

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

**REGARDING ADOPTION OF AMENDMENTS TO THE 2013 CALIFORNIA GREEN BUILDING  
STANDARDS CODE, TITLE 24, CALIFORNIA CODE OF REGULATIONS (CCR), PART 11**

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**

CBSC finds that revisions have been made which warrant changes to the initial statement of reasons for the following sections as proposed for public comment based on comments received:

- **SECTION 5.503 FIREPLACES** CBSC withdrew the proposed language in order to align with HCD's withdrawal of a similar code change proposal to Section 4.503 and to ensure that no confusion would occur in the application of appropriate standards. The proposed language contained a new provision making the wood burning factory-built fireplace requirement more restrictive than the existing 2010 CALGreen Code. It was not CBSC's intent to advance or impose more restrictive standards on wood burning factory-built fireplaces. In the future, CBSC may consider revisiting the withdrawn code change proposal for rulemaking, which would include vetting the matter amongst appropriate stakeholders.
- **SECTION 5.504 POLLUTANT CONTROL, 5.504.4 Carpet systems Item 5 and 5.504.4 Resilient flooring systems Item3** CBSC clarified the CA-CHPS criteria reference which is required in both sections. Previous language did not direct the code user to current or correct CA-CHPS credit criteria.

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

Because this version of the green building standards proposed contains mandatory measures, CBSC has determined that the proposed regulatory action could impose a mandate on local agencies or school districts. However, 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).**

**45-DAY COMMENTS**

**COMMENTS:** Gregg Achman, Hearth and Home Technologies, Inc. on **Sections 5.503 Fireplaces, woodstoves and fuel appliances Subsections 5.503.1 – 5.503.5** recommends CBSC not move forward with new proposed language with respect to the above Sections. HCD has withdrawn their proposed language in Chapter 4; Mr. Achman feels CBSC should do the same. Mr. Achman states that the proposed language contained a new provision making the wood burning factory-built fireplace requirement more restrictive than the existing 2010 CALGreen Code.

**RESPONSE:** CBSC's further study of the proposed changes, review of the EPA provisions, and further discussions with HCD, confirmed the proposed language contained a new more restrictive requirement for wood burning factory-built fireplaces which did not exist in the 2010 CALGreen Code. CBSC's intent in developing this proposed building standard was not to propose any new requirements for wood burning factory-built fireplaces. As a result, CBSC concurs with the commenter and is withdrawing the proposed code changes in 15 day language. In the future, CBSC may consider revisiting the withdrawn code change proposal for rulemaking, which would include vetting the matter with appropriate stakeholders.

**COMMENTERS:** Wes Sullens, StopWaste.Org of Alameda County; Joe Liszewski, California ReLeaf; Bobbi Simpson, United States Department of the Interior; Aaron Majors, Cagwin & Dorward; Wayne Wirick, Jr, City of Sonoma; Matthew Danielczyk; G.F. Duerig, Zone 7 Water Agency; Gary Wolff, StopWate.Org; Geoff Brosseau, Bay Area Stormwater Management Agencies Association; Susan Schwartz, President, Friends of Five Creeks; on **Division A5.1 Planning and Design** the commenters request language to include avoidance of invasive species plantings for permitted construction projects covered by CALGreen for both Residential and Non-Residential new construction, additions and alterations. The commenters request these provisions be added to the Mandatory Measures of the CALGreen code in lieu of the Voluntary Measures.

**RESPONSE:** CBSC declined to accept the comment as CBSC did not propose any changes to this provision during this code cycle. CBSC will work with other state agencies and stakeholders to further review and consider proposed changes.

**COMMENTER:** William Orr, Collaborative for High Performance Schools (CA-CHPS) on **Section 5.504.4.4 and 5.504.4.6** the commenter stated the CHPS criteria reference is not current. Mr. Orr offered correct language.

**RESPONSE:** CBSC concurs with Mr. Orr's comment and thanks him for his suggestion. See the discussion above for the Updates to the Initial Statement of Reasons. CBSC proposed 15 day language to update the CA-CHPS reference and received no further comment.

### **15 DAY COMMENTS**

**COMMENTER:** Michael Cudahy, Plastic Pipe and Fittings Association (PPFA) on **Table A5.504.8.1** the commenter stated the VOC limits in Table A5.504.8.1 were incorrect.

**RESPONSE:** CBSC concurs with Mr. Cudahy's comment however the comment is not related to proposed 15 Day language. That being said, CBSC inadvertently copied an earlier version of the table, which had the wrong limits, and was posted in 45-day language. Since CBSC did not propose a code change in this current code adoption cycle to Table A5.504.8.1, the VOC limits currently shown in the 2010 CALGreen code will be carried forward un-amended and codified in the 2013 CALGreen code. The correction is editorial in nature and will be fixed prior to publication. CBSC thanks Mr. Cudahy for participating in the rulemaking process and bringing this error to our attention.

This same comment was also submitted during the GREEN Code Advisory Committee meeting July 23, 2012 but was not corrected prior in the 45 Day language.

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

As a code partially mandatory and partially voluntary for green building standards, it could have an effect. However, the mandatory measures proposed are generally of modest cost, and the benefits derived in terms of pollution reduction and the well-being of building users should outweigh the costs. The only alternative considered was changing the mandatory measures for existing buildings to voluntary in response to public comment, and CBSC chose instead a two-tiered approach to compliance that satisfied the commenter.

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

CBSC has determined that the proposed regulations could have adverse economic impact on small businesses, but the benefits derived in terms of pollution reduction, long-term cost savings, and the well-being of building users should outweigh the costs. No alternatives were considered, however, because the partially mandatory green building code was developed in response to the prior administration's direction for a 2010 green building code.