

STATE OF CALIFORNIA
STATE AND CONSUMER SERVICES AGENCY
CALIFORNIA BUILDING STANDARDS COMMISSION
2525 NATOMAS PARK DR., SUITE 130
SACRAMENTO, CA 95833
(916) 263-0916 Phone
(916) 263-0959 Fax
Email: cbssc@dgs.ca.gov

Office Use Item No. _____

PARTICIPATION COMMENTS FOR THE NOTICES DATED APRIL 22, 2011
Written comments are to be sent to the above address.

WRITTEN COMMENT DEADLINE: JUNE 6, 2011

Date: June 6, 2011

From:

Judi Schweitzer /s/ Judi Schweitzer
Name (Print or type) (Signature)

„CALGreen Code Advisory Committee member, Schweitzer + Associates, Inc.
Agency, jurisdiction, chapter, company, association, individual, etc.

25422 Trabuco Road, Suite 105-P, Lake Forest, CA 92630
Street City State Zip

I/We (do)(do not) agree with:

[**DO NOT AGREE**] The Agency proposed modifications As Submitted on Section No. 5.106, 5.106.5.1.4, 5.106.5.2 and 5.106.5.2.1 NOTE; 5.710.6.3, 5.710.6.3.1,

and request that this section or reference provision be recommended:

[] Approved [] Disapproved [] Held for Further Study [**X**] Approved as Amended

Suggested Revisions to the Text of the Regulations:

The suggested revision be in the definition to include (those current available technologies that are the least emitting): Such as Hybrid, Hybrid Electric, Plug-in Hybrid Electric, Hydrogen, Fuel Cell, Fuel Cell Hybrid Electric, Condensed Natural Gas (and so on). Better options for the painting words might be one of the following. The definition can change in the code so repainting could be minimized:

“Hybrid Vehicle”

“Clean Fuel Vehicle”

“Hybrid/Vanpool”

“Clean Fuel/Vanpool”

“EV/PHEV”

Reason: [The reason should be concise if the request is for “Disapproval,” “Further Study,” or “Approve As Amend” and identify at least one of the 9-point criteria (following) of Health and Safety Code §18930.]

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

This part of the code is very important especially since it is tied into SB375 and AB32. As I understand it the MPOs are currently defining their Sustainable Community Strategies that include transportation/housing and related emissions, VMT, VT thresholds.

The important point here is that the code NOT discriminate against cleaner fuel vehicles; as is the case with the DMV stickers which reward only the early adopters (which is effective for that purpose – incentivizing the early adopter). However the implications of restricting only the minority “stickers” is discriminatory. If we are to incentivize the reduction of emissions in California, and use the CALGreen Code to help, we need to help make low emitting vehicles more mainstream and hence incentivize the emissions reductions equitably. As written, this could incentivize a purchaser of a more emitting vehicle over a less emitting vehicle because all the 40,000 stickers for one manufacturer have been absorbed. The affect could make it more difficult for MPO’s/regional planning offices and municipalities to accurately set, implement and meet these emissions targets.

I wanted to alert BSC/HCD on the potential unintended consequences. The fix is an easy definition change and possible simplified paint word or symbol.

I am available to answer questions, and/or discuss this further.

Respectfully submitted,

/s/ Judi Schweitzer

HEALTH & SAFETY CODE SECTION 18930

SECTION 18930. APPROVAL OR ADOPTION OF BUILDING STANDARDS; ANALYSIS AND CRITERIA; REVIEW CONSIDERATIONS; FACTUAL DETERMINATIONS

- (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.
 - (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.