

State of California
State and Consumer Services Agency
California Building Standards Commission
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Attn: Thomas L. Morrison, Deputy Executive Director

Office Use Item No. _____

**PARTICIPATION COMMENTS FOR THE NOTICE DATED MARCH 18, 2008
TITLE 24, CCR, PART 11, CALIFORNIA GREEN BUILDING STANDARDS CODE**

WRITTEN COMMENT DEADLINE: MAY 12, 2008

Date: **May 1, 2008**

From:
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Item 1:

I **do not** agree with the Agency proposed modifications As Submitted on Section No. **705.2 - Bio-Based materials, and 705.2.1 - Certified wood products**, and request that this section or reference provision be recommended **Approved as Amended** by the proposing state agency.

Suggested Revisions to the Text of the Regulations:

"**705.2 Bio-based materials.**" Delete Paragraph in its entirety.

"**705.2.1 Certified wood products.** Employ wood-based materials and products which are certified in accordance with Forest Stewardship Council (FSC) Principles and Criteria."

Delete the other standards organizations 2. through 5.

Reason:

Health & Safety Code Section 18930 (a) (3): **Not** in the public interest, as written.

705.2 Bio-based materials: The word "bio-based" is not defined in the Environmental Protection Agency "Terminology Reference System", the US Green Building Council "LEED" rating system, the Build It Green "GreenPoint Rated" system, or The Construction Specifications Institute "GreenFormat" sustainable product reporting form. According to Wikipedia, a bio-based material is simply an engineered material made from substances derived from living matter; there is no consensus on its meaning in the sustainable design community. Bio-based materials can be over harvested or harvested in ways that harm or destroy the areas and/or ecosystems in which they originate. Simply because a product is "bio-based" or "renewable" has no bearing on whether it is "environmentally responsible" or "sustainable." For instance, salmon are "bio-based" and "renewable," but salmon populations are threatened in California due to decades of habitat loss and over fishing.

705.2.1 Certified wood products:

Numerous cities, including recently the City of Los Angeles, and at least one county in California have already implemented ordinances requiring that construction meet the USGBC's LEED rating system or the

Build It Green "GreenPoint Rated" system. Both of these rating systems only recognize wood certified by the Forest Stewardship Council (FSC), and do not recognize wood certified by the Sustainable Forestry Initiative (SFI), Canadian Standards Association (CSA), the Programme for the Endorsement of Forest Certification Schemes (PEFC), or American Tree Farm. At this time, only FSC certification assures that the forest from which the wood was harvested is managed in an environmentally, economically and socially responsible manner, and maintains chain-of-custody certification throughout the manufacturing, distribution and final delivery of products.

California's environmental groups and green building community are united in the position that only FSC represents a sufficiently high level of environmental and social performance in the forestry and forest products sector. The recent Yale report for the United States Green Building Council has shown that there is a clear difference between FSC and SFI and its affiliates. A likely consequence of including multiple and variable-quality certification systems will be to undermine the industry and market transformation to sustainable wood products. SFI, CSA, and PEFC certify some of the most environmentally destructive forest management practices, including widespread clear cutting, logging in imperiled species' habitats, endangered forests and wilderness, conversion of natural forests to industrial plantations, conversion of forests to non-forest land uses, and inattention to sustaining and restoring attributes necessary for healthy forest ecosystem and habitat function.

Finally, there are over a million acres of FSC-certified forest in California and many hundreds of California-based distributors, manufacturers, retailers and other companies that service the building industry. For this reason, the availability of FSC-certified products is as good or better in California than it is in any other state in the nation. The contention, made by some, that recognizing only FSC harms California jobs, places an undue burden on industry, or forces people to buy non-California wood is simply false, as numerous local companies are currently participating in and benefiting from the FSC system and offering FSC-certified products, including those originating in California's FSC-certified forests. FSC represents a high level of performance in terms of quality of forest management, but it is open to all landowners who choose to manage their forests to this standard.

Item 2:

I/We **do not** agree with the Agency proposed modifications As Submitted on Section No.709 - **Life Cycle Assessment**, and request that this section or reference provision be recommended **Held for Further Study** by the proposing state agency.

Suggested Revisions to the Text of the Regulations:

Delete entire Section 709.1 - "Materials and system assemblies".

Reason:

Health & Safety Code Section 18930 (a) (6): The proposed building standard **is unnecessarily ambiguous and vague**, in whole or in part. Also, Section 18930 (a) (3): It is **not** in the public interest, and can, in fact, be dangerous to public health and safety when used to justify use of an unsafe product based on an LCA.

Life cycle assessment (LCA) of building materials is a complex process whose underlying science is inadequate to form a basis for meaningful design decisions at this time. For assemblies, as required by this standard, it is practically meaningless. LCAs based on incomplete or selective science and narrow methodologies are currently being used by manufacturers as marketing tools to sell their products, and have very limited credibility or usefulness. For example, vinyl flooring manufacturers use LCA to claim their product is "greenest" because it has the lowest embodied energy to manufacture while ignoring longevity, maintenance costs, and toxins in the product that make it difficult to recycle. The timber industry touts the LCA benefits of wood but ignores the impact of industrial forestry on ecosystems, soil and water quality, and other so-called "externalities." At the same time, the ceramic tile industry uses LCA to claim their product has the lowest embodied energy if measured over a 50 year time frame to justify the high embodied energy to manufacture. Until there is better science and a consensus on what parameters to

use in a LCA, this Section is meaningless and should be removed at this time.