

PUBLIC COMMENT on PROPOSED BUILDING STANDARDS

For Publication in Title 24, California Code of Regulations

See instructions for completing this form on Page 2.

Commenter Contact Information

Name:			Date:		
Representing:					
Mailing Address:	Number & Street:				
	City:	State:	Zip Code:		
Telephone #:	Email:				

Proposed Building Standard

Title 24 Part #: (select one)	Section #:
Proposing State Agency	
This comment is intended for review during: (select one)	<input type="radio"/> Code Advisory Committee <input type="radio"/> 45-Day Comment Period <input type="radio"/> 15-Day Comment Period <input type="radio"/> Commission Meeting
Your recommendation based on the criteria of Health and Safety Code Section 18930(a) printed on the back of this form is: (select one)	
<input type="radio"/> Approve <input type="radio"/> Further Study Required	<input type="radio"/> Disapprove <input type="radio"/> Approve as Amended

In support of your recommendation above, provide the rationale based on the criteria of Health and Safety Code Section 18930(a) printed on the back of this form. If you recommend anything other than approve, cite the criteria in your comment. If you oppose a proposed building standard, offer a solution or alternative for the state agency to consider. Please use separate pages if your comment does not fit in this space.

Attachments?

Check if you have attached additional pages. The number of pages attached is:

For CBSC Office Use Only Date Received: _____ Rulemaking Item #: _____

Instructions for completing this form

1. Use of this form is optional. It helps CBSC and other state proposing agencies to correctly administer your comments.
2. For matters to be considered at a public CBSC Code Advisory Committee (CAC) meeting, written comments should be received at least seven days before the scheduled meeting.
3. For matters subject to a 45-Day or 15-Day public comment period announced by a Notice of Proposed Action (NOPA), written comments **must be received** on or before the close of the comment period identified in the NOPA.
4. Separate comment forms are necessary for CAC and public comment periods.
5. Separate comment forms are necessary for each state agency proposal.
6. This form is available in fill-and-print format at the CBSC website, www.bsc.ca.gov, for you to complete and submit electronically. Or print a blank form and type or complete by hand. You may attach additional pages if necessary.
7. Submit comments to CBSC, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833-2936, or by email to cbsc@dgs.ca.gov. Please do not fax comments.
8. Written and oral comments may also be provided at CBSC public meetings to consider the proposed building standards.

For assistance, call CBSC at (916) 263-0916 or email cbsc@dgs.ca.gov.

Building Standards Nine-Point Criteria. Health and Safety Code Section 18930(a) reads:

(a) Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:

- (1)** The proposed building standards do not conflict with, overlap, or duplicate other building standards.
- (2)** The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
- (3)** The public interest requires the adoption of the building standards. The public interest includes, but is not limited to, health and safety, resource efficiency, fire safety, seismic safety, building and building system performance, and consistency with environmental, public health, and accessibility statutes and regulations.
- (4)** The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
- (5)** The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
- (6)** The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
- (7)** The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
 - (A)** If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
 - (B)** If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.
- (8)** The format of the proposed building standards is consistent with that adopted by the commission.
- (9)** The proposed building standard, if it promotes fire and panic safety, as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.



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October 22, 2018

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833-2936

Dear Members of the Building Standards Commission,

As a licensed architect in California for over 30 years, **I am writing to express my strong support** for the California State Fire Marshal's revised proposals to allow the use of polystyrene insulation board without flame retardants below a concrete slab on grade. These include Item 17 for the CBC, Item 4 for the CRC, and the single proposed change to the California Referenced Standards Code. It is common sense that flame retardants not be required in this application where there is no fire hazard. There are no ignition sources below a concrete slab, nor sufficient oxygen to sustain a flame.

I was present at the BFO Code Advisory Committee hearings on August 1 and I heard the Committee members' comments and the public testimony. I am familiar with OSFM's original proposals as well as its current revised proposals in the 45-day Public Comment period. The revised proposals address BFO Committee comments and comments in testimony, including:

- *Now applies only to polystyrene, not all foam plastic insulation* [Comment addressed: only polystyrene was tested in OSU fire tests]
- *Now applies to use under a "concrete slab on grade"* [Comment addressed: previous wording was "concrete slab", which could imply elevated slabs]
- *No longer applies to frost-protected shallow foundation use, only below a concrete slab on grade* [Comment addressed: plywood protection is allowed for frost-protected shallow foundation use, but OSU tests did not test with plywood]
- *Warning labeling now required every 8 sq.ft. (and on both sides)* [Comment addressed: labeling might not appear on cut pieces of insulation]
- *Minimum 1/2" text size is now required.* [Comment addressed: no specified text size for labeling]
- *Proposed site storage requirements in Fire Code were withdrawn. Existing reference in Fire Code to similar NFPA 241 requirements remains.* [Comment addressed: site storage requirements proposed in Fire Code could be onerous, or difficult to achieve or enforce]

I urge the Building Standards Commission to approve OSFM's revised proposals allowing the use of polystyrene insulation board without flame retardants below a concrete slab on grade.

Sincerely,

Martin Hammer, Architect
CA License # C17480
1348 Hopkins St.
Berkeley, CA 94702

CC: Chief Dennis Mathisen, Office of the California State Fire Marshal