

## 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<br><input type="radio"/> 45-Day Comment Period<br><input type="radio"/> 15-Day Comment Period<br><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)<br><input type="radio"/> Approve<br><input type="radio"/> Disapprove<br><input type="radio"/> Further Study Required<br><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.**

|  |
|--|
| <b>Attachments?</b>  |
| <input type="checkbox"/> Check if you have attached additional pages. The number of pages attached is: _____ |

|                                 |                      |                          |
|---------------------------------|----------------------|--------------------------|
| <b>For CBSC Office Use Only</b> | 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 2, 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:

I am a retired Captain from the San Francisco Fire Department with 28 years of service, and the Founder and Chairman of the San Francisco Firefighters Cancer Prevention Foundation, an organization dedicated to preventing cancer and cancer deaths amongst active and retired firefighters. While many know that firefighters put themselves at physical risk every day on the job, they likely don't know that firefighters have much higher rates of cancer than the general population. These elevated cancer rates are likely due to their exposure to harmful chemicals during and after a fire.

I have been previously involved in code change efforts to update building flammability standards to reduce the use of harmful flame retardants. My concern about the health impacts of flame retardants began after I was diagnosed with Transitional Cell Carcinoma - a rare cancer typically found in people exposed to toxic chemicals or working in the chemical industry. Burning polystyrene insulation containing flame retardants can result in the release of toxic combustion by-products such as dioxins and furans. Exposure to these chemicals are associated with multiple cancers including multiple myeloma, non-Hodgkin's lymphoma, and prostate cancer—all of which occur at a higher rate in firefighters.

**The San Francisco Fire Fighters Cancer Prevention Foundation fully supports the State Fire Marshal's proposal "Flammability Standards for Building Insulation Materials" which would allow the use of polystyrene building insulation without added flame retardants for use in below-grade applications.**

Assembly Bill 127 (2013) directed the CA State Fire Marshal to review building flammability standards, which resulted in a working group of experts who called for more fire safety research. The State Fire Marshal commissioned this research at Oklahoma State University, which found the fire performance of below-grade polystyrene insulation was similar regardless of the addition of flame retardants.

**Therefore, adding flame retardants chemicals to insulation below-grade does not protect buildings, or their occupants, in the unfortunate event of a fire.**

Below-grade insulation is completely protected by concrete, masonry, soil, or other barrier, and there is no access to oxygen or a reasonable source of ignition. The addition of flame retardants is unnecessary, yet pounds of these chemicals are used in a typical building. This troubling reality impacts not only first-responders, but also workers throughout the insulation's lifecycle (manufacturers, installers, recyclers, and others).

We are in strong support of the State Fire Marshal's code change proposal and believe that the elimination of flame retardants from below-grade polystyrene building insulation would reduce firefighters' exposures to toxic chemicals with no compromise in fire safety.

**We urge the California Building Standards Commission to approve the OSFM's proposed changes to Flammability Standards in Building Insulation Materials to ensure that buildings**

can be fire-safe and healthy for occupants, fire service professionals, and other emergency responders.

Sincerely,

*Tony Stefani*

President, San Francisco Firefighters Cancer Prevention Foundation

1139 Mission St.

San Francisco Ca. 94103

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