STATE OF CALIFORNIA
STATE AND CONSUMER SERVICES AGENCY
CALIFORNIA BUILDING STANDARDS COMMISSION
2525 NATOMAS PARK DR., SUITE 130
SACRAMENTO, CA 95833
(916) 263-0916 Phone
(916) 263-0959 Fax
Email: cbsc@dgs.ca.gov

Office Use Item No. _____

PARTICIPATION COMMENTS FOR THE NOTICE DATED AUGUST 24, 2012
Written comments are to be sent to the above address.

WRITTEN COMMENT DEADLINE: OCTOBER 8, 2012

Date: October 8, 2012

From: Thomas A. Enslow (Name (Print or type)) (Signature)

submitted on behalf of: California State Pipe Trades Council
Agency, jurisdiction, chapter, company, association, individual, etc.

Adams Broadwell Joseph & Cardozo, 520 Capitol Mall, Suite 350, Sacramento, California 95814
Street City State Zip

The California State Pipe Trades Council does not agree with:

[X] The **HCD** proposed modifications as submitted on:

California Plumbing Code §§ 214, 1101.3, 1102.1.1 (HCD)

and request that this section or reference provision be recommended:

[ ] Approved [X] Disapproved [ ] Held for Further Study [] Approved as Amended

Suggested Revisions to the Text of the Regulations:

Keep existing HCD 2 amendments

Reason: Criteria 3 (public interest), Criteria 4 (unreasonable, arbitrary, unfair & capricious), Criteria 6 (Proposed building standard is unnecessarily ambiguous and vague).

The HCD 2 amendments in CPC sections 214 (Definitions of "Low VOC Cement," "Low VOC One-Step Cement," and "Low VOC Primer"), 1101.3, 1102.1.1 should be kept intact.

HCD 2 occupancies are subject to the Section 605.4.2 Low VOC One-Step Cement requirements. Accordingly, the definitions of "Low VOC Cement," "Low VOC One-Step Cement," and "Low VOC Primer" should remain applicable to HCD 2 occupancies. By removing HCD 2 from these definitions, HCD creates ambiguity.

The proposed removal of HCD 2 occupancies from the HCD exceptions to CPC § 1101.3 and 1102.1.1 appear to be an editorial error. HCD's ISOR states that HCD proposes to bring forward the existing amendments without

any change in regulatory effect. Removal of HCD 2 occupancies from the HCD exceptions listed in CPC § 1101.3 and 1102.1.1 would be arbitrary, unreasonable and capricious since there is no rationale stated for applying these exceptions to HCD 1 occupancies and not HCD 2 occupancies. HCD 2 occupancies from the HCD exceptions listed in CPC § 1101.3 and 1102.1.1 would also violate the California Environmental Quality Act, and thus the public interest. In prior proceedings, HCD has been provided substantial evidence that the installation of PVC and ABS plastic pipe may result in significant public health and environmental impacts. (See also, attachments to California State Pipe Trades Council comment in opposition to OSHPD Proposed Amendment of CPC §§ 604.1 and 701.1.2.1, submitted Oct. 8, 2012.) Accordingly, the Commission may not approve the proposed removal of restrictions on the installation of these pipes in HCD 2 occupancies until these potential impacts have been fully disclosed, evaluated and mitigated in an environmental impact report.

HEALTH & SAFETY CODE SECTION 18930

SECTION 18930. APPROVAL OR ADOPTION OF BUILDING STANDARDS; ANALYSIS AND CRITERIA; REVIEW CONSIDERATIONS; FACTUAL DETERMINATIONS

(a) Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:

(1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
(2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
(3) The public interest requires the adoption of the building standards.
(4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
(5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
(6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
(7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
    (A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
    (B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.
(8) The format of the proposed building standards is consistent with that adopted by the commission.
(9) The proposed building standard, if it promotes fire and panic safety as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.

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Adams Broadwell Joseph & Cardozo, 520 Capitol Mall, Suite 350, Sacramento, California 95814
Street City State Zip

The California State Pipe Trades Council does not agree with:

[X] The HCD and CBSC proposed modifications as submitted on:

California Plumbing Code § 1602.9.2 (HCD & CBSC)

and request that this section or reference provision be recommended:

[ ] Approved [X] Disapproved [ ] Held for Further Study [] Approved as Amended

Suggested Revisions to the Text of the Regulations:

Keep model code language in 1602.9.2:

> **1602.9.2 Gray Water Pipe and Fitting Materials.** Aboveground and underground building drainage and vent pipe and fittings for gray water systems shall comply with the requirements for aboveground and underground sanitary building drainage and vent pipe and fittings in this code. These materials shall extend not less than 2 feet (610 mm) outside the building.

Reason: Criteria 3 (public interest), Criteria 6 (Proposed building standard is unnecessarily ambiguous and vague), Criteria 7 (national model code language rejected without a statement defining the inadequacy).

The model code language in UPC section 1602.9.2 should be kept intact since it is consistent with the current language in CPC Chapter 16A, Section 1610A.1, which requires graywater pipe, valves and fittings to conform to the requirements of Sections 604.0, 605.0 and 606.0 (which set forth approved materials for use in plumbing systems). Deleting this section creates unnecessary ambiguity as to whether graywater pipes in buildings have to comply with the piping material standards and requirements that apply to every other plumbing pipe that is

installed in a building. This proposed deletion of this model code language also violates the public interest. Small graywater systems are often installed by hobbyists or homeowners who are not trained plumbers familiar with the entire building code. Without this language, hobbyists or homeowners are more likely to interpret this section as allowing the use of any pipe, whatsoever, for the portions of graywater systems within buildings. This could lead to the use of incompatible materials, lack of proper firestop protection and use of materials that are more likely to fail prematurely. The ISORs of HCD and CBSC do not define what inadequacy is addressed by the proposed deletion of this section.

The ISORs of HCD and CBSC also do not define what inadequacy is addressed by the proposed deletion of the second part of this section that requires building-code-compliant water pipe and fitting materials to extend not less than 2 feet outside of the building. This extension of code-compliant pipe is common plumbing practice and provides for easier maintenance and repairs.

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(1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
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(3) The public interest requires the adoption of the building standards.
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(5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
(6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
(7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
    (A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
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