

The proposal for the OSHPD 3SE subcategory of clinics will not be pursued at this time due to comments received via Adams Broadwell Joseph & Cardozo regarding the OSHPD's proposal to lessen the requirements for some primary care clinics to those of model code/commercial construction requirements. The specific standards allowing use of plastic pipe in all OSHPD 3 and OSHPD 3SE facilities, non-ducted HVAC returns in OSHPD 3SE facilities and unlimited use of flexible HVAC supply ducting in OSHPD 3SE facilities were challenged on the basis that California Environmental Quality Act may require an environmental impact report for a code change of this type.

Adams Broadwell Joseph & Cardozo has challenged these regulation proposals on behalf of the California State Pipe Trades Council and the California Local Unions of the Sheet Metal Workers. And while the engineering technical merits of these challenges are not supported in national healthcare construction standards or the model codes, California court based legal challenges on this basis have been successful in the past. Exposure faced by OSHPD is this threat of CEQA litigation. The state has conducted CEQA reviews of various plastic piping materials since 1982. All such reviews have concluded that installation of plastic piping has the potential for significant environmental effects that require mitigation efforts. Although the mitigating efforts are not tremendously onerous, the undertaking of an environmental impact report, or even a negative declaration, are time consuming and expensive on the part of OSHPD. The plastics industry has not exhibited an interest in funding a CEQA undertaking. It is this exposure that compels the recommendation to withdraw the OSHPD3SE portion of the regulations.] (★)

OSHPD will again attempt to make this proposal in an upcoming rulemaking cycle involving California State Pipe Trades Council and the California Local Unions of the Sheet Metal Workers as stakeholders to see if the issue can be resolved in order to provide both reduced requirements and cost savings to what will be established as Small Primary Care (neighborhood) clinics. The subsequent proposal will also be based on a much narrower definition of the facility type from the national health facility standards in order to avoid the perceived exclusion of primary care providers of abortion services.

Cost savings that will not be realized as a result of not pursuing OSHPD 3SE at this time;

Mechanical

CMC 2010 Code Section	Description of Amendment	Estimated Savings
407.4.1.4 & 602.1	Allow for plenum air returns.	\$1.30/sq.ft.
602.3.1	Allow for flex duct per model code.	\$0.80/sq.ft.
Table 4-B	Reduce filtration required to single MERV 8.	\$200/air handler

Plumbing

CPC 2010 Code Section	Description of Amendment	Estimated Savings
701.1.2.1	Allow ABS and PVC piping in sanitary sewer.	\$14,000/clinic
609.9	Elimination of the requirement for OSHPD-specific domestic water disinfection procedures.	\$1,400/clinic