

STATE OF CALIFORNIA
STATE AND CONSUMER SERVICES AGENCY
CALIFORNIA BUILDING STANDARDS COMMISSION
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Office Use Item No. _____

PARTICIPATION COMMENTS FOR THE NOTICE DATED AUGUST 28, 2009
Written comments are to be sent to the above address.

WRITTEN COMMENT DEADLINE: OCTOBER 12, 2009

Date: 9/10/09

From:

Shlomo Rosenfeld

Name (Print or type)

(Signature)

-- Shlomo I. Rosenfeld & Associates

Agency, jurisdiction, chapter, company, association, individual, etc.

1763 Broadway Oakland CA 94612
Street City State Zip

I/We do not agree with:

The Agency proposed modifications As Submitted on Section No. CMC Chapter 4 Sec 407.5.1

and request that this section or reference provision be recommended:

Approved Disapproved Held for Further Study Approved as Amended below

Suggested Revisions to the Text of the Regulations:

Do not revise CMC Chapter 4 Sec 407.5.1 as proposed: (the proposed change to sub Sec 407.5.1.3 is fine)

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.]

I disapprove of the proposed CMC Chapter 4 Sec 407.5.1 for the following reasons.

1. The proposed change is unnecessarily ambiguous. (point # 6 of 9)
2. The term '**requirement for continuous directional control**' is not defined in the Code.
3. Table 4-A does not identify '**requirement for continuous directional control**'. Table 4-A identifies '**AIRBALNCE RELATIONSHIP TO ADJACENT AREAS**'. This is the title of column B in Table 4-A which is also called '**pressure relationship**' in the title of Table 4-A.
4. The proposed last sentence of Sec. 407.5.1 refers to the following sub Sections 407.5.1.1, 407.5.1.2, and 407.5.1.3. The proposed second sentence of Sec. 407.5.1 does **not** refer to the following sub Sections 407.5.1.1, 407.5.1.2, and 407.5.1.3. However, the requirements of sub Sections 407.5.1.1, 407.5.1.2, and 407.5.1.3 apply to the areas intended to be described in the second sentence. As follows:

- a. 407.5.1.1: Outside air, total air and pressure relationship apply to the proposed second sentence areas. Note that outside air is not specifically included in the proposed second sentence but included in 407.5.1.1. Pressure relationship for the proposed second sentence areas is included in the reference to 'code' which is Table 4-A which identifies all the proposed second sentence areas in column B by NR. Therefore there is no need to segregate the proposed second sentence areas from the proposed last sentence areas. They are already segregated by Table 4-A column B.
 - b. 407.5.1.2: The requirement to control central return or exhaust fans applies to the proposed second sentence areas. If central return or exhaust fans are not controlled, it will result in return or exhaust air flow variation and in variation of pressure relationship of adjacent rooms for which Table 4-A requires positive or negative pressure relationship.
 - c. 407.5.1.3: The requirement to accomplish VAV of the return or exhaust applies to the proposed second sentence areas. If return or exhaust VAV are not controlled as required by 407.5.1.3, it will result in return or exhaust air flow variation and in variation of pressure relationship of adjacent rooms for which Table 4-A requires positive or negative pressure relationship. Keep in mind that if a room with NR pressure relationship becomes positive due to no proper controls, air from this room flows to the adjacent rooms which may violate the pressure relationship of these adjacent rooms. And vice-versa, if a room with NR pressure relationship becomes negative due to no proper controls, air from the adjacent rooms flows to this room which may violate the pressure relationship of these adjacent rooms.
5. There is no reason to separate the proposed second sentence areas from the proposed last sentence areas. They are already separated by Table 4-A column B. The existing Sec. 407.5.1 refers to the sub Sections for all nonsensitive areas appropriately.
6. Note that some of the current OSHPD's proposed changes to other CMC sections are based on a nationally recognized standard the **ASHRAE STD 107-2008 Ventilation of Health Care Facilities**. This is fine. The 2003 and 2007 ASHRAE Application Handbook chapter 7 uses the term 'Continuous directional control not required'. The more up to date ASHRAE STD 107-2008 Ventilation of Health Care Facilities does not use the term 'Continuous directional control not required'. ASHRAE STD 107-2008 Ventilation of Health Care Facilities abandoned this ambiguous term and is using the term 'no requirement'. To be consistent with OSHPD's apparent intent to upgrade CMC regulations to the requirements in ASHRAE STD 107-2008 Ventilation of Health Care Facilities, the CMC should follow this latest nationally recognized standard by revising the ambiguous term '**Continuous directional control not required**' to read '**no requirement**' in all other sections and Tables where it is used. This should help the design engineers and help during OSHPD's projects review

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.