

**NOTICE THAT CALIFORNIA'S PEX REGULATIONS
ARE VACATED AND SET ASIDE EFFECTIVE JULY 1, 2010**

The Alameda Superior Court has ordered the California Building Standards Commission to vacate and set aside its decision approving and adopting the regulations amending the California Buildings Standards Code to allow the use of PEX plastic plumbing pipe and any actions taken founded on those regulations until the State has fully complied with CEQA. **THIS IS TO ADVISE YOU THAT EFFECTIVE JULY 1, 2010, THE PEX REGULATIONS CONTAINED IN THE CALIFORNIA PLUMBING CODE (California Code of Regulations, Title 24, Part 5, section 604.11 and Table 6-4) ARE REPEALED.**

Based on the court's order, at its June 17, 2010, meeting the Building Standards Commission repealed the amendments to the 2007 edition of the California Plumbing Code (California Code of Regulations, Title 24, Part 5) relating to PEX tubing. The provisions being repealed are California Code of Regulations, Title 24, Part 5, section 604.11 and Table 6-4, which were adopted in January 2009 and authorized the use of PEX water supply piping. Additionally, this action repeals the amendments added to California Code of Regulations, Title 24, Part 5, Table 6-4 that reflected findings in the Environmental Impact Report upon which CBSC relied in its rulemaking.

This Commission's June 17, 2010, action repeals to the following rulemaking proposals adopted and/or approved by the Commission in January 2009:

- I. Building Standards Commission (BSC 01/07)**
- II. Division of the State Architect (DSA-SS 02/07)**
- III. Department of Housing and Community Development (HCD 01/07)**
- IV. Office of Statewide Health Planning and Development (OSHPD 06/07)**
- V. Department of Public Health (CDPH 01/07)**
- VI. Department of Food and Agriculture (AGR 01/07)**

Please note that pursuant to Health and Safety Code section 18938.5, the repeal of the PEX regulations does not apply to building permit applications that have been submitted, issued or completed prior to July 1, 2010.

Please also note that PEX plastic plumbing pipe may remain authorized for use if your local jurisdiction has adopted an ordinance or regulation approving its use (see Health and Safety Code sections 17923, 17958 and 18941.5). Also, PEX may be authorized for use by local jurisdictions pursuant to Health and Safety Code sections 17591(e) [Alternate Materials and Construction Methods], or California Plumbing Code, California Code of Regulations, Title 24, Part 5, sections 108.7 [Alternate Materials, Designs, Tests and Methods of Construction] or 301.2 [Alternate Materials and Methods of Construction Equivalency].

Additional information regarding the Commission's actions related to PEX is available on the Commission's website: <http://www.bsc.ca.gov/default.htm>. If you have additional questions regarding the Commission's actions related to PEX, please call Commission staff at 916-263-0916.