



## 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.

October 15, 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 & CRSC: Standards for Insulating Materials**

Dear Members of the California Building Standards Commission:

We are writing to express our strong support for 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 are large purchasers committed to maintaining the well-being of people and the environment by eliminating harmful chemicals from the products and the materials in our buildings. Our organizations employ tens of thousands of workers. We strive to reduce exposure to toxic chemicals in our work environments while maintaining building fire safety.

Current scientific research demonstrates that adding chemical flame retardants to below-grade insulation is unnecessary and can be harmful. Flame retardants used in building insulation have been associated with neurological and reproductive impairment, cancer, and ecosystem toxicity. These chemicals can adversely impact the health of those exposed throughout the lifecycle of the insulation, including during manufacturing, transportation, job site storage, installation, building demolition and disposal (landfill, incineration or recycling).

California Assembly Bill 127 directed the State Fire Marshal to review current flammability standards for building insulation. This led to the formation of a multi-year Working Group, which called for additional fire safety research, for which the State Fire Marshal commissioned internationally-recognized fire science experts at Oklahoma State University (OSU).

The researchers at OSU found that:

- When installed below grade, polystyrene insulation without added flame retardants imparts 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.

**Therefore, the fire safety benefit of below-grade polystyrene insulation without added flame retardants is comparable that of insulation treated with flame retardants. In other words, removing these toxic chemicals from insulation used below-grade will reduce human and environmental exposures throughout the product lifecycle without any negative effect on fire safety.**

We believe that our employees and customers should not be exposed to non-essential and potentially dangerous flame retardant chemicals. Updating California's building codes, as in this proposal, will give us the choice to specify less toxic below-grade insulation which meets our Environmentally Preferable Purchasing goals.

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 while maintaining fire safety. **We urge the California Building Standards Commission to approve the OSFM's proposed changes to Flammability Standards in Building Insulation Materials.**

Sincerely,

Mary J. Larsen, MS  
Director, Environmental Affairs and Sustainability  
Advocate Aurora Health

Nicolette Sanfilippo  
Sustainability and Healthy Materials Consultant  
Facebook

Katie Excoffier  
Sustainability Manager  
Genentech

Kate Brandt  
Sustainability Officer  
Google

Kathy Gerwig  
VP Employee Safety, Health & Wellness  
Environmental Stewardship Officer  
Kaiser Permanente

Clark Rendall  
Sustainable Design Development Coordinator  
Troon Pacific

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