

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2007 CALIFORNIA GREEN BUILDING STANDARDS CODE (CGBC)
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11**

The Administrative Procedure Act requires an Initial Statement of Reasons to be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE:

(Government Code Section 11346.2 requires a statement of specific purpose of **EACH** adoption, amendment or repeal and the rationale of the determination by the agency that EACH adoption, amendment or repeal is reasonably necessary to carry out the purpose for which it is proposed.

- When repealing adopted California original standards, summarize the effect of the standards and explain why the standard is no longer necessary
- When amending a standard, explain the standard proposed to be modified, explain the effect of the proposed modification, explain the inadequacy of the standards being modified, and explain why the proposed amendment is necessary)

1) The Public Problem, Administrative Requirement, or Other Circumstance Addressed.

Administrative Requirement: Health and Safety Code Section 17921 directs the Department of Housing and Community Development (HCD) to propose adoption, amendment or repeal of building standards for the protection of public health, safety and general welfare. Government Code Section 12955.1 provides direction for HCD to propose adoption of building standards necessary to prohibit discrimination in the design and construction of all housing other than publicly funded housing.

2) Specific Purpose

HCD has determined the adoption of the 2007 California Green Building Standards Code (CGBC) is needed pursuant to the requirements of Health and Safety Code Section 17921 and Government Code Section 12955.1.

The specific purpose of these regulations is to establish the 2007 CGBC, as indicated on the attached matrix table, into Part 11, Title 24, and CCR for the following programs:

- a) **State Housing Law:** 1. relative to residential occupancies, buildings or structures accessory thereto and as provided in Health and Safety Code Section 17921; 2. relative to California Fair Employment and Housing accessibility requirements as provided in Government Code Section 12955.1, except where the application is for public use only.
- b) **Employee Housing Act:** relative to any building or structure or outdoors on premises or property in accordance with Health and Safety Code Section 17040.
- c) **Factory-Built Housing Law:** relative to residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies in accordance with Health and Safety Code Section 19990.

3) Rationale for Necessity

HCD proposes to adopt green building standards for occupancies within its authority to provide a statewide framework of measures available to builders to (1) reduce greenhouse gas (GHG) emissions from buildings and (2) promote environmentally responsible, cost-effective and healthier places to live.

(1) GHG reduction has been mandated in recent years by the Governor through executive orders and in his signing into law AB 32 in 2006. AB 32 requires a cap on GHG emissions by 2020, mandatory emissions reporting and an ongoing market-based compliance program.

Technology, construction techniques, and various green building points-based programs, utility incentives, local ordinances, and state agency programs already exist to make substantial reductions in GHG.

(2) Additionally, GHG emissions reduction and environmental sensitivity by buildings may prove to save builders money, though initial costs may be higher.

Finally, the building process from planning and selecting the site, selecting the design team, developing the design, obtaining enforcement authority approvals, construction, and maintenance affords many opportunities for green features from which to choose. Future development of green building standards as minimum standards in the California Building Standards Code is planned to realize fully the purposes described above.

Specific Proposed Regulatory Actions: HCD proposes to adopt the 2007 CGBC. The rationale for each adoption by chapter and section is listed below.

CHAPTER 1. ADMINISTRATION

HCD is proposing adoption of this new California chapter.

SECTIONS: 101.1, 101.2, 101.3, 101.3.1, 101.4, 101.5, 101.5.1, 101.5.2, 101.5.3, 101.5.4, 101.5.5, 101.5.6, 101.6, 101.6.1, 101.6.2, 101.6.3, 101.7, 101.7.1, 101.8, 101.9, 101.10, 101.11, 102, 102.1, 102.2, 102.3, 104 and 104.1

HCD is proposing the adoption of a newly developed Chapter 1 for the California Green Building Standards Code (CGBC) with sections specific to the needs of California and each state agency. This new chapter will promote uniform enforcement throughout the state and ensure local enforcement agencies are provided accurate statutory information regarding the enforcement of building standards in the State of California.

