

**NOTICE OF PROPOSED ACTION  
TO  
BUILDING STANDARDS  
OF THE  
CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC)**

**REGARDING THE 2013 CALIFORNIA PLUMBING CODE (CPC)  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5**

**(BSC 05/13)**

**[Note to agencies:** Directions below, which, like this note, are not intended to be shown in your submittal, have been updated to reflect requirements of AB 1612 (Chapter 471, Statutes of 2012) effective January 1, 2013. New directions are shown in underline.]

Notice is hereby given that the California Building Standards Commission (CBSC) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. The CBSC is proposing building standards related to the 2013 CPC.

**PUBLIC COMMENT PERIOD**

(Government Code Section 11346.5(a)(17))

A public hearing has not been scheduled; however, written comments will be accepted from **April 25, 2014**, until **5:00 PM** on **June 9, 2014**. Please address your comments to:

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Attention: Jim McGowan, 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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the California Building Standards Commission to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

**POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS**

(Government Code Section 11346.5(a)(18))

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**

(Government Code Section 11346.5(a)(2))

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Sections (H&SC) 18928 and 18934.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Section 18928 and 18928.1.

The California Building Standards Commission is proposing this regulatory action based on Health and Safety Code Section (H&SC) 18928.

### **INFORMATIVE DIGEST**

(Government Code Section 11346.5(a)(3))

An informative digest drafted in plain English in a format similar to the Legislative Counsel's Digest shall include the following:

#### **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 18928(b). Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee

Sets forth that each state agency adopting or proposing adoption of a model code, national standard, or specification shall adopt or propose adoption of the most recent edition of the model code, as amended or proposed to be amended by the adopting agency, within one (1) year after the date of publication of the model code, national standard, or specification.

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.

#### **Summary of Existing Regulations**

The 2013 California Plumbing Code is a part of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. It incorporates, by adoption, by the California Building Standards Commission, the 2012 Uniform Plumbing Code (UPC) of the International Association of Plumbing and Mechanical Officials (IAPMO) with amendments, including references to the latest national standards for heating, cooling and ventilating duct insulation, for state owned buildings & buildings constructed by the University of California and California State Universities

#### **Summary of Effect**

This proposed action will make necessary amendments, for state owned buildings and to all occupancies identified pursuant to Health and Safety Code 18938, 180 days after the publication, to the 2013 CPC by adding a reference to new Civil Code provisions mandating replacement of certain plumbing fixtures.

#### **Comparable Federal Statute or Regulations**

There are no comparable Federal Statutes or regulations related to the proposed action by the California Building Standards Commission.

#### **Policy Statement Overview**

The proposed action would amend Part 5 of Title 24 (2013 California Plumbing Code) by adding a reference to new Civil Code provisions mandating replacement of certain plumbing fixtures.

#### **Evaluation of consistency**

The proposed regulation is not inconsistent or incompatible with existing state regulations.

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

(Government Code Section 11346.5(a)(4))

The California Building Standards Commission has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations

### **MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

(Government Code Section 11346.5(a)(5))

The CBSC has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. [If the proposed action would impose a mandate, discuss whether the mandate requires reimbursement pursuant to Part 7 (commencing with Section 17500 of Division 4 of the Government Code)]

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

(Government Code Section 11346.5(a)(6)) An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district. Provide a copy of the "Economic and Fiscal Impact Statement" (Form 399)

- A. Cost or Savings to any state agency: **None**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

Estimate: **None**

### **INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES**

(Government Code Section 11346.5(a)(8)) If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

The CBSC 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**

(Government Code Section 11346.5(a)(8)) The declaration the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

Therefore, the CBSC's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action.

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

(Government Code Section 11346.3(d)). Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

The CBSC has made an assessment of the proposed code changes and has determined that these changes do not require a report.

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

(Government Code Section 11346.5(a)(9)) Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact provide the following statement:

The CBSC 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**

(Government Code Section 11346.5(a)(10), Government Code Section 11346.3(b)(1))

The CBSC 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.  
**This regulation will not affect the creation or elimination of jobs within the State of California.**
- The creation of new businesses or the elimination of existing businesses within the State of California.  
**This regulation will not affect the creation or elimination of existing businesses within the State of California.**

- The expansion of businesses currently doing business with the State of California.  
**This regulation will not affect the expansion of businesses currently doing business with the State of California.**
- The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.  
**The benefits derived from the regulations will enable code users to easily identify the more restrictive code from one single code location which will be a benefit to California residents.**

### **ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING**

(Government Code Section 11346.5(a)(12) requires that an action that would impact housing shall include the estimated cost of compliance and potential benefits of a building standard, if any, that were included in the initial statement of reasons. In addition, the agency officers shall make available to the public, upon request, the agency's evaluation, if any, of the effect of the proposed regulatory action on housing costs

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

### **CONSIDERATION OF ALTERNATIVES**

(Government Code Section 11346.5(a)(13))

The CBSC 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, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

### **AVAILABILITY OF RULEMAKING DOCUMENTS**

(Government Code Section 11346.5(a)(20)), (Government Code Section 11346.5(a)(19))

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.

Government Code Section 11346.5(a)(21) states that CBSC shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

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

(Government Code Section 11346.5(a)(14))

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

**Michael L. Nearman, Deputy Executive Director**

2525 Natomas Park Drive, Suite 130

Sacramento, CA 95833

Telephone No.: (916) 263-0916

Facsimile No.: (916) 263-0959

[Michael.Nearman@dgs.ca.gov](mailto:Michael.Nearman@dgs.ca.gov)

### **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:

**Enrique M. Rodriguez, Associate Construction Analyst**

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

Telephone No: (916) 263-0845

Facsimile No: (916) 263-0959

[Enrique.Rodriguez@dgs.ca.gov](mailto:Enrique.Rodriguez@dgs.ca.gov)

**Back-up:**

**Mia Marvelli, Architectural Designer**

2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

Telephone No.: (916) 263-0916

Facsimile No.: (916) 263-0959

[Mia.Marvelli@dgs.ca.gov](mailto:Mia.Marvelli@dgs.ca.gov)