

## 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)	<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: (select one)	
<input type="radio"/> Approve <input type="radio"/> Further Study Required	<input type="radio"/> Disapprove <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?**

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](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 18, 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 California Building Standards Commission:

We represent 16 architecture and design firms, sustainable designers, and environmental consultants who specialize in sustainable and green design. Increasingly, our clients' building requirements include the use of healthy and safe materials and products, which don't contain harmful chemicals whenever possible.

We are writing today to express our support for the California State Fire Marshal's proposals, "Flammability Standards for Building Insulation Materials", which would change the California Building Code, California Residential Code, and California Referenced Standards Code to permit us to specify polystyrene building insulation without added flame retardants in particular sub-grade applications.

Flame retardants used in building insulation have been linked to alarming human health concerns, including neurological and reproductive impairment, cancer, and hormone disruption. These chemicals could affect construction workers, materials manufacturers, and materials handlers, as well as the eventual buildings' occupants. While we design all of our buildings to be fire-safe, we also seek to reduce exposure to toxic chemicals whenever possible. We believe these code change proposals offers a perfect opportunity to meet both of these goals.

A 2017 report by the State Fire Marshal clearly shows that below-slab polystyrene insulation without added flame retardants has comparable fire safety to insulation with flame retardants. Without a fire safety benefit, there is no reason for these toxic chemicals to be added to this material. Removing them from below-slab uses would reduce potential human and environmental harm throughout the lifecycle of the insulation—which would increase public safety.

We are always looking for ways to meet the increasing demand from our clients for products free from chemicals of concern, especially where they do not provide a substantial increase in safety or performance. Our firms would like to have the choice to specify an insulation product that is both safe from fire risks and does not contain harmful flame retardants.

**We urge the California Building Standards Commission to approve the OSFM's proposed changes to Flammability Standards in Building Insulation Materials, to allow us the option to choose less toxic materials.**

Sincerely,

Anni Tilt, AIA  
Principal  
Arkin Tilt Architects

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Associate | Energy + Sustainability  
ARUP

Amy Dryden  
Director, Policy and Technical Innovation  
Build It Green

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James Bill, CPHD, LEED AP  
Principal  
Zero Impact Architecture

Chris Chatto, Associate AIA, LEED AP® BD+C  
Principal  
ZGF Architects

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