlik; Paul Lapp; John Oyarzo; Lisa Douzos; Jose Moreno; Jose Jasso; Angela Green; Jose Salcedo; Danny Tajolla; Victor Sevilla; Silva Gutierrez; and four concerned citizens.

The commenters oppose the proposed amendments that would lift the prohibition for the use of PVC and ABS piping materials in health facilities. The commenters state that PVC and ABS are highly combustible plastic materials. If ignited, these materials contribute to the rapid spread fire in a building and emit toxic fumes while burning. PVC and ABS materials are not recyclable. A few commenters also stated that these piping materials cannot be used if water exceeding 140°F in temperature is to be discharged through to PVC or ABS piping. The recommendation from a majority of the commenters was to continue the restriction of PVC and ABS piping and to use cast iron piping material instead.

OSHPD Response: OSHPD has withdrawn the proposed amendments for Sections 701.1.2.1, 903.1.2.1 and 1101.3.1 that would have lifted the prohibition for the use of PVC and ABS piping material in health facilities under OSHPD jurisdiction. OSHPD believes that further study of the effects of using PVC and ABS piping for specific applications is necessary before removing the existing regulatory restrictions regarding use of these piping materials in health facilities.

COMMENTER: Ira W. Schumer

Mr. Schumer opposes the amendments that would lift the prohibition for the use of PVC and ABS piping materials in health facilities. He states that these plastics used for drain/waste/vent systems have many limitations when installed below ground and above ground. Steps for installation for PVC/ABS vs. cast iron piping are 4 times more and result in increased inspection time. Above ground use will result in increase cost to install correctly and firestop material used have no useful lifespan. Additionally, air testing for PVC/ABS piping is not allowed and testing above critical areas with water could result in damage due to water leakage during installation.

OSHPD Response: OSHPD has withdrawn the proposed amendments for Sections 701.1.2.1, 903.1.2.1 and 1101.3.1 that would have lifted the prohibition for the use of PVC and ABS piping material in health facilities under OSHPD jurisdiction. OSHPD believes that further study of the effects of using PVC and ABS piping for specific applications is necessary before removing the existing regulatory restrictions regarding use of these piping materials in health facilities.

COMMENTER: Thomas A. Enslow of *Adams, Broadwell, Joseph & Cardozo* on behalf of Coalition of Safe Building Materials

Mr. Enslow submitted comments on behalf of the Coalition of Safe Building Materials in opposition to the proposed amendments that would lift the prohibition for the use of CPVC for drinking water and PVC and ABS for drain/waste/vent systems (CPC, Sections 604.1, 701.1.2, 903.1.2 and 1101.3). The comments listed the following objections: 1) worker exposure to toxics during installation and manufacturing the materials, 2) contamination of drinking water from the materials, 3) contamination of water receiving waste products, 4) air quality problems from solvent emissions during installation of materials, 5) fire hazards from toxic smoke created by materials ignited in a fire, 6) increased risk of rupture of materials, and 7) solid waste disposal problems when disposing of materials.

OSHPD Response: OSHPD has withdrawn the proposed amendments for Sections 604.1, 701.1.2.1, 903.1.2.1 and 1101.3.1 that would have lifted the prohibition for the use of CPVC, PVC and ABS piping material in health facilities under OSHPD jurisdiction. OSHPD believes that further study of the effects of using CPVC, PVC and ABS piping for specific applications is necessary before removing the existing regulatory restrictions regarding use of this piping material in health facilities.

COMMENTERS: Bruce Wick, Director of Risk Management, *California Professional Association of Specialty Contractors*; Roger Richter, *California Hospital Association*; and Ronald Fisher

These commenters support the proposed amendment that would lift the prohibition for the use of CPVC piping material for water distribution in health facilities under OSHPD jurisdiction.

OSHPD Response: OSHPD has withdrawn the proposed amendment for Section 604.1 that would have allowed the use of CPVC for water distribution in health facilities under OSHPD jurisdiction. OSHPD believes that further study of the effects of using CPVC piping for specific applications is necessary before removing the existing regulatory restrictions regarding use of this piping material in health facilities.

COMMENTER: Mike Macias, Divisional Biomedical Administrator, *Pacific Gold, NorthStar, Sierra Terrific, DaVita At Home*

The commenter recommends PVC or ABS piping materials for the design of sanitary sewer for hemodialysis application in lieu of cast iron piping.

OSHPD Response: OSHPD appreciates the commenters recommendation, however, this comment is outside OSHPD's rulemaking proposal.

COMMENTER: Don Kinyon, *Stephen E. Harrimann AIA & Associates*

The commenter requests that the use of PEX material for dialysis water feedlines be considered for adoption the California Building Standards Commission.

OSHPD Response: OSHPD appreciates the commenters request, however, this comment is outside OSHPD's rulemaking proposal.

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:

OSHPD has determined that the proposed regulations will not have an adverse economic impact on small businesses.