

A Brave New Regulatory World – CALGreen and What It Means for Flooring Manufacturers in the California Market

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INTRODUCTION: As a manufacturer of carpet products or resilient flooring participating in the California market, you likely are aware that the Golden State rolled out the nation's first green construction code for non-residential and residential buildings on January 1, 2011. Up to that time, your participation in single attribute environmental claims and multi-attribute sustainability standards and programs has been a voluntary activity focused on highlighting the environmentally preferable aspects of your products in the marketplace. For example, many flooring manufacturers have had products tested for emissions of volatile organic compounds (VOCs) by California Department of Health Services (CDHS) Standard Practice CA/DHS/EHLB/R-174, 2004, now superseded by California Department of Public Health (CDPH) Standard Method Version 1.1, 2010, or by derivative methods. These standards and the product certification programs based on them are widely accepted by green building rating systems, most notably USGBC LEED for commercial interiors and new construction. This recognition has provided manufacturers an incentive to participate.

CALGreen, California Code of Regulations Title 24, Part 11, has changed this world view. Now there are mandatory code requirements related to VOC content or VOC emissions for paints and coatings, adhesives and sealants, composite woods, and carpet and resilient flooring products. These requirements apply to both non-residential and residential construction. The law first impacts architects and contractors and likely flows uphill from there. The implications for carpet and resilient flooring manufacturers are substantial.

NON-RESIDENTIAL BUILDING PROJECTS: The California Department of General Services (DGS) Building Standards Commission (BSC) is the authoritative state agency for [non-residential building projects](#). The CALGreen code can be downloaded from the site. BSC also has posted a *Guide to the (Non-Residential) California Green Building Standards Code*. Part 4 of this guide, Suggested Forms and Templates, contains examples of finish material certificates. The suggested Finish Material Certificate – Flooring, CALGreen Std. BSC-5.5-X (Draft 7-16-10) is attached. The contractor, or responsible designer, completes the form, which is also initialed by the subcontractors. The contractor signs a legally binding statement with three provisions regarding the Certificate of Compliance:

- I certify that this documentation is accurate and complete.
- I certify that the identified features and performance specifications for the design conform to the requirements of Title 24, Parts 11 of the California Code of Regulations

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- The identified design features are consistent with the information documented on other applicable compliance forms, worksheets, calculations, plans and specifications submitted to the enforcement agency for approval with the permit application.

RESIDENTIAL BUILDING PROJECTS: The California Department of Housing and Community Development (HCD) is the authoritative state agency for [residential building projects](#). They provide a number of helpful compliance forms and templates in both PDF and MS Excel format. There are a set of forms for each finish material type. There is a product information sheet in which each product is listed and described and the basis for the claim of compliance the product is indicated. There is a room/location matrix showing where each product is installed. The declaration statement is to be completed by the person with overall responsibility for the planning and design portion of the project. The HCD Finish Flooring Materials Product Information Sheet (PC 9) and Declaration Statement (PC 11) are attached. The Installation Certificate, also available on the site, is where the enforcing agency (i.e., city or county building department) assigns the entity that will provide certification, either the enforcing agency, the installer or designer, or a third party. The designated responsible individual (most likely the architect or contractor) signs a legally binding statement with two provisions:

- I certify under penalty of perjury, under the laws of the State of California, the information provided is true and correct.
- I certify that the installed measures, materials, components, or manufactured devices identified on this certificate conform to all applicable codes and regulations, and the installation is consistent with the plans and specifications approved by the enforcing agency.

LEGAL IMPLICATIONS: Unlike USGBC LEED and other green building rating systems, the CALGreen building code requirements are enforceable by law and the project architects and contractors are being asked to sign legal documents about product attributes for which they probably have not received training. This is a huge leap from voluntary compliance of products attested to by manufacturers and certification bodies. Additionally, the enforcing agencies (i.e., local building departments) are charged with verifying and enforcing compliance. These individuals also are unlikely to have been trained on the VOC content and VOC emission requirements of the code, not to mention the applicable testing/acceptance standards, certification programs, and claims documentation procedures. Manufacturers in this situation will be challenged to effectively communicate their product claims to ensure continued acceptance of their products among the California construction industry.