The proposed new California Chapter 1 is consistent with the format used in other parts of the California Building Standards Codes.

CHAPTER 2. DEFINITIONS

HCD is proposing adoption of this new California chapter.

SECTIONS: 201.1, 201.2, 201.3, 201.4 and 202

Sections: 201.1, 201.2, 201.3 and 201.4

HCD is proposing the adoption of these new California sections to eliminate uncertainty and provide clarity to the code user regarding the use of definitions. Building standards codes commonly do not contain definitions for all words or terms used within the text of the code. The code user needs guidance on how to interpret words used in plural, past or present tense and other variations. The code user also needs guidance to correlate this code with other codes contained in Title 24 of the California Code of Regulations. Through adoption of these sections, HCD is providing the code user with clarity on proper use of terms that are both defined in the proposed adoption and on terms or words that are not included in the CGBC.

Section: 202

HCD proposes to adopt definitions for the terms in this new California section into Title 24, Part 11, CGBC. A uniform definition will provide clarity for the code user and consistency in the code application. The terms contained in this section are used within the text of the CGBC and need to have the proposed meanings assigned to them for proper interpretation and understanding.

CHAPTER 3. GREEN BUILDING

HCD is proposing adoption of this new California chapter.

SECTIONS: 301.1 and 302.1

Section 301.1

HCD is proposing the adoption of this new California section to eliminate uncertainty and provide clarity to the code user regarding the measures contained in the CGBC. The CGBC contains different types of green building measures. Some of the measures included in the CGBC are optional, some are required and others may have a delayed effective date to allow the regulated public to acclimate to the newly enacted green building standard. For proper enforcement and interpretation the code user needs guidance and the general understanding of the different measures contained in the CGBC.

Section 302.1

HCD is proposing the adoption of this new California section to eliminate uncertainty and provide clarity to the code user regarding mixed occupancy buildings. The CGBC covers several types of occupancies which do not share common concerns. This section clarifies that different types of occupancies shall comply only with features that are appropriate and intended to apply to the specific occupancy.

CHAPTER 4. PLANNING AND DESIGN

HCD is proposing adoption of the following sections in this new California chapter.

SECTIONS: 401.1, 402.1, 406.1 and 406.2

Section: 401.1

HCD is proposing the adoption of this new California section to eliminate uncertainty and provide clarity to the code user regarding the measures contained in the CGBC. This section provides the code user with necessary general knowledge regarding the goals and items covered by this chapter.

Section: 402.1

HCD is proposing the adoption of this new California section to eliminate uncertainty and provide clarity to the code user regarding the use of definitions. Building standards codes commonly do not contain definitions for all words or terms used within the text of the code. The code user needs guidance on how to interpret words used in this code. Through adoption of these sections HCD is providing the code user with clarity on proper use of terms that are used in the CGBC.

Sections: 406.1 and 406.2

HCD is proposing the adoption of this new California section to eliminate uncertainty and provide clarity to the code user regarding storm water drainage. Currently the California State Water Resources Control Board (SWRCB) issues permits to ensure a Storm Water Prevention Plan (SWPPP) in compliance with applicable state regulations is issued and implemented for projects which are larger than one acre. This section will apply to construction projects less than one acre which are outside the scope of the SWRCB. This section will help prevent pollution from storm water runoff by retaining soil on site or by providing filtering to restrict sedimentation from reaching storm water drainage systems and receiving streams or rivers.

CHAPTER 5. ENERGY EFFICIENCY

HCD is proposing adoption of the following sections in this new California chapter.

SECTIONS: 501.1, 502.1, 503.2, 506.1 and 506.1.1

Section: 501.1

HCD is proposing the adoption of this new California section to eliminate uncertainty and provide clarity to the code user regarding the measures contained in the CGBC. This section provides the code user with necessary general knowledge regarding the goals and items covered by this chapter.

