

**FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2013 CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5
(HCD EF 02/15)**

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:

(Government Code Section 11346.9(a)(1) requires an update of the information contained in the initial statement of reasons. If update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the initial statement of reasons, the state agency shall comply with Government Code Section 11347.1).

No data or any technical, theoretical or empirical study, report, or similar document on which the Department of Housing and Community Development (HCD) is relying has been added to the rulemaking file that was not identified in the Initial Statement of Reasons.

HCD has made no changes to the Express Terms after the 45-Day public comment period that ended December 21, 2015, other than nonsubstantive changes to punctuation with no change in regulatory effect.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

(Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s)).

HCD has determined that the proposed regulatory action would not impose a mandate on school districts. HCD has determined that the proposed regulations would impose a mandate on local agencies; however, HSC 17951 provides for local agencies to prescribe fees to offset costs of enforcement.

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

(Government Code Section 11346.9(a)(3)) requires a summary of EACH objection or recommendation regarding the specific adoption, amendment, or repeal proposed, and explanation of how the proposed action was changed to accommodate each objection or recommendation, or the reasons for making no change. This requirement applies only to objections or recommendations specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action, or reasons for making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group.

The 45-Day Express Terms text with proposed changes clearly indicated was made available to the public **from November 6, 2015, until December 21, 2015**, for a 45-Day public comment period. One comment in support of HCD's proposal was received during the 45-Day comment period. No consecutive comment period was conducted after the 45-Day public comment period.

One comment was received after the close of the public comment period.

The following is HCD's response to comment(s), specifically directed at the agency's proposed action.

NOTE: The complete text of each comment submitted during the 45-Day public comment periods may be viewed at the following internet address: <http://www.bsc.ca.gov/>

COMMENTS RECEIVED DURING THE 45-DAY PUBLIC COMMENT PERIOD ARE LISTED BELOW.

(The 45-Day Express Terms text with proposed changes clearly indicated was made available to the public from November 6, 2015, through December 21, 2015).

- 1. COMMENTER:** Matt Sigler (EM-1)
Plumbing Manufacturers International (PMI)
Address: 1921 Rohlwing Road, Unit G, Rolling Meadows, IL
Phone: (847) 217-7212

COMMENT: EM-1. General Comment

The commenter supports the actions of the Department of Housing and Community Development (HCD) in aligning the plumbing fixture and fitting flow rate requirements for urinals and residential lavatory faucets with Title 20 of California Code of Regulations, Appliance Efficiency Regulations. The commenter believes this alignment will make it easier on retailers, manufacturers, installers and enforcement authorities in ensuring that the proper plumbing products are sold and installed in the State of California in response to the Governor's Executive Order No. B-29-15.

HCD RESPONSE:

HCD appreciates the commenter's support of the proposed California Plumbing Code Emergency Standards, intended to align the 2013 California Plumbing Code plumbing fixture and fitting flow rate requirements for urinals and residential lavatory faucets with the California Code of Regulations (CCR), Title 20, Appliance Efficiency Regulations recently modified by the California Energy Commission.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

(Government Code Section 11346.9(a)(4)) requires a determination with supporting information 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 regulation, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

Health and Safety Code (HSC) Section 18928.1 requires building standards adopted or approved by the California Building Standards Commission to incorporate the text of the model codes, applicable national specifications, or published standards, in whole or in part, only by reference, with appropriate additions or deletions. In addition, HSC Section 18928 directs each state agency adopting or proposing adoption of a model code, national standard, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

The 2013 CPC implements this requirement by including amendments to align with the statewide standards adopted by the California Energy Commission related to residential lavatory faucets and urinals.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES:

(Government Code Section 11346.9(a)(5)) requires an explanation setting forth the reasons for rejecting any proposed alternatives that would lessen the adverse economic impact on small businesses, including the benefits of the proposed regulation per 11346.5(a)(3).

There were no alternatives available to HCD. HCD proposes to adopt residential lavatory faucet and urinal standards to prevent conflict within statewide regulations related to plumbing fixtures adopted by the California Energy Commission. Providing the most recent methods and applying those building standards on a statewide basis, as required by statute, results in uniformity and promotes affordable costs.