



## 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 20, 2018

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

**RE: Support for State Fire Marshal's Proposed changes CRC-Item 4, CBC-Item 17 & CCR: Flammability Standards for Building Insulation Materials**

Dear Commissioners,

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.

Flame retardants used in building insulation have been associated with neurological and reproductive impairment, cancer, and ecosystem toxicity. Flame retardants 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.

The City and County of San Francisco has long been interested in reducing exposure to toxic chemicals while maintaining real and effective fire safety benefits. We believe it is in the best interest of first responders as well as building occupants that flammability standards not promulgate the unnecessary use of harmful or potentially harmful chemicals. Subgrade polystyrene insulation provides an opportunity where safer, healthier insulation materials can be used without compromising fire safety.

California Assembly Bill 127 passed in 2013, directed the State Fire Marshal to review current flammability standards for building insulation. The State Fire Marshal convened a Working Group, which issued recommendations for additional fire safety research. The State Fire Marshal commissioned fire science experts at Oklahoma State University to conduct this research, which resulted in the following findings:

- 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.
- Removing flame retardants from such insulation does not significantly change peak heat release rates.
- The time to ignition for foam plastic insulation without flame retardants is comparable to other combustible construction materials found on the jobsite.

These findings show that in subgrade polystyrene insulation, flame retardants are unnecessary. Updating California's building codes, as in this proposal, gives our communities the opportunity to reduce the use of harmful chemicals.

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,

A handwritten signature in blue ink that reads "Deborah O. Raphael". The script is fluid and cursive.

Deborah O. Raphael  
Director, San Francisco Department of the Environment

A handwritten signature in blue ink that reads "Joanne Hayes-White". The script is fluid and cursive.

Joanne Hayes-White  
Chief, San Francisco Fire Department

A handwritten signature in blue ink that reads "Tom C. Hui". The script is fluid and cursive.

Tom Hui  
Director, San Francisco Department of Building Inspection

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