Section: 502.1

HCD is proposing the adoption of this new California section to eliminate uncertainty and provide clarity to the code user regarding the use of definitions. Building standards codes commonly do not contain definitions for all words or terms used within the text of the code. The code user needs guidance on how to interpret words used in this code. Through adoption of these sections HCD is providing the code user with clarity on proper use of terms that are used in the CGBC.

Section: 503.2

HCD is proposing the adoption of this new California section to eliminate uncertainty and provide clarity to the code user regarding required minimum energy efficiency standards. Currently the California Energy Commission (CEC) adopts regulations to establish the minimum level of energy efficiency a structure that is heated or cooled must meet or exceed. HCD is proposing adoption of this section to affirm to the code user that exceeding the level of performance required by CEC regulations is not a requirement of this code.

Sections: 506.1 and 506.1.1

HCD is proposing the adoption of this new California section to eliminate uncertainty and provide clarity to the code user regarding the sealing of joints or openings between the interior of a building and the exterior. Currently, the California Energy Commission (CEC) adopts regulations to establish what joints or openings in a building must be sealed to restrict the infiltration and exfiltration between conditioned and unconditioned space. HCD is proposing adoption of this section to address other openings not covered by regulations adopted by the CEC.

CHAPTER 6. WATER EFFICIENCY AND CONSERVATION

HCD is proposing adoption of the following sections in this new California chapter.

SECTIONS: 601.1, 602.1, 603.2, Table 603.1 and Table 603.2

Section: 601.1

HCD is proposing the adoption of this new California section to eliminate uncertainty and provide clarity to the code user regarding the measures contained in the CGBC. This section provides the code user with necessary general knowledge regarding the goals and items covered by this chapter.

Section: 602.1

HCD is proposing the adoption of this new California section to eliminate uncertainty and provide clarity to the code user regarding the use of definitions. Building standards codes commonly do not contain definitions for all words or terms used within the text of the code. The code user needs guidance on how to interpret words used in this code. Through adoption of these sections HCD is providing the code user with clarity on proper use of terms that are used in the CGBC.

Sections: 603.2, Table 603.1 and Table 603.2

HCD is proposing the adoption of these new California sections and tables to eliminate uncertainty and provide clarity to the code user regarding indoor water use. Currently the California Energy Commission (CEC) adopts regulations to establish the minimum water flow rates for specified appliances in Title 20 of the California Code of Regulations. The CEC includes shower heads, faucets and other plumbing fixtures and fittings in its definition of appliance and flow rates adopted by the CEC mirror those set by the U.S. Department of Energy. HCD is proposing to reduce the indoor water use by 20%. These sections specify two methods to meet the 20% reduction: 1) a prescriptive 20% reduction in the flow rate of each fixture from what is currently allowed and; 2) a method to calculate base line water compared to the proposed water use.

CHAPTER 7. MATERIAL CONSERVATION AND RESOURCE EFFICIENCY

HCD is proposing adoption of the following sections in this new California chapter.

SECTIONS: 701.1, 702.1, 708.2 and 710.2

Section: 701.1

HCD is proposing the adoption of this new California section to eliminate uncertainty and provide clarity to the code user regarding the measures contained in the CGBC. This section provides the code user with necessary general knowledge regarding the goals and items covered by this chapter.

Section: 702.1

HCD is proposing the adoption of this new California section to eliminate uncertainty and provide clarity to the code user regarding the use of definitions. Building standards codes commonly do not contain definitions for all words or terms used within the text of the code. The code user needs guidance on how to interpret words used in this code. Through adoption of these sections HCD is providing the code user with clarity on proper use of terms that are used in the CGBC.

Section: 708.2

HCD is proposing the adoption of this new California section to eliminate uncertainty and provide clarity to the code user regarding the diversion of 50% of the construction waste generated from a landfill. Landfills produce significant amounts of methane gas, a direct greenhouse gas. HCD is proposing that 50% of the waste generated during the construction process be diverted from landfills through the use of recycle, reuse or other methods of salvage. Recycled materials typically require less energy than producing goods from virgin materials. HCD is also proposing to allow alternate waste reduction methods if local diversion or recycle facilities are not capable of compliance with the reduction mandate.

