

**NOTICE OF PROPOSED CHANGES  
TO  
PLUMBING STANDARDS  
OF THE  
DIVISION OF THE STATE ARCHITECT – ACCESS COMPLIANCE (DSA-AC)**

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

**Notice is hereby given** that the California Building Standards Commission proposes to adopt, amend, repeal, approve, codify, and publish plumbing standards proposed and submitted for the 2009 Annual Code Adoption Cycle of the California Building Standards Code (California Code of Regulations [CCR], Title 24). The California Building Standards Code is comprised of Part 5 (California Plumbing Code).

The plumbing standards being proposed by the DSA-AC are for incorporation into CCR, Title 24, Part 5. This notice concerns Part 5 of CCR, Title 24 as proposed by the agencies listed below. Summaries of the proposed actions and their impacts are listed as follows:

Division of the State Architect, Access Compliance (DSA-AC)

**WRITTEN COMMENT PERIOD**

A public hearing has not been scheduled; however, written comments will be accepted from August 28 until 5:00 p.m. on October 12, 2009. Comments may be made using the form on CBSC's web site at [www.bsc.ca.gov/](http://www.bsc.ca.gov/) and either mailed or faxed to:

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Attention: Thomas L. Morrison, Deputy Executive Director

Written comments may be faxed to (916) 263-0959 or emailed to [CBSC@dgs.ca.gov/](mailto:CBSC@dgs.ca.gov/).

**Public Hearing Request**

Pursuant to Government Code (GC) Section 11346.5(a)17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

**Post-Hearing Modifications to the Text of the Regulations**

Following the written comment period, CBSC may adopt the proposed plumbing standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the resulting standards.

**NOTE:** To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

**AUTHORITY AND REFERENCE**

**Division of the State Architect, Access Compliance**

The CBSC proposes to adopt these plumbing standards under the authority granted by Health and Safety Code Sections 18930 and 18949.1. Any responsibilities of the State Architect to adopt regulations relating to plumbing standards are transferred to the CBSC per Health and Safety Code Section 18949.

The purpose of these plumbing standards is to implement, interpret, and make specific the provisions of Government Code Sections (GC§) 4450 through 4461, 12955.1 and 14679; Health and Safety Code Section (H&SC§) 18949.1 and 19952 through 19959; and Vehicle Code Section 22511.8. DSA-AC is proposing this regulatory action based on GC§ 4450.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: There are no other matters prescribed by statute applicable to the DSA/AC, or to any specific regulation or class of regulations.

**INFORMATIVE DIGEST**

**Summary of existing laws and regulations**

DSA-AC  
2009 Annual Rulemaking Cycle  
Notice of Proposed Action

Aug 2009  
2010 California Plumbing Code

State Building Standards Law, H&SC Sections 18929 and 18930 require that building standards, including regulations that apply directly to the implementation or enforcement of building standards, be forwarded to CBSC for adoption and/or approval. H&SC Section 18929.1 requires CBSC to receive the building standards from state agencies for consideration in an annual code adoption cycle.

Each regulation shall be adopted in compliance with the procedures specified in H&SC Section 18930 and in GC, Title 2, Division 3, Chapter 3.5, Article 5 (commencing with Section 11346). H&SC Sections 18949.1, 18949.2, 18949.3 and 18949.5 transfer the responsibilities to CBSC for adopting regulations relating to plumbing standards proposed by DSA-AC. Under the authority granted by these provisions of law, CBSC proposes this rulemaking.

CBSC is charged with the responsibility to adopt regulations that ensure adequate public participation in the development of plumbing standards prior to submittal to the Commission for adoption and/or approval. In addition, the law requires that the regulations ensure adequate technical review of the proposed plumbing standards by advisory bodies appointed by CBSC. The proposed plumbing standards being noticed were reviewed by advisory bodies of the Commission July 07, 2009 in Sacramento, California. The recommendations made by these committees are incorporated into the express terms. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)

#### **Effect of this rulemaking**

This rulemaking proposes to:

Amend, repeal, approve, codify and publish plumbing regulations contained in CCR, Title 24, Part 5 for DSA-AC. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)

### **FISCAL IMPACT**

#### **Estimate of Cost or Savings**

See appendices.

#### **Cost Impact on Representative Private Persons or Businesses**

See appendices.

#### **Initial Determination of Significant Effect on Housing Costs**

See appendices.

#### **Mandate on Local Agencies or School Districts**

See appendices.

### **ECONOMIC IMPACT**

#### **Initial Determination of Significant Statewide Adverse Economic Impact on Businesses**

See appendices.

#### **Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation**

See appendices.

### **FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE:**

The state agencies have made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and have determined that a report pursuant to Government Code Section 11346.3(c) is not required.

### **ALTERNATIVES CONSIDERED**

The state agencies involved in this rulemaking must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is being proposed or would be as effective and less burdensome to affected private persons than the proposed action.

### **AVAILABILITY OF RULEMAKING DOCUMENTS**

Each agency has prepared, and CBSC has available for public review, Initial Statements of Reasons (ISOR) for the proposed actions, information upon which the proposals are based, and the regulation text. The ISOR and the regulation text can be accessed from CBSC's website at [www.bsc.ca.gov/](http://www.bsc.ca.gov/). Hard copies may be requested by contacting CBSC or the state agency proposing the regulations.

