

INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC)

REGARDING THE 2013 CALIFORNIA PLUMBING CODE (CPC),
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5

[BSC 05/13]

[Note to agencies: Directions below which, like this note, are not intended to be shown in your submittal, have been updated to reflect requirements of SB 401 (Chapter 212, Statutes of 2013) effective January 1, 2014. New directions are shown in underline.]

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

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS:

(Government Code Section 11346.2(b)(1) requires a statement of specific purpose of each adoption, amendment, or repeal and the problem the agency intends to address and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem the agency intends to address for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.)

The California Building Standards Commission proposes to amend the 2013 California Plumbing Code (CPC) as follows:

CHAPTER 4

Section 403.0 Water-Conserving Fixtures and Fittings.

Note: On and after January 1, 2014, certain commercial real property, as defined in Civil Code Section 1101.3, shall have its noncompliant plumbing fixtures replaced with appropriate water-conserving plumbing fixtures under specific circumstances. See Civil Code Section 1101.1 et seq. for definitions, types of commercial real property affected, effective dates, circumstances necessitating replacement of noncompliant plumbing fixtures, and duties and responsibilities for ensuring compliance.

Rationale:

BSC proposes to include additional information as a note” to section 403.0. Senate Bill 407 (Padilla; Chapter 587, Statutes of 2009) requires replacement of noncompliant plumbing fixtures in all existing commercial real property by January 1, 2017. In addition, this legislative requirement mandates the replacement of noncompliant plumbing fixtures in nonresidential buildings on and after January 1, 2014, for a nonresidential alteration, improvement or addition. The exception provides guidance and direction where affected parties can find the specific requirements in the California Civil Code, Section 1101.1 et seq.

Benefit:

The proposed code amendment will benefit the code user as it will alert the code user that there is a more restrictive code section in another part of Title 24.

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

(Government Code Section 11346.2(b)(3) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).

There were no formal studies or reports used as the bases for the proposed amendments.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS:

(Government Code Section 11346.2(b)(4) requires a statement of the reasons why an agency believes any mandates for specific technologies or equipment or prescriptive standards are required.)

There are no mandates for specific technologies or equipment or prescriptive standards that are required

CONSIDERATION OF REASONABLE ALTERNATIVES

(Government Code Section 11346.2(b)(5)(A) requires a description of reasonable alternatives to the regulation and the agency's reasons for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternate. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.)

There are no reasonable alternatives identified by the agency. The Health & Safety Code, Section 18928, mandates this proposed action.

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

(Government Code Section 11346.2(b)(5)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business.)

No alternatives were identified to lessen the adverse impact on small businesses. The Health & Safety Code, Section 18928, mandates this proposed action.

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

(Government Code Section 11346.2(b)(6)(A) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business)

No facts, evidence, documents, testimony, or other evidence of any significant adverse economic impact on business have been identified. The Health & Safety Code, Section 18928, mandates this proposed action.

ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS

(Government Code Section 11346.2(b)(6)(B) states if a proposed regulation is a building standard, the initial statement of reasons shall include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates.)

There is no cost for compliance with these proposed code changes as they are nonsubstantive and editorial in nature.

The benefit will be derived by providing code user guidance and alerting them that there is a more restrictive code section in another part of Title 24.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

(Government Code Section 11346.2(b)(7) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment.)

There are no federal regulations related to this proposed action. The Health & Safety Code, Section 18928, mandates this proposed action.