

## 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

<b>Name:</b> _____	<b>Date:</b> _____
<b>Representing:</b> _____	
<b>Mailing Address:</b>	<b>Number &amp; Street:</b> _____
<b>City:</b> _____	<b>State:</b> _____ <b>Zip Code:</b> _____
<b>Telephone #:</b> _____	<b>Email:</b> _____

### Proposed Building Standard

Title 24 Part #: <i>(select one)</i> _____	Section #: _____
Proposing State Agency _____	
This comment is intended for review during: <i>(select one)</i>	<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: <i>(select one)</i>	
<input type="radio"/> Approve <span style="margin-left: 150px;"><input type="radio"/> Disapprove</span> <input type="radio"/> Further Study Required <span style="margin-left: 100px;"><input type="radio"/> Approve as Amended</span>	

**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.**

<b>Attachments?</b> <input type="checkbox"/> Check if you have attached additional pages. The number of pages attached is: _____
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<b>For CBSC Office Use Only</b> Date Received: _____ Rulemaking Item #: _____
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## 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](http://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](mailto: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](mailto: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.

**Breast Cancer Action • Center for Biological Diversity • Center for Environmental Health  
Clean and Healthy New York • Environmental Working Group • Green Science Policy Institute  
Natural Resources Defense Council • Passive House • Safer States • Sierra Club • Toxic-Free Future**

October 18, 2018

California Building Standards Commission

2525 Natomas Park Drive, Suite 130

Sacramento, CA 95833-2936

**RE: Support for OSFM Proposed changes CRC-Item 4, CBC-Item 17 & CCR: Flammability Standards for Building Insulation Materials**

Dear California Building Standards Commission:

We the undersigned 11 environmental and public health organizations are writing to support the Office of the State Fire Marshal's proposal "**Flammability Standards for Building Insulation Materials**," which would give institutions and green builders the option to specify polystyrene building insulation without added flame retardants in sub-grade applications. We believe this change will maintain the fire-safety of buildings and support energy efficiency while opening the door to reducing the significant risks of flame-retarded plastic foam insulation.

Flame retardants used in building insulation have been linked to some alarming human health concerns, including neurological and reproductive impairment, cancer, and hormone disruption. The flame retardants do not break down in the environment, and can build up in the tissues of organisms. Manufacturing, installation, landfilling, incineration, and recycling can lead to environmental release of flame retardant chemicals and their toxic combustion byproducts, such as dioxins and furans. Exposure can harm the health of workers who install these materials and, years later, demolish buildings containing them.

A 2017 report released by the Office of the State Fire Marshal found that<sup>1</sup>:

- When installed below grade, polystyrene insulation without added flame retardants presents no risk of fire spread to the structure and will not endanger occupants or first responders.
- Removing flame retardants from such insulation does not significantly change peak heat release rates.
- The time to ignition for polystyrene insulation without flame retardants is comparable to other combustible construction materials found on the jobsite.

Without a fire safety benefit, there is no reason for these toxic chemicals to be added to this material. Removing them from below-grade uses would reduce potential human and environmental harm throughout the lifecycle of the insulation—which would increase public safety. Adding flame retardants to polystyrene insulation below-grade is unnecessary and adds tangible costs for both manufacturers and consumers.

California has been a leader in the green building movement and we applaud the State Fire Marshal for bringing this proposal forward. This represents an opportunity for California to further the development of less toxic building materials without compromising fire safety.

**We urge the California Building Standards Commission to approve the OSFM's proposed changes to the Building Code and allow less toxic insulation materials.**

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<sup>1</sup> California Office of the State Fire Marshal, Oklahoma State University, Flammability Standards for Building Insulation Materials Phase II Working Group Report. [bit.ly/OSUReport](http://bit.ly/OSUReport)

Sincerely,

Karuna Jaggar  
Executive Director  
Breast Cancer Action

Nathan Donley, Ph.D  
Senior Scientist  
Center for Biological Diversity

Judy Levin, MSW  
Pollution Prevention Director  
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Sarah Doll  
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Safer States

Sonya Lunder, MPH  
Senior Toxics Policy Advisor  
Gender, Equity & Environment Program  
Sierra Club

Laurie Valeriano  
Executive Director  
Toxic-Free Future

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

Please direct any questions to Arlene Blum at Green Science Policy Institute ([Arlene@GreenSciencePolicy.org](mailto:Arlene@GreenSciencePolicy.org))