



May 7, 2008

State of California  
State and Consumer Services Agency  
California Building Standards Commission  
2525 Natomas Park Dr., Suite 130  
Sacramento, CA 95833

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ASST. DEVELOPMENT SERVICES DIRECTOR  
CITY OF REDDING

RICHARD S. RENFRO, C.B.O.

BUILDING OFFICIAL  
CITY OF ELK GROVE

Dear Commissioners:

I am writing on behalf of the California Building Officials (CALBO).

CALBO's members have a strong commitment to protecting our environment, while building a sustainable California which will benefit future generations. We also believe that when it comes to building standards, "green" or otherwise, that California is best served when the traditional rule making and building standards process is used.

The CALBO Green Building Committee has reviewed the proposed green building standards dated March 18<sup>th</sup> 2008, excluding the reference standards, application checklist, worksheet and Appendix A. CALBO's suggested amendments are provided on the accompanying written comment forms. The following is a summary of CALBO's recommendations and comments on the proposed building standards:

- As a general rule of law, and for writing codes which may become law, hyper links to private websites embedded into code language should be avoided. While this practice may be suitable for a user manual, it is not appropriate in a building code. Such references and links should be placed in the Appendix as a reference or resource section.
- When state agencies adopt the same sections, they should coordinate the language to the extent possible to avoid inconsistencies. This not only makes it easier for the end user, it also eliminates the need to print multiple or duplicative text for the same section, saving paper and ink.
- There is language proposed that conflicts with, or is contrary to, existing state law including the lack of specific statutory authority for which we have proposed deletions or amendments. There are also a number of proposed chapters or code sections that include language that is simply not enforceable or is not a building Standard. The committee has proposed amendments to all of these chapters or sections, including deletion of text, or movement of material to the appendix chapter for further study, and the opportunity to resolve conflicts.

Thank you for your time and consideration on this matter. The CALBO Green Building Committee believes this to be a great step forward to a more sustainable California and we look forward to working together to achieve that goal.

Sincerely,

William R. Schock  
Chair, CALBO Green Building Committee

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(916) 263-0916 Phone  
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Email: BSC@dgs.ca.gov

Office Use Item No. \_\_\_\_\_

**PARTICIPATION COMMENTS FOR THE NOTICE DATED MARCH 18, 2008**  
Written comments are to be sent to the above address.

**WRITTEN COMMENT DEADLINE: MAY 12, 2008**

Date: May 9, 2008

From: William Schock  
Name (Print or type)

California Building Officials (CALBO) C/O William Schock  
Agency, jurisdiction, chapter, company, association, individual, etc.

<u>835 East 14<sup>th</sup> Street</u>	<u>San Leandro</u>	<u>CA</u>	<u>94577</u>
Street	City	State	Zip

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

The Agency proposed modifications As Submitted on CBSC Section No. 101.7

and request that this section or reference provision be recommended:

Approved  Disapproved  Held for Further Study  Approved as Amended

to the proposing state agency.

**Suggested Revisions to the Text of the Regulations:**

**101.7 City, county, or city and county amendments, additions or deletions.** This code does not limit the authority of city, county, or city and county governments to make necessary changes to the provisions contained in this code pursuant to Section 101.7.1. The effective date of amendments, additions, or deletions to this code of cities, counties, or city and counties filed pursuant to Section 101.8.1 shall be the date on which it is filed with CBSC. ~~However, in no case shall the amendments, additions or deletions to this code be effective any sooner than the effective date of this code.~~

Local modifications shall comply with Health and Safety Code Section 18941.5 (b) for Building Standards Law, Health and Safety Code Section 17958.5 for State Housing Law, or Health and Safety Code Section 13869.7 for Fire Protection Districts.

**Reason:** [The reason should be concise. If the request is for "Disapproval," "Further Study," or "Approve As Amend", identify at least one of the 9-point criteria (following) of Health and Safety Code §18930.]

- (1) The proposed building standard conflicts with, overlaps, or duplicates other building standards.
- (2) The proposed building standard is not within the parameters

established by enabling legislation and is expressly within the exclusive jurisdiction of another agency.

