

**FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
CALIFORNIA DEPARTMENT OF PUBLIC HEALTH (CDPH)**

**REGARDING AMENDMENTS TO THE 2007 CALIFORNIA PLUMBING CODE (CPC), DPH-08-006
FOR USE IN THE CALIFORNIA CODE OF REGULATIONS, 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

The California Department of Public Health (CDPH) proposes to amend the 2007 edition of the California Plumbing Code (CPC) based on the 2006 edition of the Uniform Plumbing Code by the International Association of Plumbing and Mechanical Officials (IAPMO) by including amendments addressing the mitigation measures identified in the California Environmental Quality Act (CEQA) document regarding the use of PEX. This will allow the use of cross-linked polyethylene (PEX) tubing, a type of plastic pipe, for potable water uses. The proposed PEX tubing regulations would apply to all occupancies, including commercial, residential, and institutional building construction, rehabilitation, and repair.

Specifically, the proposed PEX regulations would adopt, amend, or repeal various sections in Chapter 6 of the 2007 edition of the California Plumbing Code (CPC) as described below:

Table 6-4. This table lists the materials allowed for water distribution pipe and fittings, and for building supply pipe and fittings. This table is being amended with the inclusion of two footnotes for mitigation measures indicated in the CEQA document. The two footnotes would require the following:

1. When PEX tubing is placed in soil and is used in potable water systems intended to supply drinking water to fixtures or appliances, the tubing or piping shall be sleeved with a material approved for potable water use in soil or other material that is impermeable to solvents or petroleum products.
2. PEX tubing shall meet the requirements of NSF P171 CL-R, ASTM F 876-08, or an equivalent or more stringent standard when used in continuously recirculating hot water systems where chlorinated water is supplied to the system and the PEX tubing is exposed to the hot water 100% of the time.

The footnote amendments will prevent potential contamination of drinking water by solvents or petroleum products in water systems utilizing PEX tubing and require that PEX tubing meet national performance standards when used in continuously recirculating hot water systems where chlorinated water is supplied to the system and the PEX tubing is exposed to the hot water 100% of the time.

Section 604.1. This section requires, in part, that all materials for building water piping and building supply piping shall be in accordance with Table 6-4. The section specifically states that "Use of PEX

peping is not adopted for applications under the authority of the Department of Health Services. This section is being amended to remove the language stating that the section is not adopted by the Department of Health Services.

Section 604.11. This section requires that PEX tubing shall be marked with appropriate standards designations. However, the section specifically states that the section is not adopted by DHS. This section is being amended to remove the language that the section is not adopted by DHS.

Section 604.11.1. This section requires that fittings used with PEX tubing shall be manufactured to and marked in accordance with appropriate standards. However, the section specifically states that the section is not adopted by DHS. This section is being amended to remove the language that the section is not adopted by DHS.

Section 604.11.2. This section requires that PEX tubing shall not be installed within the first eighteen (18) inches (457mm) of piping connected to a water heater. However, the section specifically states that the section is not adopted by DHS. This section is being amended to remove the language that the section is not adopted by DHS.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The CDPH has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S)

The CDPH received no comments on the proposed regulations during the 45-day public comment period beginning on May 23, 2008 and ending on July 7, 2008; during the 15-day public availability of changes period beginning August 19, 2008 and ending on September 3, 2008; or during the second 15-day public availability of changes period beginning November 26, 2008 and ending on December 10, 2008.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

The CDPH 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 as and less burdensome to affected private persons than the proposed action.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

During three opportunities for public comment, no reasonable alternatives to the proposed action were recommended or received.

DOCUMENTS RELIED UPON

Draft Environmental Impact Report (DEIR), Adoption of Statewide Regulations Allowing the Use of PEX Tubing, May 2008.

Re-circulated Draft Environmental Impact Report (RDEIR) Adoption of Statewide Regulations Allowing the Use of PEX Tubing, October 2008.