

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: 6/6/11

From:

Timothy M. Serie
Name (Print or type)


(Signature)

American Coatings Association

Agency, jurisdiction, chapter, company, association, individual, etc.

1500 Rhode Island Ave. Washington DC 20005
Street City State Zip

We do not agree with:

Section No. 4.504.2 & 4.504.2.2

and request that this section or reference provision be recommended:

Approved Disapproved Held for Further Study Approved as Amended

Suggested Revisions to the Text of the Regulations:

4.504.2 Finish material pollutant control. Finish materials installed inside the building weatherproofing envelope at the project site shall comply with this section.

4.504.2.2 Paints and coatings. Architectural paints and coatings shall comply with the California Air Resources Board 2007 Suggested Control Measure for Architectural Coatings VOC limits in Table 4 of the ARB Architectural Suggested Control Measure, as shown in Table 4.504.3, unless more stringent local regulatory limits apply. The VOC content limit for regulated coatings that do not meet the definitions for the specialty coatings categories listed in Table 4.504.3 shall be determined by classifying the coating as a Flat, Nonflat or Nonflat-High Gloss coating, based on its gloss, as defined in subsections 4.21, 4.36, and 4.37 of the 2007 California Air Resources Board, Suggested Control Measure, and the corresponding Flat, Nonflat or Nonflat-High Gloss VOC limit in Table 4.504.3 shall apply.

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.]

Although there are currently no proposed modifications for California Green Building Standards Code (CalGreen) Sections 4.504.2 and 4.504.2.2, we would like to suggest amendments to these Sections during this comment period to be consistent with our comments regarding Section 5.714.4.4. Section 5.714.4.4 contains identical language to Section 4.504.2, both of which establish VOC content limits to improve environmental quality. When combined, our proposed amendments would ensure that the language in Sections 4.504.2 and 5.714.4 is uniform.

Our proposed amendments add clarity to CalGreen Section 4.504.2, regarding pollutant control for finish materials in residential buildings, and address Health & Safety Code Section 18930(a)(6) – the "proposed building standard is not unnecessarily ambiguous or vague."

First, we urge the California Building Standards Commission to adopt our proposed modifications to Section 4.504.2.2. The first modification in this section clarifies that the VOC limits in Table 4.504.3 refer to the California Air Resources Board 2007 Suggested Control Measure for Architectural Coatings (CARB 2007 SCM). Referencing the CARB 2007 SCM regulation as a whole will help guide users, and importantly, will ensure that the intent, scope, and categorical definitions in the CARB regulations are incorporated into the CalGreen Standards.

Second, we ask that the term *regulated* be added to the phrase "coatings that do not meet the definitions" in Section 4.504.2.2 to ensure that CalGreen does not apply to otherwise non-regulated coatings. It does not appear that CalGreen was intended to regulate *all* coatings, but rather, only those coatings already regulated by the CARB 2007 SCM framework. Therefore, it is logical to modify this provision so that it only applies to regulated coatings.

Third, we request that the California Building Standards Commission adopt our proposed addition to Section 4.504.2, making it clear that Section 4.504.2 only applies to finish materials installed *inside* the building weatherproofing envelope at the project site. As it is currently written, Section 4.504.2 applies to all finish materials, regardless of whether they are installed on the exterior or interior of the building. This proposed addition would clarify that the intent of this particular section is to improve indoor air quality and protect the health of occupants inside the building.

Thank you for allowing the us to submit comments. If you have any questions or need any further information on the issues discussed here, please feel free to contact me at (202) 719-3706 or by email at tserie@paint.org.

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.