

**NOTICE OF PROPOSED CHANGES  
TO  
BUILDING STANDARDS  
OF THE  
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT**

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

**2009 Annual Code Adoption Cycle  
Adoption of the 2009 Uniform Plumbing Code**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Office of Statewide Health Planning and Development (OSHPD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. The OSHPD is proposing building standards related to the adoption of the 2009 Uniform Plumbing Code for incorporation into the 2010 California Plumbing Code.

**PUBLIC COMMENT PERIOD**

The California Building Standards Commission on behalf of [STATE AGENCY NAME] will hold a public hearing at [TIME], on [DATE] at [ADDRESS], during which time any person may present statements or arguments relevant to the proposed regulatory action summarized below.

Written comments will be accepted by the California Building Standards Commission regarding the proposed changes from [DATE] until [TIME] on [DATE].

Please address your comments to:

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

**OR**

A public hearing has not been scheduled; however, written comments will be accepted from [DATE], until [TIME] on [DATE]. Please address your comments to:

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

Pursuant to Government Code 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 public comment period, the CBSC may adopt the proposed building 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 to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

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**

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Section 129850. The OSHPD is proposing this regulatory action based on Health and Safety Code Sections 1226, 1275, 18928, 18929, 129790 and 129850 and Government Code Section 11152.5.

## **INFORMATIVE DIGEST**

### Summary of Existing Laws

Health and Safety Code Section 1226 authorizes the Office to prescribe, in consultation with the Community Clinics Advisory Committee, minimum building standards for the physical plant of clinics, for adoption in the California Building Standards Code.

Health and Safety Code Section 1275 authorizes the Office to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

Health and Safety Code Section 18928 authorizes state agencies to adopt the most recent edition of model code, as amended or proposed to be amended by the agency, within one year of the publication date of that model code.

Health and Safety Code Section 18929 mandates that building standards or administrative regulations that directly apply to the implementation or enforcement of building standards must be submitted by the adopting agency to the California Building Standards Commission for the Commission's approval and must be adopted pursuant to Health and Safety Code Section 18930 and the Government Code (commencing with Section 11346).

Health and Safety Code Section 129790 authorizes the Office to propose building standards for correctional treatment centers in cooperation with the Department of Corrections, Board of Corrections and Department of Youth Authority.

Health and Safety Code Section 129850 authorizes the Office to propose building standards, as necessary, in order to carry out the requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act. The Office is also authorized to submit to the California Building Standards Commission for approval and adoption of building standards related to the seismic safety of hospital buildings.

Government Code Section 11152.5 authorizes a state department to adopt regulations pursuant to the Government Code. Regulations which are building standards must be adopted pursuant to State Building Standards Law of the Health and Safety Code (commencing with 18901).

### Summary of Existing Regulations

OSHPD currently enforces the California Code of Regulations, Title 24, Part 5, 2007 California Plumbing Code which is based on the 2006 Uniform Plumbing Code with California amendments. OSHPD enforces requirements related to the construction of hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers.

### Summary of Effect

The proposed action is to adopt the 2009 Uniform Plumbing Code for incorporation, by reference, into the 2010 California Plumbing Code and to carry forward existing California amendments related to hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers and to make minor editorial and technical modifications for clarification and consistency within the code. Amendments are summarized below.

- Chapter 1- Relocating Appendix Chapter 1 from the back to the front of the code and amending the title for easier use.
- Sections 210 & 221 – Amendment to the definitions of “handwashing fixture” and “scrub sink” to allow manual temperature control. This is consistent with healthcare industry practice.
- 402.3.1 – Amendment will not allow the use of “nonwater” urinals in health facilities because of concerns regarding safety and infection control. OSHPD believes that further evaluation of the product needs to be

performed to be assured that there are no public safety and environmental issues regarding its use in health facilities.

- 406.5 – Amendment is being repealed because it is unnecessary.
- 412.1 – Amendment was inadvertently eliminated during publication of the 2007 California Plumbing Code.
- Table 4-2 – Amendments to this table are for consistency and coordination with the California Building Code.
- Section 604.1, Exception 1 – Amendment prohibiting the use of CPVC piping in health facilities is being repealed. OSHPD is adopting model code requirements for use of CPVC.
- Section 606.2.4.1 - Amendment regarding joints in PVC piping is unnecessary and is being repealed.
- Section 612.2 – The last sentence of this existing amendment is being added to correct a publishing error. The sentence was inadvertently eliminated in the 2007 California Plumbing Code.
- Section 612.6 – Amendment regarding domestic hot water distribution systems makes the requirements for non-recirculated fixture branch piping consistent with the nationally recognized standard, 2006 Guidelines for Design and Construction of Health Care Facilities.
- Section 613.1 – Amendment adds PVDF (polyvinylidene fluoride) as an additional piping material for use in dialysis water feedlines. This material meets the established standards of ANSI/American Association of Medical Instrumentations (AAMI) RD62.
- Section 613.7 – Amendment clarifies that water used for dialysis treatment must comply with the latest edition of ANSI/AAMI RD62, water treatment equipment for hemodialysis applications.
- Sections 701.1.2.1, 705.2.5, 903.1.2.1 & 1101.3.1 – These amendments regarding ABS and PVC piping installation are being repealed because OSHPD is adopting model code.
- Section 705.1.1.1 – Amendment is unnecessary and is being repealed.

#### Comparable Federal Statute or Regulations

There is no federal statute or regulations related to this proposed action.

#### Policy Statement Overview

The intent of this proposed action is to adopt the most recent model code requirements for health facility construction, pursuant Health and Safety Code Section 18928. OSHPD is responsible for the development of regulations regarding the physical plant for hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers. Additionally, OSHPD is responsible for amending model code requirements for these health facilities, as necessary.

### **OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS**

There are no other matters to identify.

### **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.

### **ESTIMATE OF COST OR SAVINGS**

- A. Cost or Savings to any state agency: **No**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **No**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- D. Other nondiscretionary cost or savings imposed on local agencies: **No**
- E. Cost or savings in federal funding to the state: **No**

### **INITIAL DETERMINATION OF SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES**

OSHPD has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

### **DECLARATION OF EVIDENCE**

OSHPD has not relied on any other facts, evidence, documents, testimony or other evidence to make its initial determination of no statewide adverse economic impact. The scope of the of the proposed action is to adopt the most recent model code pursuant to statutory requirements and to carry forward existing California amendments from the 2007 California Plumbing Code and to make minor modifications, as necessary.

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

A report applicable to businesses is not required by these regulations.

### **COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS**

OSHPD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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

OSHPD 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 have no affect.
- The creation of new businesses or the elimination of existing businesses within the State of California.
  - These regulations will have no affect.
- The expansion of businesses currently doing business with the State of California.
  - These regulations will have no affect.

### **INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS**

OSHPD has made an initial determination that this proposal would not have a significant effect on housing costs.

### **CONSIDERATION OF ALTERNATIVES**

OSHPD 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 proposed or would be as effective and less burdensome to affected private persons than the proposed action.

### **AVAILABILITY OF RULEMAKING DOCUMENTS**

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

**CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS**

General questions regarding procedural and administrative issues should be addressed to:

**[Insert name of assigned CBSC staff person and back-up person]  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833**

**Telephone No.: (916) 263-0916  
Facsimile No.: (916) 263-0959**

**PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Duane F. Borba, Acting Deputy Division Chief  
Office of Statewide Health Planning and Development  
Facilities Development Division  
400 R Street, Suite 200  
Sacramento, CA 95811

regsunit@oshpd.ca.gov  
(916) 440-8300  
FAX (916) 324-9188