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Subject: SFM-07-22-ISOR-Pt9 (& Pt 2.5) - LACoFD Comment, 05-22-2023
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[SFM-07-22-ISOR-Pt9 \(& Pt 2.5\) - LACoFD Comment, 05-22-2023, s.pdf](#)
Importance: High

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Good Evening,

Please see the attached public-comment submission from the Los Angeles County Fire Department (LACoFD) regarding the "Building, Fire, & Other (BFO)" proposals made by the State Fire Marshal (SFM) to the California Building Standards Commission for consideration for incorporation into the 2024 Intervening-Cycle Supplement to the 2022 California Fire Code and 2022 California Residential Code.

LACoFD **cites the following of the Health and Safety Code Section 18930(a) "9-Point Criteria"** as the basis for its attached **disapproval** comment*:

***Please let this statement/citation of 9-Point Criteria be provided to the Commission with the attached comment, as a companion thereto.**

- HSC §18930(a)(1):
The proposed building standards do not conflict with, overlap, or duplicate other building standards.
 - The proposed allowances at R-3/R-4 occupancies are a conflict with the intent and consistency of the code in that they are a significant reduction of the requirements for these same ESS units when located at occupancies *other* than R-3/R-4. To that point, R-3/R-4 occupancies receive the least oversight after installation, they are the occupancy group of most life loss [in aggregate terms], and neighboring properties did not elect to be subjected to the increased hazards nor risks that these sweeping increases of maximum allowable aggregate kWh-ratings of ESS would entail.
- HSC §18930(a)(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.
 - The public interest requires that these sweeping increases *not* be approved as the attached public comment details the *lack* of substantiation in the face of both:
 - The known hazards to health and safety, and fire safety; *and*
 - These include explosion, structure and wildland fire, poisoning/asphyxiation, electrocution, suppression-resistant reignition, and hazardous materials.
 - Those risks and hazards that have not yet been well quantified due to:
 - The increasing variety of proprietary ESS chemistries;
 - The proprietary test data that itself is consistently based on tests deviating from the required standards; and
 - The poor ability of the current test standards to measure toxic-gas poisoning/asphyxiation hazards associated with lithium-ion-based ESS during

failure/venting events.

- There is insufficient substantiation provided for a “need” to increase these maximum allowable aggregate kWh-ratings of ESS at Group R-3/R-4 occupancies, let alone to the amount of 600 kWh.

600 kWh is the equivalent of:

- **6 cars**, per the data cited by the ISOR itself; or to
 - **30 ESS units at a *minimum*** (since each unit is limited to 20 kWh per Section 1207.11.4, and many/most on the market are smaller than 20 kWh each); or to
 - **Anywhere between 1,785 and 3,600 individual cells in which a cascading failure might originate.** The wide range is due to varying sizes of individual cells currently being used by various manufacturers.
- HSC §18930(a)(4):

The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.

 - The proposed building standard is unreasonable, at least in part, due to the other criteria hereby cited.

This submission is in accordance with the following highlighted directive at

<https://www.dgs.ca.gov/BSC/Rulemaking/2022-Intervening-Cycle/2022-Public-Comments/BFO-SDLF-HF-45>:



We thank you for your consideration.

Respectfully,
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