

STATE OF CALIFORNIA
STATE AND CONSUMER SERVICES AGENCY
CALIFORNIA BUILDING STANDARDS COMMISSION
2525 NATOMAS PARK DR., SUITE 130
SACRAMENTO, CA 95833
(916) 263-0916 Phone
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Office Use Item No. _____

PARTICIPATION COMMENTS FOR THE NOTICE DATED OCTOBER 2, 2009
Written comments are to be sent to the above address.

WRITTEN COMMENT DEADLINE: NOVEMBER 16, 2009

Date: November 9, 2009

From: Natural Resources Defense Council and Environmental Defense Fund

Name (Print or type)

(Signature)

Victoria Rome and Lauren Navarro

Victoria Rome *Lauren Navarro*

Environmental NGO

Street	City	State	Zip
111 Sutter Street, 20 th Floor	San Francisco	CA	94104

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

The Agency proposed modifications As Submitted on Section No. 1-1004. Development of Standards.

and request that this section or reference provision be recommended:

Approved Disapproved Held for Further Study Approved as Amended

Suggested Revisions to the Text of the Regulations:

[SEE ATTACHED]

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.]



November 9, 2009

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director

RE: 45 Day Comments on Title 24 Part 1 Regulations

Dear Mr. Walls:

On behalf of NRDC (Natural Resources Defense Council) and EDF (Environmental Defense Fund) we are writing to support the October 2, 2009, Title 24, Part 1, Chapter 1, Article 1-1004 45-Day Language. This revision establishes a strong development process for state green building standards that incorporates best practices and the technical expertise of state agencies tasked with protecting California's public health and environment. In addition, these regulations will encourage the participation and collaboration of industry and environmental stakeholders.

Buildings account for 40% of the energy usage in California and almost 40% of potable water use. Development of state-wide green building standards is a great step forward for California. However, current law does not address what the standards should include, who is to develop them, and how they fit in to existing building code development practices. The Part 1 revisions establish a collaborative process that welcomes input from expert state agencies to create strong green building standards. In the current economic climate, it is ever more important to implement standards that increase the value of the structure, use resources efficiently, provide quality-of-life benefits, and reduce operating costs. These standards can serve as a national and global model for smart, sustainable building.

This last year has shown us that collaboration is possible between the many stakeholders involved in developing the Green Building Standards Code (CGBSC). With a new code that relies on a broad array of skills, collaborative development is key to its success. With enactment of these regulations, we hope that all the parties involved can participate and comment in a constructive manner for the ongoing development of a strong CGBSC. We continue to believe that the language of these regulations, or similar language, should be replicated in statute to ensure the collaborative process continues under future leadership. However, we are pleased that the regulations lay out an open, collaborative process for at least the next cycle of green building code development.

Thank you for your leadership on this important issue.

Sincerely,

Victoria Rome

Victoria Rome
Natural Resources Defense Council

Lauren Navarro

Lauren Navarro
Environmental Defense Fund

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.