

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

REGARDING ADOPTION OF AMENDMENTS TO THE 2010 CALIFORNIA BUILDING STANDARDS CODE, TITLE 24, CALIFORNIA CODE OF REGULATIONS (CCR), PARTS 2, 3, 4, 5 and 6 in TITLE 24, CCR, PART 11, CALIFORNIA GREEN BUILDING STANDARDS CODE

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 no revisions have been made which warrant changes to the initial statement of reasons issued for the 45-day Public Comment Period for Part 11, in which this provision was included for the purposes of compliance with Government Code §11346.1.

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)

COMMENTER: Eric R. Shamp, Principal, Ecotype Consulting, on **Section 5.106.8 Light pollution reduction:**

Mr. Shamp observes that most exterior luminaire manufacturers do not have backlight, upright and glare (BUG) ratings for their products, and he asks how compliance can be achieved.

RESPONSE: CBSC notes that the BUG ratings are not entirely new to the industry, having been adopted by the Illuminating Engineers Society of North America in a 2007 version after considerable exposure. Since these requirements, which received the support of California Energy Commission staff, are not mandated for compliance for another year, it is presumed that complying products will be available at that time.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

As a mandatory green building standard with a delayed effective date, it could have an effect when it becomes mandatory. However, as proposed, it is a significant improvement over the section it replaced as a result of a public petition based on warnings about public safety. If any, it should incur modest cost, and the benefits derived in terms of light pollution reduction and the well-being of communities should outweigh the costs.

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 light pollution reduction and the well-being of communities should outweigh the costs. No alternatives were considered, because the partially mandatory green building standards, including these provisions, were developed in response to former Governor Schwarzenegger's direction for a 2010 green building code. Current proposed changes to the light pollution section that were proposed as emergency regulations are currently voluntary to provide an introductory period for compliance, but are proposed to become mandatory on July 1, 2012.