

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF CODES AND STANDARDS**

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Information Bulletin 2005-09 (SHL, FBH)

**To: City and County Building Officials
Factory-Built Housing Manufacturers
Third-Party Agencies
Interested Parties (SHL, FBH)
Division Staff**

SUBJECT: Corrugated Stainless Steel Tubing (CSST) – Gas Piping Material

The Department of Housing and Community Development (HCD) has been informed that there is uncertainty and inconsistency in the application of the 2001 California Plumbing Code (CPC), California Code of Regulations, Title 24, Part 5, as it pertains to the use of corrugated stainless steel tubing (CSST) gas piping material in specified residential occupancies and buildings and structures accessory thereto.

This Information Bulletin provides clarification and is intended to help ensure statewide consistency regarding the use of CSST and its acceptance by local building departments directed by Health and Safety Code (HSC) section 17960 to enforce the California Building Standards Code, of which the CPC is one part.

Use of Corrugated Stainless Steel Tubing (CSST)

The Department amended the CPC, Section 1210.1, during the 2001 rulemaking cycle in order to permit the installation of CSST in residential occupancies and buildings and structures accessory thereto. Section 1210.1 states, in part: "...[For HCD 1 & 2] Corrugated stainless steel tubing may be permitted provided that it is part of a system listed by an approved agency as complying with the reference standard listed in Table 14-1." The uncertainty and inconsistency in the application of this section stems from an inaccurate interpretation of use of the word "may" in this building standard.

Within the context of the CPC, the word "may" is often used because the code allows multiple choices of materials that a contractor or owner-builder may elect to use. Any of these "may" be used and where there is more than one choice, the choices are permissive. But, the permissive nature of the choices lies with the user, not the building official. For example, section 604.1.1 reads: "Water distribution pipe, building supply water pipe and fittings shall be of brass, copper, cast iron, galvanized malleable iron, galvanized wrought iron, galvanized steel, or other approved materials. Asbestos-cement, CPVC, PE or PVC water pipe manufactured to recognized standards may be used for cold water distribution systems outside a building except as provided for CPVC use pursuant to

section 604.1.2.” Within this context the word “shall” in the first sentence is used as a limitation of choices for piping within homes, whereas the word “may” in the second sentence is intended to expand the materials which are authorized by the code for use outside buildings. The use of the word “may” is not intended to infer permissive authority to deny the use of these other products outside of buildings except as provided in HSC section 17958 (discussed below).

Similarly, the phrase “*may be permitted*” in the context of CSST is intended to provide a permissive choice on the part of the builder, but is not intended to infer discretion on the part of a local building official to allow or not allow CSST. It must be read in concert with the remainder of the sentence which only allows the use of CSST “*provided that it is part of a system listed...*” It is the purpose of this building standard to clarify that a builder may receive a permit to use CSST only if it is part of a system listed by an approved agency complying with the reference standard in table 14-1 of the CPC.

Enforcement by Building Departments and Adoption of Local Ordinances

The Department has oversight responsibilities for proper enforcement of the State Housing Law, HSC 17910 et seq., and the California Building Standards Code related to specified residential occupancies. Enforcement responsibilities are delegated to local enforcement agencies by the Legislature through the State Housing Law.

HSC Section 17960 states that every city or county shall enforce all of the provisions published in the California Building Standards Code. When the CBSC adopts proposed building standards, they are applicable throughout the state as provided by HSC section 18938. HSC section 17958, however, provides the authority for local jurisdictions to amend regulations (building standards) that are reasonably necessary because of local climatic, geological, or topographical conditions.

The provisions in HSC sections 17958.5 and 17958.7 apply when a city or county believes that specific facts support the necessity to modify applicable building standards. These provisions include standards for express findings, public recording, specific filing requirements, and an effective date of these modifications. If a city or county has not made changes or modifications in the manner listed in HSC sections 17958.5 and 17958.7, the city or county is required to enforce the building standards as adopted.

If you do not have a copy of the Health and Safety Code, it can be found on-line at <http://www.leginfo.ca.gov>.

Please direct questions or comments regarding this Information Bulletin to Dave Walls, State Housing Law Program Manager, at the address above, at (916) 445-9471, or by electronic mail to dwalls@hcd.ca.gov.

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