

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

**REGARDING THE CALIFORNIA MECHANICAL CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4**

**2009 Annual Code Adoption Cycle  
Adoption of the 2009 Uniform Mechanical 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 4. The OSHPD is proposing building standards related to the adoption of the 2009 Uniform Mechanical Code for incorporation into the 2010 California Mechanical 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 4, 2007 California Mechanical Code which is based on the 2006 Uniform Mechanical 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 Mechanical Code for incorporation, by reference, into the 2010 California Mechanical 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.
- Section 203, 204 and 210 – Editorial amendments to definitions.
- Section 217 – OSHPD is adopting model code language for the definition of “Occupancy Classification” for consistency with the California Building Code.
- Section 304.2 – Relocating the amendment regarding room large in comparison to size of equipment to Section 303.2 for consistency with the 2009 Uniform Mechanical Code.
- Section 312.0 – Editorial amendment.

- Table 315.0 and Section 315.1 – Amendments regarding humidification and temperature are consistent with nationally recognized standard, ANSI/ASHRAE/ASHE Standard 170-2008, Ventilation of Health Care Facilities and 2006 Guidelines for Design and Construction of Health Care Facilities.
- Sections 316 and 316.5 – Amendments to essential mechanical provisions provide clarification and consistency with the California Electrical Code.
- Section 407.4 – Amendment regarding air circulation is consistent with nationally recognized standards, ANSI/ASHRAE/ASHE Standard 170-2008, Ventilation of Health Care Facilities and 2006 Guidelines for Design and Construction of Health Care Facilities.
- Section 407.5 – Amendments regarding variable air volume systems provides less restrictive requirements for variable air volume systems and coordinates with Table 4-A.
- Section 410.0 – Amendments regarding ventilation hoods is consistent with the nationally recognized standard, 2006 Guidelines for Design and Construction of Health Care Facilities.
- Section 416.1 – Amendment to alarms to Airborne Infection Isolation Rooms and Protective Environment Rooms is consistent with ANSI/ASHRAE/ASHE Standard 170-2008, Ventilation of Health Care Facilities.
- Section 417.0 – Amendment to testing and balancing of Airborne Infection Isolation Rooms and Protective Environment Rooms coordinates with the requirements in Section 407.3.1.
- Section 1106.3.1 – Amendment will require refrigerant service ports to be securely capped to prevent access to the chlorofluorocarbon chemical or Freon by unlicensed and untrained individuals. This requirement addresses a safety concern brought on by the rise in injuries and deaths associated with teens and adults using Freon and other chemicals as an inhalant to get high.
- Section 1131.1 – Amendment regarding plume discharge is no longer necessary because 2009 model code contains the requirement.
- Table 11-1 – Amendment is being repealed because OSHPD is adopting model code.
- Table 11-2 – Amendment to add Occupancy I-2.1 to table is for coordination with occupancy groups in the California Building Code.

#### 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**

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

## **INITIAL DETERMINATION OF NO 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 Mechanical 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