

## 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](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 10, 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 California Building Standards Commission:

The Durst Organization supports 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.

As a real estate firm in New York City known for being leaders in sustainability, we embrace and advance green building and design with each project. We actively seek out products with the best environmental footprint, which include materials without hazardous chemicals. If California were to update its building codes in line with the State Fire Marshal's proposal, we could better meet our objective of building with safer materials. We would welcome this change to the code, as it would allow us to use less toxic materials in below-grade applications while still maintaining fire safety.

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. This means that the addition of these harmful chemicals to below-grade insulation materials does not make worksites or buildings significantly safer from fire. Therefore, flame retardant-free insulation does not represent an added fire safety risk. Because this proposal contains requirements for clear, prominent, and unambiguous labeling, our crews can easily distinguish this material from other insulation, and install it only in the allowed locations.

Workers on our job sites have the potential to be exposed to chemicals from these materials throughout the construction process: during storage, installation, and demolition. Chemical exposure is both an occupational health risk and a potential economic liability. Allowing insulation without these hazardous chemicals on the jobsite seems like a win-win situation because it will reduce the risk of exposure without adding an additional fire safety risk.

We are optimistic this change would eventually lead to lower costs for insulation, as it costs money to add flame retardants to insulation. Once manufacturers are no longer required to add these chemicals, and production of flame retardant-free insulation increases, the price for that insulation will lower. It's ideal if we can both reduce costs and potential health concerns.

It is our understanding that this code change proposal was crafted after a rigorous scientific process, and will maintain jobsite safety for our employees and our company.

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

Sincerely,



Sydney Mainster  
Director of Sustainability  
The Durst Organization

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