

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION**

**REGARDING AMENDMENTS TO THE 2007 CALIFORNIA PLUMBING CODE (CPC),
FOR USE IN THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5**

The Administrative Procedure Act requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action.

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE FOR PROPOSED CHANGES

CBSC proposes to repeal amendments contained in the 2007 California Plumbing Code (CPC) which prescribe CBSC's non-adoption of CPC provisions regulating the use of PEX in potable water supply systems.

CHAPTER 6. WATER SUPPLY AND DISTRIBUTION

SECTIONS: 604.11, 604.11.1, 604.11.2 and Table 6-4

CBSC proposes to adopt the above-listed model code sections into Title 24, Part 5, CPC, with modification. CBSC has previously proposed adoption of the UPC without amendment to restrict the use of PEX piping. In these previous adoptions, CBSC has received comments asserting that the California Environmental Quality Act (CEQA) must be satisfied in order to adopt the model code as written for use in California. In these previous adoptions, CBSC has not agreed with the comments, but decided to include a restriction for PEX to avoid legal challenges that could potentially delay the adoption of the UPC or force the withdraw the entire UPC adoption package due to the voluminous comments received from stakeholders who want the use of PEX restricted in California.

During the current adoption cycle, CBSC anticipates receiving similar comments and intends to complete the necessary tasks to legally adopt these sections without amendment. If necessary, CBSC will either propose amendments or withdraw all or portions of the initial proposal. The CBSC banner has been removed from Sections 604.11, 604.11.1 and 604.11.2 to maintain consistency with the format of this code.

CHAPTER 14. MANDATORY REFERENCED STANDARDS

TABLE 14-1: IAPMO IGC 161

CBSC proposes to add the above-listed referenced standard to the model code in table 14-1 for waterless urinal provisions into Title 24, Part 5, CPC. CBSC needs to add this standard reference due to a new California law, AB 715 that allows the use of waterless urinals as an alternate to the standard listed urinals already found in the 2006 plumbing code standards.

The International Association of Plumbing and Mechanical Officials (IAPMO) is planning on adding the IAPMO IGC 161, Waterless Urinal Standard to the next 2009 model code publication which will not be effective as part of California's 2010 Code until approx. Jan. 1, 2011. Therefore, the CBSC is proposing to add this standard to the California Plumbing Code during the 2007 Annual Code Adoption Cycle. This action will allow the IAPMO standard to be referenced in the California code sooner than the effective date of the 2010 California Plumbing Code.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS

CBSC expects completion of environmental studies (EIR) prior to adoption and approval of this proposal by the Building Standards Commission.

CONSIDERATION OF REASONABLE ALTERNATIVES

The California Building Standards Commission has not considered any reasonable alternatives to the proposed action.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The California Building Standards Commission has not identified any reasonable alternatives to the proposed action, and no adverse impacts to small business are expected as a result of this proposed action.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS.

The California Building Standards Commission has no evidence indicating any potential significant adverse impact on business with regard to this proposed action.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

The regulations proposed for adoption do not duplicate or conflict with federal regulations.