

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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FOUNDERS

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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 Standards Commission:

The U.S. Green Building Council (USGBC) is a mission-based non-profit organization with over 11,000 member companies world-wide and a strong California-based community representing the full range of the building sector, including builders, product manufacturers, professional firms, governmental agencies, and real estate. We are committed to transforming the way all buildings and communities are designed, built and operated to enable a sustainable, resilient, and prosperous environment that improves the quality of life for all.

Please accept our support for the code amendment proposal by the California Office of the State Fire Marshal "Flammability Standards for Building Insulation Materials," which would add flexibility to building projects by allowing below-grade use of foam plastic insulation without added flame retardants. We recognize the State Fire Marshal's commissioned research at Oklahoma State University, which resulted in a determination of "no substantial fire safety difference between below-grade insulation with or without flame retardants." The Fire Marshal's report supported modifying the California Building Code to allow non-flame-retarded foam plastic insulation for certain applications below-grade. We support the proposed code change and commend the office of the State Fire Marshal for its thorough investigation and balanced approach.

When AB 127 was discussed early in 2013, USGBC worked closely with the lead author (then Assemblymember Skinner) to ensure the bill was meaningful and led to results backed by science. We were proud when Governor Brown signed the bill into law and we continued to participate as a stakeholder while State Fire Marshal Hoover reviewed flammability standards for building insulation. We were encouraged by the Oklahoma study and its findings that California could make changes to the building code to safely allow the use of non-flame-retarded foam plastic insulation below-grade.

California has been a trailblazer in the sustainability movement and is a global leader in LEED, or Leadership in Energy and Environmental Design, green building certification with more square footage per year certified in the Golden State than any other state or country. Research finds that LEED-certified spaces use less energy, save money for families, businesses, and taxpayers, reduce carbon emissions, and contribute to a healthier environment for residents, workers, and the larger community. LEED



addresses building materials holistically by rewarding the use of products that minimize impacts on human health and the environment.

The State Fire Marshal's proposed code change would make adding flame retardants optional for certain applications where such flame retardants have been deemed unnecessary for fire safety. This code proposal is one we support fully: to allow building owners the voluntary choice to select alternatives that minimize potential environmental impacts and create a market for materials with lower toxicity content to be sold in California.

We applaud the State Fire Marshal for bringing this idea forward and recommend the Building Standards Commission approve this proposal.

Sincerely,

A handwritten signature in blue ink, appearing to read "Wes Sullens", with a long horizontal flourish extending to the right.

Wes Sullens
Director, Building Codes Technical Development
U.S. Green Building Council

CC: Office of the State Fire Marshal