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June 9, 2023

Kevin Day
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

RE: Regulation of Embodied Carbon in Building Materials and Life Cycle Assessment

Dear Mr. Day,

California Building Officials (CALBO) has some important questions for the proposed CALGreen code amendments requiring a reduction of embodied carbon in key building materials and a Life Cycle Assessment (LCA) for specific structures. First, CALBO would like to thank the California Building Standards Commission (BSC) for their thoughtful changes based on CALBO's comments during the 45-day Public Comment Period. The new changes proposed in CALGreen are more feasible than what was originally proposed, and CALBO believes that the approach of making the measures voluntary instead of mandatory is a step in the right direction for CALGreen. With that said, CALBO feels there is a need to submit questions for the record to consider as CBSC looks at implementing the proposed regulations.

First and foremost, CALBO is concerned that the proponents are not considering the structural safety implications of new technology in the built environment. On Items 15-1 through 15-6, how do the Worksheets confirm that the materials match the materials on the design plans, and meet standards for building code and standards?

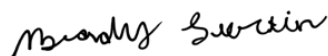
Second, CALBO would like to better understand why the proposed regulations use a cradle-to-grave measurement for LCA instead of a cradle-to-gate measurement as is currently used in state law through Health and Safety Code Section 38561.3. CALBO firmly believes that California should use the same definitions in state law to reduce confusion rather than adopting a completely new definition. Additionally, cradle-to-gate is a more useful assessment as the California Environmental Quality Act process accounts for carbon emissions in a development project, the new assessment would result in a redundant process and double count emissions if approved. In Item 11-3, Could BSC explain why the cradle-to-grave assessment is more applicable than a cradle-to-gate assessment for the Whole Building Life Cycle Assessment? The definitions of each appear to make the cradle-to-gate a more practical, easier identifiable path.

Third, CALBO would like an explanation of how field verification will work. In Items 15-1 through 15-6 is there a consideration to include a field verification attestation to verify that the Responsible Designer visited the construction site and verified the material? The initial attestation worksheets are only part of the process and without a requirement for the Designer to field verify, there can be questions as to whose responsibility field verification befalls. CALBO does not want this responsibility to fall on the building inspector.

Finally, CALBO would like an explanation of why the state is not considering a more measured approach for embodied carbon by having the Division of the State Architect (DSA) roll out the proposed regulations first. Since DSA will move forward with this Intervening Cycle with the original proposal of 50,000 square feet for DSA occupancies, would it be more practical to pause BSC's application of Life Cycle Assessment in its entirety until the 2025 Triennial Cycle? This has advantages with "lessons learned" through DSA instead of applying this new concept to privately owned buildings. Many of the unknowns are raised, for example, with the removal of structural elements and corresponding stability. Given DSA's ability to receive funding more easily than private companies, California can use these regulations as a pilot project to establish a shared understanding about the implications of potentially weaker building materials to public safety, development costs, and costs to local governments.

Thank you in advance for considering CALBO's thoughts and concerns with the proposed regulations. CALBO looks forward to a continued partnership with relevant state agencies and stakeholders to further California's goals for building decarbonization in a cost-efficient, prudent, and safe manner. Should you have any questions or concerns, please contact Brady Guertin, CALBO's Public Affairs Manager at bguertin@calbo.org.

Sincerely,



Brady Guertin
Public Affairs Manager
CALBO