

STATE OF CALIFORNIA
STATE AND CONSUMER SERVICES AGENCY
CALIFORNIA BUILDING STANDARDS COMMISSION
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Office Use Item No. _____

PARTICIPATION COMMENTS FOR THE NOTICE DATED JULY 10, 2008
Written comments are to be sent to the above address.

WRITTEN COMMENT DEADLINE: AUGUST 25, 2008

Date: 8/10/08

From: Jack Beuschel

Name (Print or type)

Studor, Inc.

Agency, jurisdiction, chapter, company, association, individual, etc.

720 Brooker Creek Blvd Oldsmar FL 34677

Street City State Zip

I/We (do) (do not) agree with: repeal of Sections 203.0, 905.4 (exception), 906.1(exception), 909.1, 909.1.1, 909.1.2, 909.1.3, 909.1.4, and 909.1.5.

The Agency proposed modifications As Submitted on Section No.

and request that this section or reference provision be recommended:

Approved Disapproved Held for Further Study Approved as Amended

to the proposing state agency.

Suggested Revisions to the Text of the Regulations:

Reinstate original code language proposed by the HCD to include air admittance valves (AAVs) in the California Plumbing Code.

Reason: [The reason should be concise. If the request is for "Disapproval," "Further Study," or "Approve As Amend", identify at least one of the 9-point criteria (following) of Health and Safety Code §18930.]

The rationale given by the HCD to not include air admittance valves (AAVs) in the California Plumbing Code (CPC) as they originally proposed is based on incorrect information. Further, the HCD should be reviewing AAVs on their own merits and not on what another state believes. The HCD are professionals and should not be influenced by opinions from other states, especially when they are incorrect. The state of Louisiana, post-Katrina, submitted a proposal to HUD through NFPA to delete anti-siphon trap vent devices from the HUD standard found in Part 3280, Subpart G.

The Housing and Urban Development (HUD) standard which regulates the construction of mobile and manufactured homes permits the use of both gravity-operated AAVs and spring-operated mechanical vents. These are two different devices. However the manufacturers of mobile, manufactured houses and FEMA trailers only use the mechanical vent since it is much cheaper than the gravity-type AAV conforming to ASSE 1050 and 1051. Therefore, the experience the State of Louisiana has had is with the mechanical vent and not with the gravity type AAV being proposed for inclusion in the CPC.

Therefore, the proposed amendment from Louisiana to HUD pertains to the spring-operated mechanical vent and NOT to the gravity-type air admittance valves, which are still referenced in the HUD standard "Section 3280.604(2) Reference Performance Requirements for Air Admittance Valves for Plumbing Drainage Systems, Fixture and Branch Devices – ASSE #1051, 1990 Revised: 1996 / ANSI 1998".

There are many benefits of AAVs versus open pipe vents, some of which include:

- AAVs reduce the cost of construction by reducing labor and material in venting drainage and vent systems (DWV), thus providing for more affordable housing.
- AAVs reduce the number of roof penetrations which are subject to roof leaks through roof flashings. Water leakage in buildings causes water damage and moisture entering the building frame is the major cause of mold. Mold is a major health hazard in buildings.
- AAVs reduce the pollution of the environment by sewer gas. Sewer gas emanating from rooftop vent pipes pollutes the environment and when drawn into rooftop air handlers pollutes indoor air quality. Such problems with open pipe vents are resolved by capping off open vent pipes with AAVs.

We request that the California Building Standards Commission questions the rationale of the HCD not to move the AAV proposal forward for adoption. The rationale is not correct. The mere fact that the California State Appellate Court in the case of Studor Inc. versus LADBS ruled that AAVs are equivalent to open pipe venting systems must be sufficient evidence for the California Building Standards Commission to include AAVs in the CPC. Further, the code change proposal to include AAVs in the CPC meets criteria (1) through (8) of the Health and Safety Code Section 18930.

Therefore we request the opportunity to address this issue at the Building Standards Commission hearing scheduled for September 11, 2008.

HEALTH & SAFETY CODE SECTION 18930

SECTION 18930. APPROVAL OR ADOPTION OF BUILDING STANDARDS; ANALYSIS AND CRITERIA; REVIEW CONSIDERATIONS; FACTUAL DETERMINATIONS

- (a) Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or

state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:

- (720) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
- (721) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
- (722) The public interest requires the adoption of the building standards.
- (723) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
- (724) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
- (725) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
- (726) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
 - (A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
 - (B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.
- (727) The format of the proposed building standards is consistent with that adopted by the commission.
- (1) The proposed building standard, if it promotes fire and panic safety as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.