INITIAL STATEMENT OF REASONS

FOR
PROPOSED BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT - STRUCTURAL SAFETY (DSA-SS & DSA-SS/CC)
REGARDING PROPOSED CHANGES TO THE
CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5

2013 CALIFORNIA PLUMBING CODE

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons (ISOR) 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:

In response to State of Emergency proclamations issued by Governor Brown in January and April of 2014, and in particular Executive Order B-29-15 (issued April 1, 2015), the California Energy Commission (CEC) recently adopted expedited regulations within Title 20 that prohibit the sale or offer for sale of specified noncompliant plumbing fixtures, effective January 1, 2016. One particular type of plumbing fixture regulated by this section of Title 20 is currently allowed for installation by the 2013 California Plumbing Code (Part 5 of Title 24, California Code of Regulations). Specifically, the Title 20 regulations prohibit the sale of wall-mounted urinals with a maximum flow rate of greater than .125 gallons-per-flush (GPF), and floor-mounted (or other) urinals with a flow rate exceeding 0.5 GPF, in nonresidential construction. Additionally, the California Energy Code (Part 6, Title 24, California Code of Regulations) states that any appliance regulated by the Appliance Efficiency Regulations, Title 20 California Code of Regulations, Section 1601 et seq., may be installed only if the appliance fully complies with Section 1608(a) of those regulations. The Division of the State Architect (DSA) has determined that, pursuant to the recently adopted Title 20 regulations as well as existing regulations within the California Energy Code, wall-mounted urinals with a maximum flow rate of greater than .125 GPF, and floor-mounted (or other) urinals with a flow rate exceeding 0.5 GPF, may not be installed on or after January 1, 2016. Therefore, in order to prevent a conflict between Title 20 and Title 24, DSA is proposing these emergency building standard regulations that will align the installation requirements for urinals in nonresidential construction to those recently adopted by the CEC in Title 20. DSA and their stakeholders have developed the following emergency regulations that amend the 2013 California Plumbing Code (Part 5, Title 24, California Code of Regulations).

Title 24, Part 5
Chapter 4 – PLUMBING FIXTURES AND FIXTURE FITTINGS

Section 403.0 - Substantive change to add a “Note” to advise the code reader to reference the California Green Building Standards Code (Part 11, Title 24, California Code of Regulations - CALGreen) for flow rates for specified plumbing fixtures for mandatory nonresidential construction.

Section 403.3.1 – Substantive change to reduce the maximum flush volume for wall mounted urinals to 0.125 gallons per flush.

Section 403.3.2 - Substantive change to reduce the maximum flush volume for floor mounted or other urinals to 0.5 gallons per flush.

Section 403.3.3 – Editorial change to change the section number for “nonwater urinals”.

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

Governor's Executive Order No. B-29-15 (April 1, 2015)
California Energy Commission - Appliance Efficiency Regulations, CCR Title 20 (April 2015)
2013 California Green Code (7/1/15 Supplement)
2013 CPC: California Plumbing Code

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS:

H&SC Section 18940.5 requires that agencies that propose green building standards for inclusion in Part 11 of Title 24 of the California Code of Regulations shall, to the extent that it is feasible, reference or reprint the green building standards in other relevant portions of Part 2, 2.5, 3, 4, 5, or 6 of Title 24 of the California Code of Regulations.

Health and Safety Code Section 18941 requires consistency with state and nationally recognized standards for building construction in view of the use and occupancy of each structure to preserve and protect the public health and safety.

CONSIDERATION OF REASONABLE ALTERNATIVES

The alternative to these proposed regulations would be to leave regulations as they are which will be inconsistent with H&SC 18928 and 18941 requirements, and in conflict with the Governors Executive Order No. B-29-15.

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

The regulations proposed will have no adverse impact on small business, because the requirements are already mandatory, as adopted by the California Energy Commission into Title 20 of the California Code of Regulations.

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

The regulations proposed will have no adverse economic impact on business, because the requirements are already mandatory, as adopted by the California Energy Commission into Title 20 of the California Code of Regulations. The rulemaking action complies with the mandates set forth by the Health & Safety Code, Section 18928, & 18934.5. Therefore, the DSA's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION, OR CREATION

The Division of the State Architect (DSA) has assessed whether or not and to what extent this proposal will affect the following:

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

These regulations will not affect the creation or elimination of jobs within the State.

☐ The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not affect the creation or elimination of businesses within the State.

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

These regulations will not affect the expansion of businesses currently doing business within the State.

☐ The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

These regulations may help alleviate the negative impacts of ongoing drought conditions by promoting the conservation and efficient use of water, preventing water waste, and preserving the state's severely depleted water supplies (drinking water, agricultural production, etc.).

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

The regulations proposed will have no overall cost impact, because the requirements are already mandatory, as adopted by the California Energy Commission into Title 20 of the California Code of Regulations.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

The regulations proposed do not duplicate or conflict with federal regulations.