

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"/> Disapprove <input type="radio"/> Further Study Required <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, 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. 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.

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.



StopWaste is the Alameda County Waste Management Authority, the Alameda County Source Reduction and Recycling Board, and the Energy Council operating as one public agency.

Member Agencies:

Alameda County
Alameda
Albany
Berkeley
Dublin
Emeryville
Fremont
Hayward
Livermore
Newark
Oakland
Piedmont
Pleasanton
San Leandro
Union City
Castro Valley
Sanitary District
Oro Loma
Sanitary District

1537 Webster Street
Oakland, CA 94612
p 510-891-6500
f 510-893-2308
www.stopwaste.org 

October 5, 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:

We are writing in 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.

StopWaste helps Alameda County's businesses, residents and schools waste less, recycle more and use water, energy and other resources efficiently. As a public agency that seeks to reduce waste and increase recyclability, we are particularly concerned with the future recyclability of items containing harmful chemicals such as added flame retardants.

Flame retardants used in building insulation have been associated with neurological and reproductive impairment, cancer, and ecosystem toxicity. Manufacturing, installation, landfilling, incineration, and recycling can lead to environmental release of flame retardant chemicals and their toxic combustion byproducts, such as dioxins and furans. We are committed to maintaining the well-being the residents of Alameda Country and the environment by safely eliminating harmful chemicals from the products and materials in buildings and find the release of these chemicals in to the environment or in to the recycling stream troubling.

We are aware of a study released by the California State Fire Marshal finding that there was no significant difference in the fire safety performance of below-grade polystyrene insulation with or without 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 negative effects on fire safety.

We regularly implement a multifaceted strategy to achieve our sustainability goals. This is why we are in support of the choice to use an energy-efficient, less-toxic insulation

material such as polystyrene insulation without added flame retardants. **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 black ink that reads "Wendy Sommer". The signature is written in a cursive, flowing style.

Wendy Sommer
Executive Director, StopWaste

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