The situation is complicated by code's imprecise language and general lack of consistency demonstrated by the mixing of standards, programs, and registries. For example, Section 4.504.3, the residential requirements for carpet systems, states that all carpet installed in the building interior shall meet the testing and product requirements of one of the following:

1. Carpet and Rug Institute's Green Label Plus Program
2. California Department of Public Health Standard Practice for the testing of VOCs (Specification 01350)
3. NSF/ANSI 140 at the Gold level
4. Scientific Certifications Systems (SCS) Indoor Advantage™ Gold

Section 4.503.3.1 for carpet cushion only recognizes the requirements of the Carpet and Rug Institute (CRI) Green Label program. Section 4.504.4 for Resilient flooring systems specifies that where resilient flooring is installed, at least 50 percent of floor area receiving resilient flooring shall comply with the VOC emission limits defined in the Collaborative for High Performance Schools (CHPS) Low-Emitting Materials List or certified under the Resilient Floor Covering Institute (RFCI) FloorScore™ program.

THE CHALLENGE: If your flooring product is certified or listed by one of the specifically named programs, you have a major advantage in communicating your claim, as the contractor/architect can simply check off a box on the declaration form and the building department can easily accept the claim when verifying compliance. If your product is not in one of these programs, you will have to demonstrate that the product meets the testing and product requirements of a named standard or program.

The underlying intent of the code requirements for the floor covering categories appears to be that they should comply with the testing and acceptance criteria defined in CDHS Standard Practice (CA/DHS/EHLB/R-174) which is the product testing portion of CA Architectural Specification Section 01350. The 'CA Spec 01350' option is at least explicitly recognized in the requirement for carpet and is a check box for all flooring products on the residential forms. This standard is no longer available for download from the authoritative state agency and has been superseded by [CDPH Standard Method Version 1.1](#), 2010. The standard provides two building scenarios to be used in the calculations to determine compliance, a defined private office and a defined school classroom. It's reasonable to assume that compliance with CDPH Standard Method V1.1 using the more conservative office scenario fulfills the requirements of the code for all of the flooring product categories. However, the code language does not prohibit the use of the classroom scenario, which is slightly less stringent than the office scenario for flooring (i.e., the school scenario allows about 10% higher emissions of chemicals of concern from flooring). In the residential forms, the checkbox for 'CA Spec 01350' provides a potential pathway to indicate compliance with CDPH Standard Method V1.1 (see below). But considering the subtle nuances, it still may be a major challenge for a manufacturer that does not participate in one of the named certification programs to communicate their claim to a relatively untrained and loosely organized audience – architects, general contractors, and building department officials.

If you are a flooring manufacturer making a self declaration regarding the compliance of your products with the VOC emission requirements of CALGreen, you will need to carefully word your certificate of conformity. This document, backed up by the laboratory's certificate of compliance, must clearly make the link to the language of the code that is most likely to be recognized and accepted by architects, general contractors, and building department officials. One can claim to meet the testing and product requirements of a listed certification program, e.g., CRI Green Label Plus, as written in the code, but this subtlety may not be understood or accepted by untrained individuals who are attempting to interpret the code under penalty of perjury if they get it wrong. The one common, clearly identified denominator, at least for residential projects, is the term 'CA Spec 01350.' While this term is not precise or completely correct, it is the lay person's language for the CDHS Standard Practice, which has now evolved into CDPH Standard Method V1.1. From an informed technical perspective (this is not legal

advice – please see following disclaimer), it seems justifiable for products that are tested and shown to be compliant with CDPH Standard Method V1.1 to claim compliance with ‘CA Spec 01350.’ Additionally, listing your product on the [CHPS Product Registry](#), which is explicitly recognized within CALGreen, appears to be a viable way to demonstrate the validity of your claim. Most importantly, whatever language you use in your claim, whether self-declared or certified, it needs to be truthful, because now it’s the LAW.

***Disclaimer** – The information in this document is offered in good faith and is believed to be reliable. However, this information is made available without warranty, express or implied, as to its accuracy, merchantability, fitness for a particular purpose, or any other matter. Users are hereby warned that building codes are legal requirements and that questions of law should be referred to legal council.*

FINISH MATERIAL CERTIFICATE – FLOORING
(CARPET, CARPET CUSHION & RESILIENT)

DRAFT
CALGreen
Std. BSC-5.5-X
7-16-10

FINISH	MANUFACTURER	CERTIFICATION ORGANIZATION	SUB-CONTR. INITIAL
<u>FLOORING</u>			
Carpet 1		Carpet and Rug Institute – Green Label Plus Program	
		Specification 01350	
		NSF/ANSI 140 – Gold	
		Scientific Certification Systems – Sustainable Choice	
Carpet 2		Carpet and Rug Institute – Green Label Plus Program	
		Specification 01350	
		NSF/ANSI 140 – Gold	
		Scientific Certification Systems – Sustainable Choice	
Carpet cushion 1		Carpet and Rug Institute – Green Label Plus Program	
Carpet cushion 2		Carpet and Rug Institute – Green Label Plus Program	
Resilient flooring 1		CHPS Product Registry	
		RFCI – Floor Score Program	
		Greenguard Children & Schools	

