

**FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF STATEWIDE HEALTH PLANNING & DEVELOPMENT

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

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:

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS:

The Office of Statewide Health Planning and Development (OSHPD) is adopting the most recent edition of model code, as amended by the Office, pursuant to Health and Safety Code Section 18928. This proposed rulemaking represents OSHPD's proposal to adopt the 2015 Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials carrying forward existing California amendments into the 2016 California Plumbing Code. It was also necessary to propose editorial and minor technical modifications to the existing requirements as identified below.

Specific amendments are as follows:

Section 310.10 – The licensing requirements for health facilities do not permit handwashing fixtures in the operating rooms and delivery rooms. This amendment is necessary to avoid conflict with the health facility licensing regulations.

Section 321.0 Essential Plumbing Provisions - This new provision will require health facilities to add the domestic booster pump, hot water circulating pumps, sewage ejector pumps, sump and drainage pumps, water heating equipment, and fuel oil pumps to the essential electrical system which will allow a facility to continue to operate and provide patient care during periods of power outages. This requirement is in coordination with California Electrical Code provisions.

Section 412.1.1 Nonwater Urinals – This amendment is being removed and will not be carried forward from the 2013 California Plumbing Code to the 2016 California Plumbing Code. This change reflects efforts to conserve water.

Section 413.2 Flushometer Valves - The 2015 Uniform Plumbing Code has renumbered various sections. The amendment is editorial and aligns with the model code numbering format.

Section 422.2 Separate Facilities, Exceptions – OSHPD does not adopt the exceptions to Section 422.2 because they are in conflict with existing requirements for health facilities.

Section 422.2.2 - The 2015 Uniform Plumbing Code has renumbered various sections. The existing OSHPD amendment is to be carried forward from the 2013 California Plumbing Code (CPC) Section 422.2.1 to Section 422.2.2 of the 2016 CPC. This is an editorial change and aligns with the model code section numbering format.

Table 4-2 Minimum Plumbing Facilities - The dialysis patient toilet handwashing fixture is located inside the toilet room and not the patient room. The reference to Footnote 2 is added to reflect that the handwashing fixture is only required to have conventional controls.

Section 604.1 Pipe, Tube, and Fittings-Exception - The removal of this exception reflects the standards of model code. CPVC has been used throughout the model code since 1991.

Section 605.1.3.2 Pressed Fittings - The removal of the prohibition of pressed fittings is to reflect the acceptance of its use in model code.

Section 605.15 Dielectric Unions - The 2015 Uniform Plumbing Code has renumbered various sections. The amendment is editorial and aligns with the model code numbering format.

Section 614.1 - The addition of PFA (*polyvinylidene fluoride*) piping for dialysis branch line use is to reduce the amount of questions received on whether this material is acceptable as an alternate method of compliance. This amendment provides clarification.

Section 701.2 Drainage Piping - The removal of the prohibition of ABS and PVC piping is to reflect the acceptance of its use in model code.

Section 903.1.3 - The removal of the prohibition of ABS and PVC piping is to reflect the acceptance of its use in model code.

Sections 1015.5 - The 2015 Uniform Plumbing Code has renumbered various sections. The existing OSHPD amendment Section 1015.6 of the 2013 California Plumbing Code is to be renumbered to 1015.5 and carried forward to 2016 California Plumbing Code. This is an editorial change and aligns with the model code section numbering format.

Section 1015.6 - The 2015 Uniform Plumbing Code has renumbered various sections. The existing OSHPD amendment Section 1015.7 of the 2013 California Plumbing Code is to be renumbered to 1015.6 and carried forward to 2016 California Plumbing Code. This is an editorial change and aligns with the model code section numbering format.

Section 1101.3.2 - The removal of the prohibition of ABS and PVC piping is to reflect the acceptance of its use in model code.

Section 1102.1.3 - The removal of the prohibition of ABS and PVC piping is to reflect the acceptance of its use in model code.

Section 1304.1.2 – The existing amendment Section 1301.2.1 of the 2013 California Plumbing Code is being carried forward to the 2016 California Plumbing Code. It is being relocated and renumbered to align with the appropriate section of the 2015 Uniform Plumbing Code.

UPDATES TO THE INITIAL STATEMENT OF REASONS

OSHPD finds that no revisions have been made which would warrant a change to the initial statement of reasons for the proposed actions.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

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.

45-DAY PUBLIC COMMENT PERIOD FROM OCTOBER 9, 2015, THROUGH NOVEMBER 23, 2015

During this 45-day comment period, OSHPD received the following comments regarding the proposed code changes of OSHPD 06/15:

Comment # 1: Forest Hampton III, Lubrizol Advanced Materials, Inc.

Mr. Hampton supports the proposed amendments to the CPC which will allow the use of CPVC in facilities that fall under OSHPD jurisdiction.

OSHPD's Response to Comment # 1:

OSHPD would like to express appreciation for the letter of support.

Comment # 2: Saori Smith, Environmental Resources Management Limited

Ms. Smith supports the proposed amendments to the CPC which will allow the use of CPVC in facilities that fall under OSHPD jurisdiction.

OSHPD's Response to Comment # 2:

OSHPD would like to express appreciation for the letter of support.

Comment # 3: Thomas A. Enslow, Adams Broadwell Joseph & Cardozo

Mr. Enslow comments the Coalition opposes the Proposed Amendment of CPC §§ 604.1, 701.1, 903.1.3, 1101.3.2, and 1102.1.3 based on grounds that OSHPD's Proposed Amendments fail to meet at least two of the nine-point criteria;

- The requirement that the adoption of standards be in the public interest (Criteria 3). *"Approval of the Proposed OSHPD Plastic Pipe Amendments without First Preparing an Adequate EIR Is Not In the Public Interest."*
- The requirement that the adoption of standards would not be unreasonable, arbitrary or unfair (Criteria 4). *"Approval of the Proposed OSHPD Plastic Pipe Amendments Without First Preparing a Legally Adequate and Technically Complete EIR Is Unreasonable, Arbitrary and Unfair."*

OSHPD's Response to Comment # 3:

These comments are focused on the OSHPD Draft EIR prepared in support of this code proposal. OSHPD retained a consultant, Horizon Water and Environment, to assist in the preparation of the Environmental Impact Report in accordance with the CEQA. The Draft EIR comments appended to the comment letter are responded to in the final OSHPD EIR document. The EIR is available and fully supports the justification of the proposed amendments to the CPC.

The UPC is one of the nationally recognized plumbing codes in the U.S. The UPC allows the use of CPVC, CPVC-AL-CPVC, PE-AL-PE, PE-RT, PEX, PEX-AL-PEX, and PP pipe and fittings for the building supply and water distribution. All of the mentioned pipe and fittings are plastic. The proposed OSHPD amendments are in accordance with the nationally recognized standards of allowing plastic pipe and fittings in buildings that are under the jurisdiction of the UPC.

Comment # 4: Cheri Hummel, California Hospital Association

Ms. Hummel supports the proposed amendments to the CPC which will allow the use of plastic pipe in facilities that fall under OSHPD jurisdiction

OSHPD's Response to Comment # 4:

OSHPD would like to express appreciation for the letter of support.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

OSHPD has determined that no alternative 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. The proposed regulations will not have a cost impact to private persons.

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

OSHPD has determined that the proposed regulations will not have an adverse economic impact on small businesses. The rulemaking proposes the adoption of the 2015 Uniform Plumbing Code and carrying forward of existing California amendments into the 2016 California Plumbing Code. In addition, editorial and minor technical modifications to the existing requirements will provide clarification and consistency within the code.