- (3) The public interest does not require the adoption of the building standard.
- (4) The proposed building standard is unreasonable, arbitrary, unfair, and capricious, in whole or in part.
- (5) The cost to the public is not reasonable, based on the overall benefit to be derived from the building standards.

### **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.
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  - (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.
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I/We  (do)  (do not) agree with:

The Agency proposed modifications As Submitted on CBSC Section No. 102.3

and request that this section or reference provision be recommended:

Approved     Disapproved     Held for Further Study     Approved as Amended

to the proposing state agency.

**Suggested Revisions to the Text of the Regulations:**

**102.3 Verification.** Documentation of conformance for applicable green building measures shall be provided to the enforcing agency. Third-party verification or other special documentation shall be provided as specified in this code or as required by the enforcing agency. Alternate methods of documentation shall be acceptable when the enforcing agency finds that the proposed alternate documentation is satisfactory to demonstrate substantial conformance with the intent of the proposed green building measure.

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

The Agency proposed modifications As Submitted on CBSC Section No. 103.1

and request that this section or reference provision be recommended:

Approved     Disapproved     Held for Further Study     Approved as Amended

to the proposing state agency.

**Suggested Revisions to the Text of the Regulations:**

**103.1** Specific scope of application of the agency responsible for enforcement, the enforcement agency, and the specific authority to adopt and enforce such provisions of this code, unless otherwise stated.

**1. State buildings for A all occupancies.**

**Application** – State buildings (all occupancies), including buildings constructed by the Trustees of the California State University and the Regents of the University of California where no state agency has the authority to adopt building standards applicable to such buildings.

**Enforcing Agency** – State or local agency specified by the applicable provisions of law.

**Authority Cited** – Health and Safety Code Sections 18934.5 and 18938 (b).

**Reference** – Health and Safety Code, Division 13, Part 2.5, commencing with Section 18901.

**Reason:** [The reason should be concise. If the request is for “Disapproval,” “Further Study,” or “Approve As Amend”, identify at least one of the 9-point criteria (following) of Health and Safety Code §18930.]

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

The Agency proposed modifications As Submitted on CBSC Section No. 705

and request that this section or reference provision be recommended:

Approved  Disapproved  Held for Further Study  Approved as Amended

to the proposing state agency.

**Suggested Revisions to the Text of the Regulations:**

Relocate section 705 to the appendix chapter.

**SECTION 705**  
**MATERIAL SOURCES**

**705.1 Regional materials.** Compared to other products in a given product category, select building materials or products for permanent installation on the project that have been harvested or manufactured in California or within 500 miles of the project site.

1. For those materials locally manufactured, select materials manufactured using low embodied energy or those that will result in net energy savings over their useful life.
2. Regional materials shall make up at least 10%, based on cost, of total materials value.
3. If regional materials make up only part of a product, their values are calculated as percentages based on weight.
4. Provide documentation of the origin, net projected energy savings, and value of regional materials.

**705.2 Bio-based materials.** Select bio-based building materials and products made from solid wood, engineered wood, bamboo, wool, cotton, cork, straw, natural fibers, products made from crops (soy-based, corn-based) and other bio-based materials with at least 50% bio-based content.

**705.2.1 Certified wood products.** Employ wood-based materials and products comprising at least 50% of a major building component, such as framing, flooring, or millwork, which are certified in accordance with one of the following standards organizations' requirements:

1. Forest Stewardship Council (FSC) Principles and Criteria for wood framing and paneling. (FSC also has a certification process for federal lands.)
2. Canadian Standards Association Z809 Standards. (CSA may also have a certification process for federal lands.)
3. Sustainable Forestry Initiative Standard, 2005-2009.
4. American Tree Farm System, 2004-2008 AFF Standard
5. Programme for the Endorsement of Forest Certification Schemes (PEFC)

**705.2.2 Rapidly renewable materials.** Use materials made from plants harvested within a ten-year cycle for at least 2.5% of total materials value, based on estimated cost.

