

STATE OF CALIFORNIA  
STATE AND CONSUMER SERVICES AGENCY  
CALIFORNIA BUILDING STANDARDS COMMISSION  
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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: 6/1/2011

From:

Josh Jacobs  
Name (Print or type)



(Signature)

GREENGUARD Environmental Institute  
Agency, jurisdiction, chapter, company, association, individual, etc.

2211 Newmarket Pkwy, Suite 110 Marietta Georgia 30067  
Street City State Zip

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

The Agency proposed modifications As Submitted on Section No. 5.714.4.4.3

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: *Further modify the proposed revisions as follows***

**5.714.4.4.3 Paints and coatings.** Architectural paints and coatings shall comply with VOC limits in Table 1 of the ARB Architectural Coatings Suggested Control Measure, as shown in Table 5.504.4.3 in Division 5.5, unless more stringent local limits apply. The VOC content limit for coatings that do not meet the definitions for the specialty coatings categories listed in Table 5.504.4.3, 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 5.504.4.3 shall apply. Alternatively, the paints and coatings shall show compliance with the California Department of Public Health 2010 Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions from Indoor Sources Using Environmental Chambers, Version 1.1, February 2010 (also known as Specification 01350.)

**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.]

The addition of the CA 01350 methodology as an alternative acceptable path is consistent with public comments from CARB and CDPH during the International Green Construction Code (IgCC) Code Development Hearing. The VOC content minimization standards that are currently referenced here were developed to help address outdoor air quality issues. Even though there are numerous manufacturers of paint that could show compliance with this now, we recognize that this would be a change to the way that manufacturers of these products have shown compliance to sustainable codes/standards for years. Therefore we suggest allowing those that have already taken the 'next step' to be able to show their products' compliance to this section by having actual VOC emission minimization criteria within it. So for now, this code should allow either VOC content or VOC emission compliance path in this section. These dual compliance pathways for this product type would also be consistent with what is currently in the IgCC and ASHRAE 189.1.

### **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.