Section: 710.2

HCD is proposing the adoption of this new California section to eliminate uncertainty and provide clarity to the code user. As construction practices become more sophisticated, a certain level of knowledge is required to maintain building systems and equipment. Educational materials, operation and maintenance manuals and information provided to occupants and owners can ensure buildings and equipment are properly maintained. Information provided to owners and occupants regarding other activities such as landscape design and maintenance, public transportation options, and recycle opportunities will encourage additional use and benefits.

CHAPTER 8. ENVIRONMENTAL AIR QUALITY

HCD is proposing adoption of the following sections in this new California chapter.

SECTIONS: 801.1, 802.1, 804.3, 804.4, 804.1, 804.4.1, 804.4.2, Table 804.4.1, Table 804.4.2, 804.4.3, 804.4.3.1, 804.4.3.2, 804.4.4, 804.4.4.1, 804.4.4.2, 805.1, 805.2, 805.2.1, 805.3, 806.3 and 806.4

Section: 801.1

HCD is proposing the adoption of this new California section to eliminate uncertainty and provide clarity to the code user regarding the measures contained in the CGBC. This section provides the code user with necessary general knowledge regarding the goals and items covered by this chapter.

Section: 802.1

HCD is proposing the adoption of this new California section to eliminate uncertainty and provide clarity to the code user regarding the use of definitions. Building standards codes commonly do not contain definitions for all words or terms used within the text of the code. The code user needs guidance on how to interpret words used in this code. Through adoption of these sections HCD is providing the code user with clarity on proper use of terms that are used in the CGBC.

Section: 804.3

HCD is proposing the adoption of this new California section to eliminate uncertainty and provide clarity to the code user regarding the covering of duct systems and equipment during construction. Unprotected ducts used by heating and air conditioning equipment can accumulate dust, debris and other airborne contaminants during the construction process and contribute to poor indoor air quality. This proposal will require ducts and equipment to be covered or sealed to prevent the contamination during construction.

Sections: 804.4, 804.4.1, 804.4.2, Table 804.4.1 and Table 804.4.2

HCD is proposing the adoption of this new California section to eliminate uncertainty and provide clarity to the code user regarding indoor air quality. Most indoor air pollution comes from sources inside the building. Paints, stains, adhesives, carpeting, upholstery, manufactured wood products, pesticides, and cleaning agents may emit volatile organic compounds (VOCs), including formaldehyde. Research shows that some VOCs can cause chronic and acute health effects at high concentrations, and some are known carcinogens. Low to moderate levels of multiple VOCs may also produce acute reactions. HCD is proposing adoption of VOC limits developed by the South Coast Air Quality Management District (SCAQMD) and is including tables to assist the code user in identification of the VOC limits for adhesives, sealants, paints and other coatings.

Sections: 804.4.3, 804.4.3.1 and 804.4.3.2

HCD is proposing the adoption of this new California section to eliminate uncertainty and provide clarity to the code user regarding indoor air quality. Most indoor air pollution comes from sources inside the building. Paints, stains, adhesives, carpeting, upholstery, manufactured wood products, pesticides, and cleaning agents may emit volatile organic compounds (VOCs), including formaldehyde. Research shows that some VOCs can cause chronic and acute health effects at high concentrations, and some are known carcinogens. Low to moderate levels of multiple VOCs may also produce acute reactions. HCD is proposing carpet systems be labeled or documented to meet the Carpet and Rug Institute's (CRI) Green Label or Green Label Plus program.