**705.3 Reused materials.** Use salvaged, refurbished, refinished, or reused materials for a minimum of 5% of the total value, based on estimated cost of materials on the project. Provide documentation as to the respective values.

**705.3.1 Sources of reused materials.** Sources of some reused materials can be found at <http://www.ciwmb.ca.gov/RCP/Product.asp?VW=CAT&CATID=257>

See also Appendix A, Sections A405.1 and A405.2 for on-site materials reuse.

**705.4 Recycled content.** Use materials, equivalent in performance to virgin materials, with post-consumer or pre-consumer recycled content value (RCV) for a minimum of 10% of the total value, based on estimated cost of materials on the project. Provide documentation as to the respective values.

**705.4.1 Determination of recycled content value (RCV).** The recycled content of a material assembly shall be determined by weight, and the fractional value of the weight is then multiplied by the total estimated cost of the material assembly.

**705.4.2 Sources of recycled materials.** Sources and recycled content of some recycled materials can be found at <http://www.ciwmb.ca.gov/RCP/Product.asp?VW=CAT&CATID=257>.

**705.5 Cement and concrete.** Use cement and concrete made with recycled products complying with Sections 705.6.1 through 705.6.3.

**705.5.1 Alternative fuels.** Where permitted by state or local air quality standards, use alternative fuels in the manufacture of cement.

**705.5.2 Cement.** Meet the following standards for cement:

1. Portland Cement shall meet ASTM C 150 Specifications.
2. Blended Cement shall meet ASTM C 595 or ASTM C 1157.

**705.5.3 Concrete.** Use concrete manufactured in accordance with Sections 706.6.3.1 and 706.6.3.2, as approved by the enforcing agency.

**705.5.3.1 Industrial byproducts.** Use concrete made with the following materials:

1. Fly ash meeting ASTM C 618, Specification for Coal Fly Ash and Raw or Calcined Natural Pozzolan for Use in Concrete.
2. Slag cement meeting ASTM C 989, Specification for Ground Granulated Blast-Furnace Slag for Use in Concrete and Mortars, up to 70%
3. Silica fume meeting ASTM C 1240, Specification for Silica Fume Used in Cementitious Mixtures, up to 7%.

**705.5.3.2 Recycled aggregates.** Use concrete made with one of the following materials:

1. Blast furnace slag as a lightweight aggregate.
2. Recycled concrete that meets grading requirements of ASTM C 33, Standard Specification for Concrete Aggregates.

**Reason:** [The reason should be concise. If the request is for “Disapproval,” “Further Study,” or “Approve As Amend”, identify at least one of the 9-point criteria (following) of Health and Safety Code §18930.]

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

The Agency proposed modifications As Submitted on CBSC Section No. 709

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Approved  Disapproved  Held for Further Study  Approved as Amended

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**Suggested Revisions to the Text of the Regulations:**

Relocate section 709 to the appendix chapter.

**SECTION 709**  
**LIFE CYCLE ASSESSMENT**

**709.1 Materials and system assemblies.** Select materials assemblies based on life cycle assessment of their embodied energy and/or green house gas emission potentials.

**709.1.1 Materials and system assemblies.** Software for calculating life cycle costs for materials and assemblies may be found at:

1. the Athena Institute web site at: <http://www.athenasmi.ca/tools/impactEstimator/>
2. the NIST BEES web site at: <http://www.bfrl.nist.gov/oae/software/bees/> .
3. Life Cycle assessment may also be done in accordance with ISO Standard 14044, [www.iso.ch](http://www.iso.ch) .

**709.1.2 Additional resources.** More information on life cycle assessment may be found at the Sustainable Products Purchasers Coalition: [www.sppcoalition.org](http://www.sppcoalition.org) ; at the American Center for Life Cycle Assessment: [www.lcacenter.org](http://www.lcacenter.org) ; at U.S. EPA Life Cycle Assessment Research: [www.epa.gov/nrmrl/lcaccess/index.html](http://www.epa.gov/nrmrl/lcaccess/index.html) ; and at U.S. EPA Environmentally Preferable Products: [www.epa.gov/epp](http://www.epa.gov/epp) .

