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May 12, 2008

Ms. Rosario Marin
Chair
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

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Re: Express Terms for Proposed Building Standards of the Office of the State Fire Marshall (SFM) Regarding the 2007 California Fire Code, California Code of Regulations Title 24, Part 9

LAWRENCE P. GREEN
Baxter BioScience
ROBERT R. HANCOCK
Abbott Diagnostics Corp
WYATT R. HUME, D.D.S., Ph.D.
University of California
PETER BARTON HUTT
Covington & Burling

Dear Chair Marin:

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Carnegie
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UT Therapeutics
TRACY T. LEFTEROFF
Procter & Gamble Taper
ALFONSO V. LUKIANOV
Miltenyi

On behalf of the California Healthcare Institute (CHI), whose more than 250 members include our state's premier life sciences companies and academic research institutions, I am writing in support of the Express Terms proposed by the SFM for inclusion in Section 443 of the 2007 California Building Code. In this section of the Code, the L-Occupancy provides important controls and safety provisions for research and development laboratories containing larger quantities of hazardous materials in the state of California. The L-Occupancy is critical to the ongoing growth and development of the biotechnology industry in California.

CATHERINE J. MACKAY, Ph.D.
Merck
JOHN C. MARTIN, Ph.D.
Global Sciences
DANA G. MEAD JR.
Kleiner Perkins Caufield & Byers
PETER G. MILNER, M.D.
ARX Therapeutics

The biotechnology industry is a dynamic, growing industry that requires a broad range of biological and chemical work in laboratories. Although these terms have caused the most alarm in the Bay Area due to the maturity of that life science cluster, this issue is sure to affect additional areas of the state including San Diego and Orange County as companies continue to develop and move into manufacturing. History has shown that these facilities are best located in proximity of major academic and research institutions, where researchers are also performing similar types of experimental activities. Clarifying and codifying the L-Occupancy in the 2007 California Building Code for use by any such research and development laboratory will ensure that all such facilities are developed with the same controls and safety provisions.

MICHAEL A. MUSSALLEM
Calvert Life Sciences
GAIL K. NAUGHTON, Ph.D.
California State University
CHRISTIAN W. NOLET
Novartis
CHRISTOPHER J. O'CONNELL
Abbott Diagnostics

We believe that the SFM has the authority to propose these code amendments as described in the California Health and Safety Code Section 18949.2(b). The state is well served by the work that the SFM has done in ensuring that all laboratory facilities that use larger quantities of hazardous materials throughout California are built to the same safe standards. Laboratories that do not use larger quantities of hazardous materials, such as basic microbiology and tissue culture labs, should still have the option to be designed under the new B-occupancy, as they only use very limited quantities of

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hazardous materials. We request that it be clarified in the record that the L-Occupancy is not a mandate for all laboratories but an option for use when larger quantities of hazardous material are used.

The L-Occupancy was developed through an extensive and inclusive process developed and managed by the SFM's Office. This has been a very positive, constructive process that has addressed all the issues and included representatives of industry and regulatory organizations from across the state. SFM Kate Dargan, Chief Tonya Hoover, and their staff deserve thanks for their leadership in this important endeavor.

We strongly endorse these Express Terms because they clarify the requirements for research and development laboratories and enhance safety measures and controls that will ensure safer operations. Please adopt the Express Terms as submitted.

Sincerely



David Gollaher
President and CEO