

UPDATED INFORMATIVE DIGEST
FOR
PROPOSED BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC)
REGARDING THE 2007 CALIFORNIA PLUMBING CODE (CPC),
CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 5
AMENDMENTS TO THE CALIFORNIA PLUMBING CODE
FOR USE IN CALIFORNIA AS TITLE 24, PART 5

Updates to the Summary of Existing Laws

Health & Safety Code Section 18928. Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee.

Authorizes the commission to adopt the most recent edition of the Uniform Plumbing Code.

Health & Safety Code Section 18929.1. Adoption of regulations for annual code adoption cycle; procedures; contents.

Requires the commission to develop regulations ensuring adequate public participation, notice, and technical review of state agency proposed building standards during an annual code adoption cycle.

Health & Safety Code Section 18934.5. Standards or administrative regulations for state buildings; adoption, approval, codification and publication.

Sets forth that where no state agency has the authority to adopt building standards applicable to state buildings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings.

Health & Safety Code Section 18938(b). Filing and codification; publication; effective date; emergency standards; application of section.

Sets forth that model codes, as referenced in the California Building Standards Code, shall apply to all occupancies throughout the state, at least 180 days after publication in the California Building Standards Code by the commission.

SIGNIFICANT DECISION

When considering adoption of building standards, such as PEX, the agencies must review all relevant information relating to the proposed standard including approvals by recognized testing and listing agencies. Typically, CBSC does not believe that standards approved in a national model code must also go through the CEQA process, however, based on information received during previous code adoption cycles a decision was made to consider PEX as a "project" under CEQA guidelines. Therefore, an EIR was conducted to consider all potential environmental impacts this product may have on California's environment.

The decision to propose the adoption of PEX with amendments during this code adoption cycle is based on and supported by the EIR.

Updates to Summary of Existing Regulations

The existing 2007 California Plumbing Code is a part of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code and incorporates, by adoption, by the California Building Standards Commission, the 2006 Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials with amendments for state owned buildings & buildings constructed by the University of California and California State Universities.

Updates to Summary of Effect

1. The proposed action will eliminate conflict in Table 4-1, preamble, by omitting "minimum exiting requirements" as the determination of occupant load for the purpose of calculating the number of required plumbing fixtures.

2. The initial proposed action would amend Part 5 of Title 24 (2007 California Plumbing Code) by repealing amendments contained in Section 604.11 and Table 6-4, which prescribe CBSC's non-adoption of model plumbing code provisions regulating the use of PEX water supply piping. CBSC originally proposed to adopt CPC Sections 604.11, 604.11.1, 604.11.2 and Table 6-4 regarding the use of PEX in potable water supply systems. The Initial Statement of Reasons cited a California Environmental Quality Act (CEQA) final environmental impact report (EIR) as the document upon which CBSC would rely in its plumbing code proposals relating to cross-linked polyethylene (PEX). That document and its various draft versions may be found at <http://www.bsc.ca.gov/peX.htm> .

Public comments made to the draft EIR recommended changes to the EIR upon which CBSC is relying, resulting in the following effects of the regulations:

TABLE 6-4, footnote 2 has been added to require that PEX be sleeved by an approved material when installed in the soil.

TABLE 6-4, footnote 3 CBSC is proposing to require PEX to meet NSF P171 CL-R test standard or the recently approved ASTM F 876-08 test standard for the testing of PEX.

Updates to the Policy Statement Overview

The broad objective of the proposed action is to maintain building regulations in conformance with current state law, by proposing building standards in the 2007 California Plumbing Code during an annual cycle that ensured adequate public participation, adequate notice, and adequate technical review. The objective is also supported by the development of a legally adequate EIR upon which CBSC relied in its plumbing code proposals.