Introduced by Assembly Member Skinner  
(Coauthor: Assembly Member Rendon) 

January 14, 2013 

An act relating to fire safety. 

LEGISLATIVE COUNSEL’S DIGEST 

AB 127, as introduced, Skinner. Fire safety: fire retardants: building insulation. 

Existing law authorizes the State Energy Resources Conservation and Development Commission to adopt regulations pertaining to urea formaldehyde foam insulation materials that are reasonably necessary to protect the public health and safety. Existing law provides that these regulations may include prohibition of the manufacture, sale, or installation of this insulation. Existing law also authorizes the Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation to establish by regulation insulation material standards governing the quality of all insulation material sold or installed in the state. 

This bill would state that it is the intent of the Legislature to enact subsequent legislation that would reduce the use of flame retardants in plastic foam building insulation. 

SECTON 1. The Legislature finds and declares all of the following:

(a) To improve energy efficiency and to reduce global climate change, the use of plastic insulation materials, such as polystyrene, polyisocyanurate, and polyurethane, is increasing in buildings and especially in green buildings.

(b) In the United States, flammability requirements for plastic foam insulations and other building materials are incorporated into building codes and fire regulations for building materials. To meet these requirements, plastic insulation materials have flame-retardant chemicals added to them, usually as halogenated organic compounds with chlorine or bromine bonded to carbon.

(c) Studies have shown that these halogenated organic compounds are associated with neurological and developmental toxicity and endocrine disruption, and are possible carcinogens.

(d) Flame retardants, whose primary use is in building insulation, are found at increasing levels in household dust, human body fluids, and the environment.

(e) Code provisions regulating plastic foam insulations in buildings were first introduced in the early 1960s. Those code provisions do not specify that chemicals be added to foam plastic insulation, but in practice organohalogen flame-retardant compounds are added to meet test requirements.

(f) Despite these requirements, in the 1970s, serious fires occurred from exposed foam plastic insulation. To address this issue, the 1976 Uniform Building Code required plastic foam insulation to be protected by a thermal barrier, usually as or in the form of 0.5-inch-thick gypsum wallboard.

(g) Although the thermal barrier regulations have been deemed to be sufficient for fire safety, chemical flame retardants are still also required.

(h) Given the additional cost of adding flame-retardant chemicals to plastic foam building insulation, their potential adverse health and ecological impacts, and the sufficiency of the thermal barrier, it is important to question whether their use is a necessary requirement for improved fire safety.

(i) Therefore, it is in the best interest of the State of California to eliminate unnecessary chemicals from building insulation, while
preserving building fire safety and encouraging healthy building practices.

SEC. 2. It is the intent of the Legislature to enact legislation that would reduce the use of flame retardants in plastic foam building insulation while simultaneously ensuring that both fire safety and long-term human and ecological health are properly accounted for without a reduction in overall building fire safety.