



April 7, 2020

To: The Honorable Richard Bloom
Assembly Member, 59th District
State Capitol, Room 2003
Sacramento, California 95814

From: California Building Industry Association
California Business Properties Association
Building Owners and Managers Association
Associated Builders and Contractors, So Cal
California Apartment Association
NAIOP of California, the Commercial Real Estate Development Association
American Institute of Architects, Ca Council
International Council of Shopping Centers
Personal Insurance Federation of California
Plumbing, Heating, Cooling Contractors Assn.

RE: AB 3316 (Bloom) – Building Standards (As Proposed to be Amended) – OPPOSE

Dear Assembly Member Bloom,

On behalf of the groups cited above, we must regrettably express our **strong opposition to AB 3316**. As proposed to be amended, AB 3316 seeks to legislatively authorize the use of mildly flammable refrigerants (A2Ls) in residential homes and apartments, thereby circumventing the longstanding and well-established state and national building code development processes.

Industry has long supported the rigorous and comprehensive code adoption process administered by the Building Standards Commission (BSC) and, therefore, must strongly oppose any efforts to legislate building codes. By completely bypassing BSC’s inclusive process, AB 3316 would establish an unwise and dangerous precedent that potentially places Californians’ health and safety at risk.

A2Ls Have Not Been Proven Safe for Homes and Apartments

Longstanding state law requires the California Mechanical Code to use the Uniform Mechanical Code (UMC), published by the International Association of Plumbing and Mechanical Officials (IAPMO), to serve as the basis for our state code. And, as outlined in that code, the use of A2L refrigerants in homes and apartments is expressly prohibited by UMC §1104.6 which states:

“In nonindustrial occupancies, Group A2, A2L, A3, B1, B2L, B2, and B3 refrigerants shall not be used in high-probability systems for human comfort.”

AB 3316 seeks to legislatively bypass that prohibition and allow the use of A2L refrigerants in California's homes and apartments.

We fully understand and appreciate this proposal intends to reduce greenhouse gas emissions. However, even the Global Warming provisions of the Health & Safety Code establishes reasonable checks and balances to ensure efforts to reduce GHG emissions do not create potential fire and life safety risks:

H&S §39734 (e) A person shall not offer any equipment or product for sale, lease, rent, or otherwise cause any equipment or product to enter into commerce in California if that equipment or product uses or will use a substitute in a manner inconsistent with any of the following:

(1) Any prohibitions in subdivision (c).

(2) Any prohibitions, use conditions, or use limits in subdivision (d) or a state regulation.

(3) Any other applicable laws, including, but not limited to, the California Building Standards Code (Title 24 of the California Code of Regulations).

AB 3316 Bypasses California's Building Standards Commission Process

California's Building Standards Commission (BSC), which has been in existence since 1953 and whose members are appointed by the Governor and confirmed by the State Senate, oversees the development and adoption of California's building standards. Their rigorous and thorough deliberative process ensures that codes and standards reflect California's unique geographic environment, are cost-effective, capable of being used safely, are not internally inconsistent, and protect all Californians. By bypassing this process, AB 3316 ignores the essential checks and balances provided by the BSC's process that has existed in California for almost 60 years, as well as the well-established expertise of the BSC to determine what is acceptable for adoption into California's Building Standard Code.

AB 3316 Will Significantly Increase Liability and Increase California's Housing Costs

While actual costs of construction are not yet fully known, the bill will, without question, significantly drive up housing costs by making it necessary to incorporate unproven mitigation measures, increasing safety concerns for contractors. Understandably, this will raise liability concerns for both contractors and builders and will increase the potential for higher insurance premiums to reflect the increase in fire risk.

Considering California's ever-worsening wildfires, our efforts should continue to focus on how to make new and existing dwellings more fire-safe, not less. AB 3316 takes us in the wrong direction.

For these above reasons, we must strongly oppose AB 3316.

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