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September 27, 2018

Ms. Ingrid Neumann
California Energy Commission
Dockets Office, MS-4
Re: Docket No. 17-BSTD-03
1516 Ninth Street
Sacramento, CA 95814-5512

Re: Comments on 15-day Express Terms in CalGreen on Indoor Lighting

Dear Ms. Neumann:

On behalf of the organizations listed below, we write to express our concern with the recent Energy Commission proposed building code changes to Title 24, Part 11, Section A5.203.1.1.1 regarding outdoor lighting. The proposed changes to the code would specify that general hardscape lighting within the scope of Title 24, Part 6, Section 140.7(b)(1) shall have a color temperature no higher than 3000K.

Collectively, our organizations employ millions of Californians and generate billions in annual state commerce. We are the economic foundation of many communities throughout the State. One issue we have in common is that of safety for our guests/customers/ consumers/etc. We all place the safety of our patrons as one of our highest priorities.

One large component of our businesses includes outdoor lighting – from lights to ensure the safety and security of our guests at all our businesses to the bright lights used for entertainment purposes at amusement parks. For example, one of California’s larger amusement parks reports that 90% of their outdoor lighting emit color temperature higher than 3000K as a result of a recent shift to more energy-efficient LED lighting. Another iconic California park reports that the very poor Color Rendering Index (CRI) of low color temperature lighting means colors meant to guide, entertain, and keep guests safe are less distinguishable than those lit with a more-white light with a higher CRI. In our shared experience, the white lights which emit higher color temperatures provide a safer experience for guests. In addition to these examples from theme parks, businesses, restaurants, hotels, and other commercial properties throughout the state have parking lots, walkways, and outdoor areas – they rely on the better light to ensure their customers avoid trip hazards as well as other potential threats to their safety.

While there is lacking sufficient scientific evidence that lower color temperature is beneficial for addressing light exposure at night, there are studies, reports, and other observations that both question the benefits of low temperature lighting and also show the benefits of lighting in excess of the proposed color temperature limits.ⁱ

Per Title 24 Section 100.1, “hardscape” is defined as follows: “The area of an improvement to a site that is paved or has other structural features such as curbs, plazas, entries, parking lots, site roadways, driveways, walkways, sidewalks, bikeways, water features and pools, storage or service yards, loading docks, amphitheaters, outdoor sales lots, and private monuments and statuary.” Many of these areas involve pedestrian and vehicular safety, which is the *very purpose* of the lighting. By limiting the color temperature of the light to those color ranges associated with less striking contrast and lower visual acuity, the CEC is placing building owners in the position of being obliged to use lighting that may be less safe. This could cause a liability concern for those owners compelled to follow green codes.

Furthermore, the proposed regulations do not meet the criteria in Health and Safety Code Section 18930 (a) for building standards proposed to the Building Standards Commission – in particular, criteria numbers 3, 4, & 9. Specifically, this proposal does not reflect public interest requirements (3), it is unreasonable and arbitrary (4), and it couple jeopardize fire and panic safety (9).

While we appreciate recent changes to the proposal, in particular the addition of a note to allow for the exclusion of some of the lighting we use specifically at theme parks, we are still concerned with this proposal. The placement of these exclusions in a note makes the exclusion merely informative in nature, not having the same force as the rest of the building code and allowing a building official to disregard it. These exclusions should be real exclusions and spelled out as such in the building code. Additionally, nearly all of the signatories to this letter make use of parking lots and parking lots are not excluded. We cannot forgo our patrons’ safety when in the parking lots they use to frequent our establishments.

For these reasons, we respectfully request the CEC to abandon this flawed proposal that would jeopardize the personal safety and security of our customers. Thank you for your consideration. If you have questions about these comments, please contact Erin Guerrero at the California Attractions and Parks Association at 916-706-2939.

Sincerely,

California Attractions and Parks Association
California Building Industry Association
California Business Properties Association
California Chamber of Commerce
California Hotel and Lodging Industry
California Restaurant Association
California Travel Association

ⁱ Studies include:

- Report by Northwest Energy Efficiency Alliance: [Seattle LED Adaptive Lighting Study](#)
- U.S. Department of Energy: [Street Lighting and Blue Light Frequently Asked Questions](#)
- [Gary Flamm Comments on Proposed maximum Correlated Color Temperature \(CCT\) for outdoor lighting](#)
- Lighting Research Center at Rensselaer Polytechnic Institute: [Response to the 2016 AMA Report on LED Lighting](#)
- Illuminating Engineering Society: [IES Position Statement PS-09-17 Background](#) and [IES Board Position on AMA CSAPH Report 2-A-16, Human and Environmental Effects of Light Emitting Diode \(LED\) Community Lighting](#)
- Lam Partners: [Is LED Street Lighting Bad for your Health?](#)