Sections: 804.4.4, 804.4.4.1 and 804.4.4.2

HCD is proposing the adoption of this new California section to eliminate uncertainty and provide clarity to the code user regarding the use of formaldehyde in interior finish materials. In homes, the most significant sources of formaldehyde are likely to be pressed wood products made using adhesives that contain urea-formaldehyde (UF) resins. Pressed wood products made for indoor use include: particleboard (used as sub-flooring and shelving and in cabinetry and furniture); hardwood plywood paneling (used for decorative wall covering and used in cabinets and furniture); and medium density fiberboard (used for drawer fronts, cabinets, and furniture tops). Medium density fiberboard contains a higher resin-to-wood ratio than other UF pressed wood product and is generally recognized as being the highest formaldehyde-emitting pressed wood product. Formaldehyde exposure at elevated levels (above 0.1 parts per million) may cause a wide range of health related issues. Homes with significant amounts of new pressed wood products can have formaldehyde concentration levels greater than 0.3 ppm.

Since 1985, the Department of Housing and Urban Development (HUD) has only allowed the use of plywood and particleboard that conform to specified formaldehyde emission limits in the construction of prefabricated and mobile-homes. In the past, some of these homes had elevated levels of formaldehyde because of the large amount of pressed wood products used in their construction. With this proposal, HCD is specifying compliance with standards recommended by the US Department of Environmental Protection for indoor air-quality.

Sections: 805.1, 805.2 and 805.2.1

HCD is proposing the adoption of this new California section to eliminate uncertainty and provide clarity to the code user regarding moisture control and the use of a vapor retarder in slab on grade foundation systems. In Section 805.1, HCD is proposing to include references to direct the code user to the California Building Code for general ventilation and moisture control requirements. HCD currently adopts Section 1910 of the California Building code which specifies where vapor barriers are required. However, Section 1910 is not explicit regarding the type of fill which may be used. This proposal will specify an aggregate base on ½" or larger material must be used as a capillary break and clarify that the vapor retarder must be placed above the aggregate and in contact with the concrete slab. HCD is also proposing to allow equivalent methods to be used provided the same protections will be maintained. HCD is also including regulatory language to specify that successful use of vapor retarders will require additional consideration to prevent curling or cracking. A reference to The American Concrete Institute has also been added. HCD is including these requirements to address moisture and mold issues that can affect indoor air quality.

Section: 805.3

HCD is proposing the adoption of this new California section to eliminate uncertainty and provide clarity to the code user regarding moisture content of framing and insulation materials prior to enclosure. HCD currently adopts sections of the California Building Code which specify maximum levels of moisture in framing materials. Depending on the type of materials those levels range between 15% and 20%. Currently, there is no requirement for moisture content to be verified prior to enclosure of a wall or floor cavities which can lead to the growth of mold or other biological growth. This proposal will require moisture content to be verified to the satisfaction of the enforcing agency prior to approval to enclose wall and floor cavities.

Section: 806.3

HCD is proposing the adoption of this new California section to eliminate uncertainty and provide clarity to the code user regarding moisture management inside the dwelling. Currently, there is no requirement for an exhaust fan to be installed in rooms which contain a bathtub, shower, or tub/shower combination which can lead to the growth of mold or other biological growth. This proposal will require exhaust fans to be installed in all rooms containing a bathtub, shower, or tub/shower combination.

Section: 806.4

HCD is proposing the adoption of this new California section to eliminate uncertainty and provide clarity to the code user regarding filtering of return or circulating air. Currently, there is no filter rating requirement for heating and air conditioning systems used in low-rise residential occupancies. This proposal will require filters to meet a Merv 6 or higher rating. Micro-particulates have been identified by the US Environmental Protection Agency as a leading cause in respiratory ailments. Filters with a rating of Merv 6 or higher are believed to provide significantly cleaner air and create a healthier environment due to an increase in filter effectiveness. However, some typical mechanical systems used in residential construction do not have the ability to accommodate a value higher than Merv 6 without negatively affecting the ability of the system fan to move an adequate amount of air across the filter media. HCD's proposal may require mechanical contractors to use a slightly deeper filter cabinet to accommodate a Merv 6 filter but will not negatively affect the performance of the system or require larger fans to be installed.

CHAPTER 9. REFERENCED STANDARDS

HCD is proposing adoption of this new California chapter.

