

BUILDING STANDARDS BULLETIN 10-01

DATE: August 18, 2010

TO: INTERESTED PARTIES

SUBJECT: STATE PEX EXCLUSION REMOVED from the California Plumbing Code (CPC) EFFECTIVE AUGUST 18, 2010

This information bulletin is being issued to highlight an action taken by the California Building Standards Commission (commission) on August 16, 2010, concerning cross-linked polyethylene flexible plastic pipe, commonly referred to as "PEX." The action taken removed the state's amendment that excluded the use PEX for water piping systems from the 2007 California Plumbing Code (California Code of Regulations, Title 24, Part 5), and to amend the 2010 California Plumbing Code (California Code of Regulations, Title 24, Part 5). The regulations include mitigation measures identified in the Commission's Second Revised Draft Environmental Impact Report (SRDEIR) and additional conditions and restrictions on the use of PEX. The Commission's action allows the statewide use of PEX in hospitals, clinics, schools, residences and commercial structures. **The effective date of this action is August 18, 2010 for the 2007 CPC and January 1, 2011 for the 2010 CPC.** You can view the SRDEIR on the Commission's website: <http://www.documents.dgs.ca.gov/bsc/pex/2010/Final-EIR/SR-FINAL-EIR-PEX-08-09-10.pdf>

Background

In January 2009, the Commission adopted "PEX regulations" that allowed the statewide use of PEX Tubing by removing the CPC's exclusion of PEX. The PEX regulations have been the subject of litigation. During the litigation, the court ordered that the PEX regulations must be "vacate[d] and set aside ..." pending the Commission's preparation and certification of the SRDEIR. The Commission complied with the court's order by repealing the previous action taken by the Commission in January 2009. The repeal became effective on July 1, 2010.

The Commission prepared and certified the SRDEIR which supports the adoption of PEX regulations and constitutes full compliance with the California Environmental Quality Act (CEQA). The California Building Standards Commission adopted and approved new PEX regulations and amended other regulations that allow the statewide use of PEX Tubing. The parties involved have reached a tentative settlement agreement that reflects the mitigation measures identified in the SRDEIR and additional conditions and restrictions on

the use of PEX that address concerns raised after the release of the SRDEIR. The Commission action implements the terms of the settlement agreement.

Availability

The documents reflecting the changes are available on the Commission's website at <http://www.bsc.ca.gov/pex.htm> . Publication of the changes to the California Plumbing Code will be available from the publisher at www.iapmo.org, depository libraries around the state, and bookstores carrying technical publications.

In addition to the above, California Building Standards Law requires that each local jurisdiction, including charter cities, obtain and maintain with all revisions on a current basis, at least one copy of the building standards and other regulations relating to buildings published in Titles 8, 19, 20, 24 and 25 of the California Code of Regulations. The law mandates that these codes are to be maintained in the office of the building official responsible for administration and enforcement of California Building Standards Law.

The law allows local jurisdictions to make modifications to Title 24 for reasons of local conditions, namely climate, topography, and/or geology. This provision may have an impact on the use of PEX in any particular local jurisdiction.