Interested parties may obtain a copy of the Final Statement of Reasons, which summarizes objections or recommendations made regarding the regulatory actions and explains how the proposed actions have been changed to accommodate the objections or recommendations, when available, from either CBSC or CBSC's website.

### **CONTACT INFORMATION FOR QUESTIONS**

#### **CBSC Contact Person for Procedural and Administrative Questions**

Specific questions regarding the regulations should be addressed to the following department contact person:

Jane Taylor, Senior Architect  
[Jane.Taylor@dgs.ca.gov](mailto:Jane.Taylor@dgs.ca.gov) (916) 263-0916  
(916) 263-0959 FAX

Dave Walls, Executive Director  
[Dave.Walls@dgs.ca.gov](mailto:Dave.Walls@dgs.ca.gov) (916) 263-0916  
(916) 263-0959 FAX

#### **Contact Persons for Substantive and/or Technical Questions on the Proposed Changes to Building Standards**

Specific questions regarding the standards should be addressed to the following department contact persons:

CBSC	Michael Nearman	(916) 263-5888
	Russell Frank	(916) 263-5383
		(916) 263-0959 FAX

[Michael.Nearman@dgs.ca.gov](mailto:Michael.Nearman@dgs.ca.gov)  
[Russell.Frank@dgs.ca.gov](mailto:Russell.Frank@dgs.ca.gov)

DSA AC	Richard Conrad	(916) 324-7180
	Aaron Noble	(916) 445-4310
		(916) 445-7658 FAX

[Richard.Conrad@dgs.ca.gov](mailto:Richard.Conrad@dgs.ca.gov)  
[Aaron.Noble@dgs.ca.gov](mailto:Aaron.Noble@dgs.ca.gov)

**APPENDIX E  
CODE CHANGE SUBMITTAL  
PROPOSED BY THE  
DIVISION OF THE STATE ARCHITECT, ACCESS COMPLIANCE**

**DSA-AC 03/09 Part 5**

**INFORMATIVE DIGEST**

**Summary of Existing Laws**

GC§ 4450 authorizes the State Architect to establish building standards for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities. GC§ 12955.1(d) authorizes the State Architect to establish building standards for public housing.

H&SC§ 19952 through 19954 require publicly and privately owned facilities or structures to provide access to places of public amusement and resort by persons with disabilities. H&SC§ 19952 specifically requires accessible seating or accommodations in various locations within a facility.

H&SC§ 19955 through 19959 require access by persons with disabilities to public accommodations constructed with private funds. Such privately funded facilities must adhere to regulations promulgated by the State Architect pursuant to GC§ 4450.

GC§ 14679(c) and VC§ 22511.8(b) authorize the DSA to develop, pursuant to GC§ 4450, as appropriate, conforming regulations to ensure compliance for accessible parking.

**Summary of Existing Regulations**

Existing plumbing standards which prescribe requirements for accessibility to public buildings, public accommodations, commercial buildings and publicly housing are promulgated by the DSA-AC. These regulations are contained in Title 24, Part 5, and are based on provisions within the adopted model plumbing code (2006 Uniform Plumbing Code).

**Summary of Effect**

The proposed action would ensure that the State Architect's regulations and plumbing standards published in CCR, Title 24, Part 5, would not prescribe a lesser standard of accessibility or usability than provided by the Federal Accessibility Guidelines prepared by the federal Access Board as adopted by the United States Department of Justice to implement the Americans with Disabilities Act of 1990 (Public Law 101-336), consistent with GC§ 4450(c).

**FISCAL IMPACT**

**Estimate of Cost or Savings**

- A. Cost or savings to any state agency: **None**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **None**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- D. Other non-discretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

The CBSC contact person designated below will make DSA-AC's initial determination of the estimate of cost or savings available upon request.

**Cost Impact on Representative Private Persons or Businesses**

DSA-AC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed regulatory action.

**Initial Determination of Significant Effect on Housing Costs**

DSA-AC has made an initial determination that this proposed regulatory action would not have a significant effect on housing costs. The CBSC contact designated below will make the DSA-AC evaluation of the effect of the proposed regulatory action on housing costs available upon request.

**Mandate on Local Agencies or School Districts**

DSA-AC has determined that this proposed regulatory action would not impose a mandate on local agencies or school districts.

## ECONOMIC IMPACT

### **Initial Determination of Significant Statewide Adverse Economic Impact on Businesses**

DSA-AC has made an initial determination that this proposed regulatory action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

The CBSC contact person designated below will make DSA-AC's initial determination of the effect of the proposed regulatory action on businesses available upon request.

### **Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation**

DSA-AC has assessed whether or not, and to what extent, this proposed regulatory action will affect the following:

The creation or elimination of jobs within the State of California.

- The DSA-AC has determined that this proposed action has no effect.

The creation of new businesses or the elimination of existing businesses within the State of CA

- The DSA-AC has determined that this proposed action has no effect.

The expansion of businesses currently doing business with the State of California.

- The DSA-AC has determined that this proposed action has no effect.

The CBSC contact person designated below will make DSA-AC's initial determination of the effect of the proposed regulatory action on businesses available upon request.