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### **HEALTH & SAFETY CODE SECTION 18930**

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Office Use Item No. \_\_\_\_\_

**PARTICIPATION COMMENTS FOR THE NOTICE DATED MARCH 18, 2008**  
Written comments are to be sent to the above address.

**WRITTEN COMMENT DEADLINE: MAY 12, 2008**

Date: May 9, 2008

From: William Schock  
Name (Print or type)

California Building Officials (CALBO) C/O William Schock  
Agency, jurisdiction, chapter, company, association, individual, etc.

835 East 14<sup>th</sup> Street                      San Leandro                      CA                      94577  
Street                                      City                                      State                      Zip

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

The Agency proposed modifications As Submitted on CBSC Section No. 710.1.1

and request that this section or reference provision be recommended:

Approved     Disapproved     Held for Further Study     Approved as Amended

to the proposing state agency.

**Suggested Revisions to the Text of the Regulations:**

Relocate section 710.1.1 to the appendix chapter.

**710.1.1 Sample ordinance.** Space allocation for recycling areas shall comply with Chapter 18, Part 3, Division 30 of the Public Resources Code. Chapter 18 is known as the California Solid Waste Reuse and Recycling Access Act of 1991 (Act.) A sample ordinance for use by local agencies may be found in Appendix A of the document at the California Integrated Waste Management's web site at:  
<http://www.ciwmb.ca.gov/Publications/LocalAsst/31000012.doc>

**Reason:** [The reason should be concise. If the request is for "Disapproval," "Further Study," or "Approve As Amend", identify at least one of the 9-point criteria (following) of Health and Safety Code §18930.]

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

The Agency proposed modifications As Submitted on CBSC Section No. 804.4.4.1

and request that this section or reference provision be recommended:

Approved     Disapproved     Held for Further Study     Approved as Amended

to the proposing state agency.

**Suggested Revisions to the Text of the Regulations:**

Delete section 804.4.4.1

~~**804.4.4.1 Early compliance.** Where complying product is available for non-residential occupancies, meet Phase 2 requirements before the compliance dates indicated in Table 804.4.~~

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The Agency proposed modifications As Submitted on CBSC Section No. 804.5.1

and request that this section or reference provision be recommended:

Approved     Disapproved     Held for Further Study     Approved as Amended

to the proposing state agency.

**Suggested Revisions to the Text of the Regulations:**

**Delete section 804.5.1 (3)**

**804.5 Hazardous particulates and chemical pollutants.** Minimize and control pollutant entry into buildings and cross-contamination of regularly occupied areas.

**804.5.1 Entryway systems.** Install permanent entryway systems measuring at least six feet in the primary direction of travel to capture dirt and particulates at entryways directly connected to the outdoors.

1. Qualifying entryways are those that serve as regular entry points for building users.
2. Acceptable entryway systems include, but are not limited to, permanently installed grates, grilles, or slotted systems that allow cleaning underneath.
3. ~~Roll out mats are acceptable only when maintained regularly by janitorial contractors as documented in service contract, or by in-house staff as documented by written policies and procedures.~~

**Reason:** [The reason should be concise. If the request is for “Disapproval,” “Further Study,” or “Approve As Amend”, identify at least one of the 9-point criteria (following) of Health and Safety Code §18930.]

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

The Agency proposed modifications As Submitted on CBSC Section No. 804.7

and request that this section or reference provision be recommended:

Approved     Disapproved     Held for Further Study     Approved as Amended

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**Suggested Revisions to the Text of the Regulations:**

**Delete section 804.7**

~~**804.7 Environmental tobacco smoke (ETS) control.** Prohibit smoking within 25 feet of building entries, outdoor air intakes and operable windows and in buildings; or as enforced by ordinances, regulations, or policies of any city, county, city and county, California Community College, campus of the California State University, or campus of the University of California, whichever are more stringent.~~

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

The Agency proposed modifications As Submitted on CBSC Section No. 807

and request that this section or reference provision be recommended:

Approved  Disapproved  Held for Further Study  Approved as Amended

to the proposing state agency.

