

**NOTICE OF PROPOSED ACTION  
TO  
BUILDING STANDARDS  
OF THE  
DEPARTMENT OF FOOD AND AGRICULTURE (AGR)**

**REGARDING AMENDMENT OF THE 2010 CALIFORNIA PLUMBING CODE (CPC),  
FOR USE IN THE CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 5  
  
(AGR 01/10)**

Notice is hereby given that the Department of Food and Agriculture proposes to adopt changes to building standards contained in the CCR, Part 5, Title 24 for dairies and places of meat inspection.

**PUBLIC COMMENT PERIOD**

A public hearing has not been scheduled; however, written comments will be accepted from June 4, 2010, until 5:00 PM on July 19, 2010. Please address your comments to:

California Department of Food and Agriculture  
1220 N Street, A-114  
Sacramento, CA 95814  
Attention: Nancy Grillo, Regulation and Legislation Coordinator  
Animal Health and Food Safety Services

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, AGR 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). AGR 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 Department of Food and Agriculture proposes to adopt these building standards under the authority granted by Food and Agriculture Code Sections 18735, 18960, and 33481. The purpose of these building standards is to implement, interpret, and make specific the provisions of Food and Agriculture Code Sections 18735, 18960, 19834, 33481, and 33731.

**INFORMATIVE DIGEST**

**Summary of Existing Laws**

Food & Agriculture Code Section 18735. Adoption of federal rules and regulations. The director may adopt, by reference or otherwise, such provisions of the rules and regulations under the federal acts, with such changes therein as he deems appropriate to make them applicable to operations and transactions subject to this chapter.

Food & Agriculture Code Section 18960. The director may adopt, by regulation, standards and requirements relating to inspection, sanitation, facilities, equipment, reinspection, preparation, processing, buying, selling, transporting, storing, identification, recordkeeping, registration and labeling, and marking for carrying out the purposes of this chapter.

Food & Agriculture Code Section 19384. Processing, transportation and storage of carcasses, etc., for pet food; diversion into human food channels. The director shall establish by regulation the condition under which carcasses or parts or products of animals for pet food may be processed, transported, and stored so as to prevent diversion into human food channels.

Food & Agriculture Code Section 33481. Regulations, plans and specifications. The director shall establish regulations and provide plans and specifications at cost for the construction of sanitary milk barns and milk houses which are used in the production of market milk. (Dairies and places of meat inspection)

Food & Agriculture Code Section 33731. Approval of plans and specifications for new milk product plants.

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

The existing 2010 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 2009 Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials. Currently, AGR does not adopt model code standards for PEX water supply piping for applications under its authority.

#### **Summary of Effect**

The proposed action would amend Part 5 of Title 24 (2010 California Plumbing Code) by modifying footnote #3 contained in Table 6-4, which prescribes some of the requirements for the use of PEX water supply piping. AGR proposes to amend Table 6-4 footnote #3 to reflect the proposed changes in the Second Revised Draft Environmental Impact Report (SRDEIR) for PEX.

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

There are no comparable Federal Statutes or regulations related to the proposed action.

#### **Policy Statement Overview**

The broad objective of the proposed action is to repeal building regulations, in conformance with current state law, and adopt model code standards for applications within the agency's authority.

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

The Department of Food and Agriculture 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**

The Department of Food and Agriculture has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

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

- 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**

The Department of Food and Agriculture has made an initial determination that the amendment of these regulations 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**

No facts, evidence, testimony or other evidence has been relied upon to support the initial determination of no effect.

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

The Department of Food and Agriculture 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**

The Department of Food and Agriculture 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**

The Department of Agriculture 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 not effect the creation of 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.**  
These regulations will not effect the creation of or the elimination of existing business within the State of California.
- The expansion of businesses currently doing business with the State of California.**  
These regulations will not affect the expansion of businesses currently doing business within the State of California

**INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS**

The Department of Food and Agriculture has made an initial determination that this proposal would not have a significant effect on housing costs.

**CONSIDERATION OF ALTERNATIVES**

The Department of Food and Agriculture 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.

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.

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

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

Jane Taylor, Senior Architect  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
[jane.taylor@dgs.ca.gov](mailto:jane.taylor@dgs.ca.gov)  
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:

Nancy Grillo, Regulation and Legislation Coordinator  
Animal Health and Food Safety Services  
California Department of Food and Agriculture  
(916) 651-7280  
[ngrillo@cdfa.ca.gov](mailto:ngrillo@cdfa.ca.gov)  
FAX (916) 653-4249