

ASSEMBLY BILL

No. 127

**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.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

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

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

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

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

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

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

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

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

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

37 (i) Therefore, it is in the best interest of the State of California
38 to eliminate unnecessary chemicals from building insulation, while

1 preserving building fire safety and encouraging healthy building
2 practices.

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

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