Section: 901.1

HCD is proposing the adoption of this new California section to eliminate uncertainty and provide clarity to the code user regarding standards referenced in the CGBC. This section provides the code user with contact information for organizations that have developed standards referenced or used in the CGBC.

CHAPTER 10. INSTALLER AND THIRD PARTY QUALIFICATIONS

HCD is proposing adoption of section headings of this new California chapter.

Sections: 1001, 1002 and 1003

HCD is proposing the adoption of the section headings of this new California chapter to eliminate uncertainty and provide clarity to the code user. Currently, HCD is not proposing to adopt any new requirements for installers or third party inspectors. In future adoption packages HCD may develop training or certification requirement for persons involved with the verification of some technical installations contained in the CGBC.

CHAPTER 11. APPLICATION CHECKLISTS AND WORKSHEETS

HCD is proposing adoption of application checklist and worksheets in this new California chapter.

Application checklists: Application Checklist (AC-HCD)

HCD is proposing the adoption of this new California application checklist to eliminate uncertainty and provide clarity to the code user regarding what standards apply to occupancies under the authority of HCD and to provide the code user with the date the adopted standards would become effective. The application checklist also provides the code user with a reference section number that will provide additional guidance regarding proper implementation of the specific green building measure identified in the application checklist.

Worksheets: Worksheet WS 1- Baseline Water Use and Worksheet WS 2- Reduction Water Use Calculations Table

HCD is proposing the adoption of these new California water use worksheets to eliminate uncertainty and provide clarity to the code user regarding indoor water use reduction. HCD is proposing to cut indoor water use in all low-rise residential occupancies by 20%. In this proposal the code user is given two options to comply with the reduction. The prescriptive option provides a flow level for each fixture that cannot be exceeded. The performance option utilizes these two worksheets to demonstrate the 20% reduction. WS-1 is used to establish the baseline water use of the proposed project without the reduction. After the baseline water use is established, WS-2 is used to allow the use higher flow rates in some fixtures and compensate for the higher flow rate with reduced flow rate in other fixtures. This proposal allows the code user flexibility in meeting the 20% indoor water use reduction proposed by HCD.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:

(Government Code Section 11346.2(b)(2) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).)

California Green Builder
LEED for Homes Pilot
NAHB Model Green Homebuilding Guidelines
US Environmental Protection Agency - Indoor Air Package
Build It Green
American Concrete Institute - Standard ACI 302.1R-04 and ACI 302.2R-06
South Coast Air Quality Management District – Rule 1113 and Rule 1168
California State Water Resources Control Board- Construction Storm Water Program
A California Builders Guide to Reduced Mold Growth – A Report to the California Energy Commission

CONSIDERATION OF REASONABLE ALTERNATIVES

(Government Code Section 11346.2(b)(3)(A) requires a description of reasonable alternatives to the regulation and the agency's reason for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternative.)

None. There were no alternatives available to HCD. Recent proposed green building legislation (AB 35 regarding state-owned buildings, AB 888 regarding commercial B-occupancy buildings and AB 1035 regarding residential construction) was vetoed by the Governor. However, in his veto messages, the Governor expressed his support for development of green building standards, but advised that they should not be statutory, not conflict with current safety standards, and not rely on private entities to set standards. HCD has collaborated with the CBSC and other state agencies to develop green building standards, gleaned from all nationally recognized programs, ensuring an open public adoption process.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

(Government Code Section 11346.2(b)(3)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business. Include facts, evidence, documents, testimony, or other evidence upon which the agency relies to support an initial determination that the action will not have a significant adverse impact on business.)

HCD has determined that this regulatory action would have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS.

(Government Code Section 11346.2(b)(4) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.)

None.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

(Government Code Section 11346.2(b)(5) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment. It is not the intent of this paragraph to require the agency to artificially construct alternatives or to justify why it has not identified alternatives.)

These regulations neither duplicate nor conflict with federal regulations.