Resilient flooring 2		CHPS Product Registry	
		RFCI – Floor Score Program	
		Greenguard Children & Schools	

Contractor (Documentation Author's /Responsible Designer's Declaration Statement)	
<ul style="list-style-type: none"> • I certify that this Certificate of Compliance documentation is accurate and complete. • I certify that the features and performance specifications for the design identified on this Certificate of Compliance conform to the requirements of Title 24, Parts 11 of the California Code of Regulations. • The design features identified on this Certificate of Compliance are consistent with the information documented on other applicable compliance forms, worksheets, calculations, plans and specifications submitted to the enforcement agency for approval with the permit application. 	
Signature:	
Company:	Date:
Address:	License:
City/State/Zip:	Phone:

FINISH FLOORING MATERIALS * - PRODUCT INFORMATION SHEET (PC 9)

1. Insert product information below. 2. Insert the Item #'s for each product listed below into the appropriate boxes on ROOM/LOCATION MATRIX.
 3. Attach all product specification sheets or other documentation to demonstrate compliance or certifications. 4. Use additional sheets if necessary.

Item # 1	Description of Product	Certification Program*
Color/Product #:		<input type="checkbox"/> CA Spec 01350 <input type="checkbox"/> Indoor Advantage Gold
Series/Collection:		<input type="checkbox"/> (CHPS) <input type="checkbox"/> NSF/ANSI 140 Gold Level
Manufacturer:		<input type="checkbox"/> FloorScore
Other:		<input type="checkbox"/> Green Label Plus
		<input type="checkbox"/> GREENGUARD
Item # 2	Description of Product	Certification Program*
Color/Product #:		<input type="checkbox"/> CA Spec 01350 <input type="checkbox"/> Indoor Advantage Gold
Series/Collection:		<input type="checkbox"/> (CHPS) <input type="checkbox"/> NSF/ANSI 140 Gold Level
Manufacturer:		<input type="checkbox"/> FloorScore
Other:		<input type="checkbox"/> Green Label Plus
		<input type="checkbox"/> GREENGUARD
Item # 3	Description of Product	Certification Program*
Color/Product #:		<input type="checkbox"/> CA Spec 01350 <input type="checkbox"/> Indoor Advantage Gold
Series/Collection:		<input type="checkbox"/> (CHPS) <input type="checkbox"/> NSF/ANSI 140 Gold Level
Manufacturer:		<input type="checkbox"/> FloorScore
Other:		<input type="checkbox"/> Green Label Plus
		<input type="checkbox"/> GREENGUARD
Item # 4	Description of Product	Certification Program*
Color/Product #:		<input type="checkbox"/> CA Spec 01350 <input type="checkbox"/> Indoor Advantage Gold
Series/Collection:		<input type="checkbox"/> (CHPS) <input type="checkbox"/> NSF/ANSI 140 Gold Level
Manufacturer:		<input type="checkbox"/> FloorScore
Other:		<input type="checkbox"/> Green Label Plus
		<input type="checkbox"/> GREENGUARD

* Note: See CALGreen and CALGreen Guide Section 4.504.3 for Carpet Systems; Section 4.504.3.1 for Carpet Cushions; Section 4.504.4 for Resilient flooring

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* Note: See CALGreen and CALGreen Guide Section 4.504.3 for Carpet Systems; Section 4.504.3.1 for Carpet Cushions; Section 4.504.4 for Resilient flooring

FINISH FLOORING MATERIALS * - DECLARATION STATEMENT (PC 11)

1. Insert Item # (1,2,3, etc.) to indicate type of finish flooring in areas or rooms. Use same numbers for same products.

DECLARATION STATEMENT

- I certify under penalty of perjury, under the laws of the State of California, the information provided is true and correct.
- I certify that the installed measures, materials, components, or manufactured devices identified on this certificate conform to all applicable codes and regulations, and the installation is consistent with the plans and specifications approved by the enforcing agency.

Responsible Person's Name:	Responsible Person's Signature:
Date Signed:	Position/Title:
Notes:	