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[*Sent via email*]

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Re: Public Market Parcel B – Response to LIUNA Comment Letter

Dear Planning Commissioners:

We represent AG-CCRP Public Market, L.P in its application for a Final Development Plan for Parcel B (FDP18-001).

We are in receipt of the letter filed by the law firm of Lozeau Drury on behalf of the Laborers International Union of North America, Local Union 304. The letter, dated January 18, 2019 discusses concerns regarding health impacts of formaldehyde emissions from newly constructed residential units and offices. Similarly, the attached exhibit discusses "Indoor Air Quality in New California Homes with Mechanical Ventilation." Construction of the proposed office/lab space on Parcel B is distinguishable from the homes studied in the cited exhibit, and impacts would further be less than significant because the project must comply with applicable regulatory requirements.

Formaldehyde is a common indoor pollutant.[1] The most significant source of formaldehyde that could be present in building materials is wood products, including plywood, particle board, and other pressed wood products, which are typically used in residential construction.[2] It is, therefore, first important to note that the proposed Parcel B FDP does not propose any residential homes. The proposed project includes 150,000 square feet of office/lab space, 15,800 square retail and 565 parking spaces.

Based on input from AG-CCRP's architects, we understand that the use of any wood products will be very limited in a laboratory environment. In laboratory buildings, the most common wood product is often the

[1] California Air Resources Board ("CARB"), Formaldehyde, available at: https://www.arb.ca.gov/research/indoor/formaldehyde.htm. Last accessed 1/22/2019.
[2] Id.

laboratory casework, which can be constructed of steel or wood products. If constructed of wood products, the tenant improvement phase casework specification would include a NAUF (No-Added-Urea-Formaldehyde) requirement. In the base building (core and shell) construction, this specification can be added to any small amounts of wood finish trim that might be utilized. Otherwise, use of wood would be extremely limited.

Further, in the study cited by Lozeau Drury, study participants were asked to rely on mechanical ventilation (venting kitchen range hood and/or over the range microwave and bathroom exhaust fans) and avoid window use during a one-week monitoring period, which creates an atypical environment. In contrast, the ventilation requirements of a lab environment are substantially higher than other office occupancies. Laboratories are typically required to be one pass through of fresh outside air (no recirculation) and depending on the type of system and occupancy, may require 2 to 12 air changes per hour.

Further, construction on Parcel B would comply with mandatory and applicable regulatory requirements, ensuring less than significant impacts from formaldehyde. Several of the requirements have been passed more recently than the building of the homes studied in the exhibit cited by Lozeau Drury (while it is a 2018 study, the homes studied were built in 2011 or later), further distinguishing construction on Parcel B from the homes studied. These applicable requirements include the following:

- The Composite Wood Products Regulation[3] is a California Air Resources Board (CARB) regulation that reduces public exposure to formaldehyde through the establishment of strict emission performance standards on particleboard, medium density fiberboard and hardwood plywood (collectively known as composite wood products). The regulation, adopted in 2007, established two phases of emissions standards: an initial Phase I, and later, a more stringent Phase 2 that requires all finished goods, such as flooring, destined for sale or use in California to be made using complying composite wood products. As of January, 2014 only Phase 2 products are legal for sale in California.

- On December 12, 2016, EPA published in the Federal Register a final rule to reduce exposure to formaldehyde emissions from certain wood products produced domestically or imported into the United States.[4] EPA worked with CARB to help ensure the final national rule was consistent with California's requirements for similar composite wood products.

- The California Green Building Standards Code (CALGREEN)[5] includes mandatory and voluntary measures for building materials, including formaldehyde emissions limits consistent with CARB's Composite Wood Products Regulation.[6] The City of Emeryville has adopted the CALGREEN code requirements, further ensuring compliance.[7]

Lastly, the study discussed in Lozeau Drury's exhibit simply does not conclude that formaldehyde constitutes a significant impact. Rather, the study's conclusion is that "[n]ew California homes now have lower indoor formaldehyde levels than previously measured, likely as a result of California's formaldehyde emission standards." Lozeau Drury's assertion that formaldehyde constitutes a significant impact is unsupported, and no further analysis or discussion of formaldehyde impacts is required under the California

[3] 17 CCR 93120 et seq.

[4] 40 CFR 770; see also https://www.epa.gov/formaldehyde/formaldehyde-emission-standards-composite-wood-products, last accessed 1/22/2019.

[5] CCR Title 24, Part 11.

[6] See CALGREEN Section 5.504.5 in the mandatory requirements for non-residential development.

[7] See Emeryville Municipal Code, Chapter 8.

Environmental Quality Act. There is, in fact, no applicable threshold of significance for formaldehyde provided in State CEQA Guidelines, regional, or local guidance. As discussed throughout, the proposed Parcel B office/lab space with its extensive ventilation will not result in significant formaldehyde impacts.

We appreciate your time and consideration of the Parcel B FDP and the corresponding environmental analysis.

Sincerely yours,

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