

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 #: (<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 <input type="radio"/> Disapprove <input type="radio"/> Further Study Required <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? <input type="checkbox"/> 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.

LABOR OCCUPATIONAL HEALTH PROGRAM

Labor Occupational Health Program
2199 Addison Street, Suite 451
BERKELEY, CA 94720-7360

www.lohp.org

October 17, 2018
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833-2936

RE: Support for the Office of the State Fire Marshal Proposal: Flammability Standards for Building Insulation Materials

Dear Members of the California Building Standards Commission:

We are writing in support of the California State Fire Marshal's proposal "Flammability Standards for Building Insulation Materials" which would allow the use of polystyrene building insulation without added flame retardants in below-grade applications.

My name is Richard J Jackson, MD MPH. I am a professor emeritus at the Fielding School of Public Health at the University of California, Los Angeles. My expertise is in the environmental impacts on public health ranging from toxicology, chemical body burdens, sustainability, urban design, and architecture. I am also a pediatrician who has served in many leadership positions with the California Health Department, including as the State Health Officer, and also for ten years as Director of CDC's National Center for Environmental Health. My center had lead responsibility for CDC's emergency response following Sept 11, 2001.

My name is Laura Stock, MPH and I currently serve as the director of the Labor Occupational Health Program at the UC Berkeley School of Public Health. I have been with the LOHP for over 35 years and my expertise is in occupational safety and worker illness prevention. I am currently principal investigator on a number of statewide worker education initiatives including WOSHTEP (Worker Occupational Safety and Health Training and Education Program), where I have developed and implemented core training programs on injury and illness prevention programs for a variety of different industries, ranging from construction to manufacturing.

As experts in the field of environmental and occupational health, we are aware of extensive research documenting the harmful impact of flame retardant chemicals on the general public, and specifically on vulnerable worker populations. Workers can be continuously exposed to chemicals from building materials throughout the construction process: during storage, installation, and demolition. Flame retardants used in building insulation have been associated with neurological and reproductive impairment, cancer, and ecosystem toxicity. Allowing contractors to use insulation without such hazardous chemicals can protect worker health and maintain fire safety on the jobsite.

We have read the study released by the California State Fire Marshal finding that the fire safety performance of below-grade polystyrene insulation is comparable whether or not flame retardants are present.¹ **This means that the addition of these harmful chemicals to below-grade insulation materials does not make worksites or people significantly safer from fire.** Moreover, the presence of these chemicals in polystyrene building insulation below-grade represents an unnecessary occupational exposure to toxic flame retardants for future demolition workers, who often don't have adequate personal protective equipment or information about chemicals or materials they are dismantling. The building code should not stand in the way of contractors who want to reduce exposure to hazardous chemicals on their worksites.

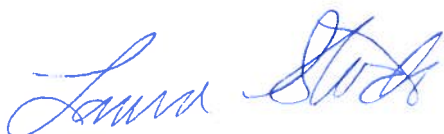
We urge the California Building Standards Commission to approve the OSFM's proposed changes to Flammability Standards in Building Insulation Materials.

¹ Oklahoma State University, Flammability Standards for Building Insulation Materials, Final Report, August 2017 bit.ly/OSUReport

Sincerely,

A handwritten signature in black ink that reads "Richard Joseph Jackson MD MPH". The signature is fluid and cursive, with the initials "RJ" and "MPH" clearly visible.

Richard Joseph Jackson, MD, MPH, HonAIA, HonASLA
Professor Emeritus, UCLA Fielding School of Public Health.
CDC National Center for Environmental Health.

A handwritten signature in blue ink that reads "Laura Stock". The signature is cursive and elegant.

Laura Stock, MPH
Director, Labor Occupational Health Program
UC Berkeley Center for Occupational and Environmental Health
UC Berkeley School of Public Health

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