

**FINAL STATEMENT OF REASONS  
FOR  
PROPOSED BUILDING STANDARDS  
OF THE  
DIVISION OF THE STATE ARCHITECT - STRUCTURAL SAFETY (DSA-SS)  
REGARDING ADOPTION OF THE 2009 UNIFORM PLUMBING CODE (UPC)  
CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 5**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

**UPDATES TO THE INITIAL STATEMENT OF REASONS:**

(Government Code Section 11346.9(a) (1) requires an update of the information contained in the initial statement of reasons. If update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the initial statement of reasons, the state agency shall comply with Government Code Section 11347.1)

There are no revisions to the Initial Statement of Reasons as shown below. The Division of the State Architect received no comments regarding this proposed rulemaking action during the 45 Day Public Comment Period.

**STATEMENT OF SPECIFIC PURPOSE AND RATIONALE.**

DSA proposes to repeal the 2006 edition of the Uniform Plumbing Code (UPC), and to adopt the 2009 edition of the Uniform Plumbing Code (published by the International Association of Plumbing and Mechanical Officials) for codification and effectiveness as the 2010 California Plumbing Code. DSA proposes this action in order to comply with state law requiring state agencies to propose adoption of the latest edition model codes within one year of the publication date.

Building standards proposed by DSA-SS for adoption would be applicable to public elementary and secondary schools, community colleges, and state-owned or state-leased essential services buildings.

This proposal will also make effective the 2009 edition of the UPC as the 2010 edition California Plumbing Code, for application by DSA-SS/CC (Division of the State Architect – Structural Safety/Community Colleges) to community colleges, which a community college district may elect to use in lieu of standards promulgated by DSA-SS per Education Code Section 81053.

No new amendments or substantive revisions to existing amendments are being proposed for adoption into the 2010 California Plumbing Code by DSA-SS or DSA-SS/CC. State administrative amendments contained in CPC Chapter 1 are being continued with editorial changes proposed as noted below.

**CHAPTER 1 - Administration**

**Section 1.1**

Renumbering of existing state administrative provisions (Section 101 in the 2007 CMC) is being proposed to accommodate the proposed relocation of UPC chapter 1 (Administration) from Appendix chapter 1 into Division II of CMC chapter 1.

**Section 1.9.2 (DSA-SS and DSA-SS/CC Application)**

Editorial revisions are proposed for Section 1.9.2 to address the requirements of Education Code Section 81053, which requires DSA to promulgate building standards for application to community colleges as an alternate to the Field Act (i.e. DSA-SS adoption of building standards).

These standards are required to be based on standards applicable to CA State Universities (i.e. BSC-adopted building standards), while retaining amendments necessary to achieve seismic performance levels of the Field Act.

Proposed Section 1.9.2.2 clarifies the DSA-SS/CC acronym, which is proposed to distinguish the alternate building standards adopted by DSA for application to community colleges as prescribed by Ed. Code Sec. 81053. The DSA-SS/CC acronym is being proposed in the 2009 rulemaking cycle by DSA for use in Title 24 Parts 2, 3, 4 and 5, and would appear in the matrix adoption tables used in each of these Parts of Title 24.

#### **CHAPTER 4 – Plumbing Fixtures and Fixture Fittings**

The proposal to add Table A, Occupancy Load Factor, is being made by the proposing state agencies including DSA because the International Association of Plumbing and Mechanical Officials (IAPMO) removed this table from the 2009 edition Uniform Plumbing Code (UPC). The state agencies believe that this table is necessary and important in assisting the citizens of California to accurately estimate the appropriate number of plumbing fixtures for all occupancies based on the occupant load factor instead of the requirements specified by the 2009 edition model plumbing code (UPC).

#### **CHAPTER 6 – Water Supply and Distribution**

##### **Table 6-4**

Footnotes 1,2 and 3 to Table 6-4 in the 2007 CPC are editorially renumbered to footnotes 2, 3 and 4 to Table 6-4 of the 2009 UPC (2009 UPC Table 6-4 has a new footnote 1).

##### **Sections 604.13, 604.13.1 and 604.13.2**

Existing amendments indicating the non-adoption of PEX-AL-PEX by DSA are proposed to be repealed, as they are duplicative with Footnote 2 of Table 6-4 (which indicates the non-adoption of PEX-AL-PEX by DSA).

#### **CHAPTER 12 – Fuel Piping**

##### **Sections 1203.12 and 1211.18**

DSA adopted Sections 1203.12 and 1211.18 in the 2007 CPC pursuant to Health & Safety Code Section 19200, which is unrelated to the Field Act (DSA-SS and DSA-SS/CC).

Editorial changes are proposed (by removal of the DSA-SS acronym) to clarify that this amendment is not applicable to the DSA-SS or DSA-SS/CC occupancies (which includes public schools, community colleges and state essential services buildings).

Editorial changes are also proposed which relocate the definition (Sec. 1203.10) of EQ-actuated shut-off valves into Sec. 1211.18 for simplicity and the reader's convenience.

#### **TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS.**

None required, as Section 18928 of the Health & Safety Code mandates this proposed action, and no new amendments are being proposed.

#### **CONSIDERATION OF REASONABLE ALTERNATIVES.**

The Division of the State Architect has not considered any reasonable alternatives to the proposed action, as this action is required by law, and no new amendments are being proposed.

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

The Division of the State Architect has not identified any reasonable alternatives to the proposed action, and no potential adverse impacts on 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 Division of the State Architect has no evidence indicating any potential significant adverse impact on business with regard to the proposed action.

**DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS.**

The regulations do not duplicate or conflict with federal regulations.

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

(Pursuant to Government Code Section 11346.9(a) (2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s).)

The Division of the State Architect has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts.

**OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).**

(Government Code Section 11346.9(a) (3))

No comments were received by DSA during the 45 Day Public Comment Period.

**DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS.**

(Government Code Section 11346.9(a) (4))

The Division of the State Architect has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulations.

**REJECTED PROPOSED ALTERNATIVES THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES.**

(Government Code Section 11346.9(a) (5))

There are no rejected proposed alternatives to identify. This proposal will not have an adverse economic impact on small businesses.