

**FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE**

CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC)

**REGARDING THE NEXT TRIENNIAL EDITION
OF THE CALIFORNIA PLUMBING CODE (CPC),
CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 5**

ADOPT AND AMEND NEW MODEL CODE FOR USE IN CALIFORNIA AS 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:

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.

CHAPTER 6

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.

BSC 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, BSC proposes to maintain the existing non-adoption language, which will result in the removal of building standards for PEX and PEX-AL-PEX from the proposed 2007 California Plumbing Code.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The California Building Standards Commission has determined that the proposed regulatory action would impose a mandate on local agencies or school districts. However, the mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code. H&SC section 18928 requires the CBSC to adopt the most current edition of

the model codes. H&SC 18938(b) makes applicable the most current edition of the model plumbing code to all occupancies throughout the State of California as prescribed.

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

Comment #1 - BSC 05/06 - 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 BSC proposal to repeal BSC'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.

BSC Response: BSC proposes to maintain the original restriction for PEX and to add a new restriction for PEX-AL-PEX in the new 2007 California Plumbing Code. BSC agrees that a more adequate examination should be performed to assure the safety of the product for the general health and welfare of the public.

Comment #2 - BSC 05/06 - 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 BSC proposal to repeal BSC'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 prior to removal of the non-adoption.

BSC Response: BSC proposes to maintain the original restriction for PEX and to add a new restriction for PEX-AL-PEX in the new 2007 California Plumbing Code. BSC agrees that a more adequate examination should be performed to assure the safety of the product for the general health and welfare of the public.

Comment #3 - BSC 05/06 - 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 proposed statewide approval of the PEX material as originally proposed by BSC. However, BSC has revised the original proposed language and is going to maintain the current amendments to Sections 604.1, 604.11, 604.11.1 and 604.11.2, and include new restriction for Sections 604.13, 604.13.1 and 604.13.2 for PEX-AL-PEX.

BSC Response: BSC proposes to maintain the original restriction for PEX and to add a new restriction for PEX-AL-PEX in the new 2007 California Plumbing Code. An adequate examination of potential public health and safety impacts, and environmental impacts should be conducted through a comprehensive study and preparation of an Environmental Impact Report before the existing BSC restriction may be removed.

Comment #4 - BSC 05/06 - 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 BSC proposal to repeal BSC'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.

BSC Response: BSC proposes to maintain the original restriction for PEX and to add a new restriction for PEX-AL-PEX in the new 2007 California Plumbing Code until a more adequate examination can be performed to assure the safety of the product for the health of the public.

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

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

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

The Building Standards Commission 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 ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES:

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

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

COMMENTS MADE BY THE TRADE AND COMMERCE AGENCY

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