

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 OCTOBER 2, 2009
Written comments are to be sent to the above address.

WRITTEN COMMENT DEADLINE: NOVEMBER 16, 2009

Date: 11/16/09

From: Victoria Rome and Lauren Navarro

Victoria Rome *Lauren Navarro*

Name (Print or type)

(Signature)

-- Natural Resources Defense Council and Environmental Defense Fund
Agency, jurisdiction, chapter, company, association, individual, etc.

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

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

The Agency proposed modifications As Submitted on Section No. _____

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.]

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.



Comments on October 2nd 45-Day Revisions to the California Green Building Code

November 16, 2009

The Natural Resources Defense Council (NRDC) and Environmental Defense Fund appreciate the opportunity to comment on the proposed October 2nd, 2009 California Green Building Standards Code (CGBSC) changes. At this stage in development we believe Part 11 is moving in the right direction and we hope that the following issues can be cleaned up before final adoption.

We would first like to acknowledge that the tiers were revised to be stronger and we thank you for your efforts therein. We are concerned that verification remains inadequate. We urge you to resolve this issue before final adoption. Verification provides assurance that the code is fully implemented and is not reduced to rhetoric.

Consistent with previous comments, we urge the Building Standards Commission (BSC) to remove the name "CALGREEN" from all sections of the code. The Department of Housing and Community Development has already removed this term to avoid future conflicts. Having a catchy name has sparked much debate which has detracted from focus on the substance of the code. Continued debate over the use of the term "CALGREEN" is detrimental to collaborative development process we all seek.

Finally, we have reviewed the comments from USGBC-NCC and agree with the issues they raise. In particular, we agree that local governments must retain their authority to adopt standards necessary to meet climate change and other environmental challenges. We also support strong water efficiency requirements, formaldehyde limits, acoustical control and mandatory commissioning. We understand the difficulty in organizing and discussing the issues with all stakeholders and hope the BSC and HCD continue to strive for consensus. The quality technical abilities of the USGBC network are an extremely valuable asset in this development process and should be taken into account during this comment period.

Please address these issues in the November revisions to fulfill the mission of the CGBSC and strengthen the green building movement in California. Reducing the environmental and health impacts of the built environment through strong green building standards will help California retain its leadership role in environmentally sound building construction and provide dividends to future generations for many years to come.

Thank you for considering our comments and we look forward to continued involvement in the CGBSC.

Sincerely,

Victoria Rome
Natural Resources Defense Council

Lauren Navarro
Environmental Defense Fund