**Suggested Revisions to the Text of the Regulations:**

**Relocate section 807 to the appendix**

**SECTION 807**  
**ENVIRONMENTAL COMFORT**

**807.1 Lighting and thermal comfort controls.** Provide controls in the workplace as described in Sections 807.1.1 and 807.1.2.

**807.1.1 Single-occupant spaces.** Provide individual controls that meet energy use requirements in the 2007 California Energy Code in accordance with Sections 807.1.1.1 and 807.1.1.2.

**807.1.1.1 Lighting.** Provide individual task lighting and/or daylighting controls for at least 90% of the building occupants.

**807.1.1.2 Thermal comfort.** Provide individual thermal comfort controls for at least 50% of the building occupants.

1. Occupants shall have control over at least one of the factors of air temperature, radiant temperature, air speed, and humidity as described in ASHRAE 55-2004.
2. Occupants inside 20 feet of and within 10 feet either side of operable windows can substitute windows to

control thermal comfort. The areas of operable window must meet the requirements of Section 121 of the California Energy Code

**807.1.2 Multi-occupant spaces.** Provide lighting and thermal comfort system controls for all shared multi-occupant spaces, such as classrooms and conference rooms.

**807.2 Verification of indoor environmental quality.** Within a period of six to 18 months after occupancy, conduct an indoor environmental survey of building occupants.

1. Collect voluntary anonymous responses about indoor environmental quality, including thermal comfort, air quality, lighting, acoustics, daylighting, and operable windows.
2. Take corrective action if the survey results indicate that more than 20% of surveyed occupants are dissatisfied with thermal comfort, or if more than 5% complain of odor, irritation, fatigue, nausea, and respiratory problems arising from the workplace.
3. Samples of survey format and appropriate responses may be found at <http://www.cbe.berkeley.edu/RESEARCH/survey.htm> .

**807.3 Daylight.** Provide daylit spaces as required for toplighting and sidelighting in the 2007 California Energy Code. In constructing a design, consider the following:

1. Use of light shelves and reflective room surfaces to maximize daylight penetrating the rooms.
2. Means to eliminate glare and direct sun light, including through skylights.
3. Use of photosensors to turn off electric lighting when daylight is sufficient.
4. Not using diffuse daylighting glazing where views are desired.

**807.4 Views.** Achieve direct line of sight to the outdoor environment via vision glazing between 2'6" and 7'6" above finish floor for building occupants in 90% of all regularly occupied areas as demonstrated by plan view and section cut diagrams.

**807.4.1 Interior office spaces.** Entire areas of interior office spaces may be included in the calculation if at least 75% of each area has direct line of sight to perimeter vision glazing.

**807.4.2 Multi-occupant spaces.** Include in the calculation the square footage with direct line of sight to perimeter vision glazing.

**Exceptions to Sections 807.3 and 807.4:** Copy/printing rooms, storage areas, mechanical spaces, restrooms, auditoria, and other intermittently or infrequently occupied spaces or spaces where daylight would interfere with use of the space.

**807.5 Acoustical control.** Employ building assemblies and components with Sound Transmission Coefficient (STC) values determined in accordance with ASTM E90 and ASTM E413.

**807.5.1 Exterior noise transmission.** Wall and roof-ceiling assemblies making up the building envelope shall have an STC of at least 50, and exterior windows shall have a minimum STC of 30 for any of the following building locations:

1. Within 1000 ft. (300 m.) of freeways.
2. Within 5 mi. (8 km.) of airports serving more than 10,000 commercial jets per year.
3. Where sound levels at the property line regularly exceed 65 decibels, other than occasional sound due to church bells, train horns, emergency vehicles and public warning systems.

**807.5.2 Interior sound.** Wall and floor-ceiling assemblies separating tenant spaces and tenant spaces and public places shall have an STC of at least 50.

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