

**FINAL STATEMENT OF REASONS  
FOR PROPOSED BUILDING STANDARDS OF THE  
CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC)**

**REGARDING THE 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE  
(CALGREEN)  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11**

**BSC 04/19**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a Final Statement of Reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

**UPDATES TO THE INITIAL STATEMENT OF REASONS:**

Government Code Section 11346.9(a)(1) requires an update of the information contained in the Initial Statement of Reasons. If the update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the Initial Statement of Reasons, the state agency shall comply with Government Code Section 11347.1.

There were no changes made to the proposed regulations published during the 45-day public comment period to the final statement of reasons.

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s).

The CBSC has determined that the proposed regulatory action WOULD NOT impose a mandate on local agencies or school districts. CBSC does not have authority to adopt regulations for school districts.

The mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code.

**OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).**

Government Code Section 11346.9(a)(3) requires a summary of EACH objection or recommendation regarding the specific adoption, amendment, or repeal proposed, and an explanation of how the proposed action was changed to accommodate each objection or recommendation, or the reasons for making no change. This requirement applies only to objections or recommendations specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting

the action, or reasons for making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group.

**Regarding Items #2, 5, 10, and 15 of the Final Express Terms:**

The following is a summary of the comment(s) CBSC received on Item 2, 5, 10, and 15 during the 45-day public comment period, CBSC's explanation in response to each comment, and reasons for making no changes, as specified:

**Commenter #1: John Higham, Electric Auto Association**

**Commenter Recommendation: Approve as Submitted for Item 1:** Table 5.106.5.2, **Item 2:** Table 5.106.5.5.3.3 and Section 5.106.3.5 and **Item 10:** Section A5.106.5.3, Table A5.106.5.3.1 Tier 1, Table A5.106.5.3.2 Tier 2. However, commenter would like CBSC to add EV requirements for existing developments, have a further discussion during the next rulemaking cycle for possible alternative compliance pathways, provide a link for EV accessibility requirements and to add an official definition for EV ready and EV capable.

**Agency Response:** CBSC appreciates the support comment and may consider suggestions during the next code cycle.

**Commenter #2: Josh Jacobs, Director of Environmental Codes & Standards, LEED AP+BD&C, UL Environment & Sustainability**

**Commenter Recommendation: Approve as Amended for Items 5:** Sections: 5.504.4.6 and for **Item 15:** Sections: A5.504.4.7 Tier 1, A5.504.4.7.1 Tier 2, A5.504.4.8, and A5.504.4.9. Also proposes code changes to existing Sections: 5.504.4.1, 5.504.4.3, and repeal Sections ~~A5.504.4.8~~, ~~A5.504.4.9~~ and add new code sections 5.504.4.7, 5.504.4.8, and A5.504.4.9.1.

**Rationale:**

The commenter states that directing people to the California Department of Public Health's (CDPH) website does not provide clear guidance to architects or the regulated community because the CDPH website simply lists the acceptable testing laboratories that can provide a test report that meets the CDPH/EHLB/Standard Method v1.2 requirements and that it would be difficult from this website to determine if a product meets the requirements of the CDPH v1.2 referenced. The commenter further states that the current 2019 CALGreen code which listed the various acceptable certifications e.g UL GREENGUARD Gold is much simpler for compliance.

The commenter states that the removal of UL GREENGUARD Gold from the current list and referencing to the CDPH website will make it difficult for the architects to know that UL GREENGUARD GOLD is a compliant product. Additionally, by not calling out GREENGUARD Gold, CBSC is potentially harming indoor occupants in the State of California because according to the commenter, UL GREENGUARD GOLD is

is significantly more stringent on product emissions than then the CDPH v1.2 referenced.

**Commenter Recommendations:** For Sections 5.504.4.6, A5.504.4.7 Tier 1, A5.504.4.7.1 Tier 2, A5.504.4.8, and A5.504.4.9 recommends to add “or GREENGUARD Gold per UL2818” as a compliance option with a link to their website or [ul.com/SPOT](http://ul.com/SPOT) for GREENGUARD Gold certified products.

For Sections 5.504.4.1, 5.504.4.3, A5.504.4.8, and A5.504.4.9.1 recommends adding new code sections with new code language.

**Agency Response:** CBSC appreciates the stakeholder’s comment on the proposed amendment, however, after further review CBSC did not make any changes to the Final Express Terms as a result of these comments. The codes are updated every three years which can make it difficult to update the language in a timely manner, as new certification programs are developed, or programs are no longer available. In order to maintain the code with the most up to date standards, CBSC and other proposing agencies have provided a reference to the CDPH website where all certification programs and testing labs are listed. CBSC may consider suggestions during the next code cycle.

**Commenter #3: Coalition letter from California Electric Transportation Coalition, CALSTART, Electric Vehicle Charging Association, EVgo, ChargePoint, Tesla and U.S. Green Building Council.**

**Commenters Recommendation: Approve as Submitted for Item 2:** Section 5.106.5.3, Table 5.106.5.5.3.3 and Section 5.106.3.5 and **Item 10:** Section A5.106.5.3, Table A5.106.5.3.1 Tier 1 and Table A5.106.5.3.2 Tier 2 and Section A5.106.5.3.4. However, commenter would like CBSC to add EV requirements for existing developments, have a further discussion during the next rulemaking cycle for possible alternative compliance pathways, provide a link for EV accessibility requirements and to add an official definition for EV ready and EV capable.

**Agency Response:** BSC appreciates the comments and may consider suggestions during the next code cycle.

**Commenter #4:** Karen Klepack, Senior Manager, Building Electrification and Codes & Standards, Southern California Edison and Kate Zeng, ETP/C&S/ZNE Manager, Customer Programs, San Diego Gas & Electric Company.

**Commenters Recommendation: Approve as Submitted for Item 2:** Approve as Submitted however commenter would like CBSC to coordinate with HCD on adding definitions for “EV ready” and “EV capable” to Chapter 2 of the CALGreen code.

**Agency Response:** BSC appreciates the comments and may consider suggestions during the next code cycle.

## **DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS**

Government Code Section 11346.9(a)(4) requires a determination with supporting information that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, or would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

CBSC has determined that no reasonable alternative considered by CBSC or that has otherwise been identified and brought to the attention of CBSC would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

## **REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES:**

Government Code Section 11346.9(a)(5) requires an explanation setting forth the reasons for rejecting any proposed alternatives that would lessen the adverse economic impact on small businesses, including the benefits of the proposed regulation per 11346.5(a)(3).

No alternatives were identified to lessen the adverse impact on small business. The CBSC has determined that the proposed regulations will have no adverse impact on small businesses. The proposed regulations are technical modifications that will provide clarification and consistency within the code.