

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*)
 Code Advisory Committee
 45-Day Comment Period
 15-Day Comment Period
 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*)
 Approve Disapprove
 Further Study Required 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 19, 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 Members of the Building, Fire, and Other Code Advisory Committee:

As a nonprofit organization working with design, building, and building owners on issues of sustainable and regenerative design and building, I write in support of the California State Fire Marshal's proposal "**Flammability Standards for Building Insulation Materials**" which would change the California Building Code, California Residential Code, and California Code of Regulations to allow the use of polystyrene building insulation without added flame retardants for use in below-grade applications.

We have been involved with this issue for many years through our work with green building leaders, including architects, engineers, suppliers, builders, and building owners, as well as our work with building officials, public health officials and advocates, and researchers. We see the growing demand for high performance building materials that are safe for building occupants as well as for the environment. There is a strong and rapidly growing demand for products free from chemicals of concern, especially where they do not provide a substantial increase in safety or performance.

Knowing that there are European countries where the use of polystyrene building insulation without added flame retardants has been longstanding practice for the exact below-grade applications proposed adds significant strength to the argument for this change. Current research shows that adding chemical flame retardants to below-grade polystyrene insulation provides no benefit and can be harmful. These flame retardants have been linked to neurological and reproductive impairment, and cancer in humans, and ecosystem toxicity. Below-grade uses can put these materials in contact with soil, greatly increasing the potential for aquatic contamination. Potential adverse impacts from exposure extend through the entire lifecycle of the insulation, from manufacture, transportation, warehouse and job site storage, and installation, to use phase, building demolition, and disposal.

The State Fire Marshal formed a working group as a result of California Assembly Bill 127 to review the current flammability standards for building insulation and provide recommendations regarding these standards to the State Fire Marshal. The recommendations included additional fire safety research, which the State Fire Marshal had performed by the internationally recognized fire science experts at Oklahoma State University (OSU).

The OSU report found the following:

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

In essence, the report shows that the fire safety of below-grade polystyrene insulation without added flame retardants is comparable to insulation with flame retardants. Without a fire safety benefit, there is no justification for requiring these toxic chemicals be added, thereby reducing potential human and environmental harm throughout the lifecycle of the insulation—which increases public safety.

Giving the design and building industry this choice to allows specifying less toxic below-grade insulation meeting market demand and the purchasing goals of many clients. We congratulate the State of California and the State Fire Marshal for their leadership in bringing this proposal forward.

We urge the California Building Standards Commission to approve the OSFM's proposed changes to Flammability Standards in Building Insulation Materials.

Sincerely,

A handwritten signature in black ink, appearing to read "Dail E. King". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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