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NLCAA Response to CEC Compliance Gap Analysis Docket 24-BSTD-05

Additional submitted attachment is included below.

September 10, 2025

California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

**Subject: NLCAA Comments on the California Energy Code Compliance Gap Analysis
(CEC-400-2025-011)**

Dear Commissioners and Staff,

On behalf of the National Lighting Contractors Association of America (NLCAA), we thank the California Energy Commission (CEC) staff for their work on the California Energy Code Compliance Gap Analysis (CEC-400-2025-011). The report provides an important framework for reassessing how compliance is defined, measured, and enforced. We particularly acknowledge the distinction drawn between process-based compliance (documentation, permitting, inspections) and energy-based compliance (as-built performance). This distinction is essential to understanding the challenges facing California's compliance ecosystem.

NLCAA agrees with the Gap Analysis that historic compliance rates have been overstated. Too often, compliance has been measured by modeled assumptions or program-specific attribution studies rather than verifiable enforcement. This has masked systemic deficiencies in permitting, NRCC documentation, and acceptance testing. We encourage the CEC to clearly communicate that prior statewide compliance estimates were not reflective of actual field performance.

We support the recommendation to prioritize process-based compliance. From our direct experience training and certifying Acceptance Test Technicians (ATTs), we know that systemic failures occur when projects bypass required documentation or omit ATT engagement until the final inspection. Strengthening process enforcement—particularly NRCC completion, permit tracking, and early ATT involvement—is the most immediate and actionable path to reversing compliance decline.

While the Gap Analysis envisions a 1–5 year “short-term” window for action, NLCAA urges immediate measures. The ATTCP program is facing attrition: trained technicians are leaving the field due to lack of enforcement, inconsistent demand, and limited recognition by overburdened AHJs. Without urgent reinforcement, California risks losing the very infrastructure it built to support compliance.

A central NLCAA recommendation is to engage ATTs at the permitting/NRCC stage, not just at the end of construction. This early engagement ensures that compliance documents and designs are properly reviewed, preventing downstream failures that delay occupancy and



increase costs. The current practice of deferring ATT involvement until project closeout creates a reactive, failure-driven compliance model. We strongly recommend that the CEC formalize ATT signatures on NRCC forms to confirm qualified review from the beginning.

The Gap Analysis questions whether data-driven methods can yield actionable insights. NLCAA respectfully disagrees. Our work shows that when ATT testing volumes, NRCC form submissions, and finalized permit data are compared across jurisdictions, clear compliance trends emerge. Data integration—if standardized and shared—can reveal which AHJs are succeeding, which are struggling, and where targeted assistance is needed.

We echo the report's finding that California's 500+ AHJs vary widely in resources and capacity. NLCAA's goal is not to burden these agencies, but to partner with them by highlighting how certified ATTs can help streamline plan review, reduce inspection failures, and improve compliance efficiency. We encourage the CEC to create pilot projects in collaboration with AHJs and ATTCPs to demonstrate the value of early, process-based compliance checks.

In closing, NLCAA appreciates the Commission's leadership in acknowledging the compliance gaps and soliciting stakeholder input. However, we urge the CEC to move from analysis to immediate implementation. The ATTCP sector cannot withstand further erosion, and the state cannot afford continued systemic non-compliance.

We specifically recommend that the CEC:

1. Require ATT review and signature at the NRCC/permitting stage to ensure designs will pass the applicable energy code.
2. Prioritize process-based compliance metrics that are measurable, enforceable, and actionable.
3. Leverage ATTCP data in combination with permit and NRCC data to create jurisdictional compliance profiles.
4. Support AHJs through pilot programs that demonstrate compliance improvements via ATT involvement.
5. NLCAA has been actively participating in California Energy Alliance (CEA) work groups, alongside CEC staff, to help shape these recommendations. We strongly hope that this collaborative effort leads to immediate, short-term results, as the ATTCP segment is in dire need of support and reinforcement.

By acting decisively now, California can strengthen its Energy Code enforcement, support its workforce, and secure the energy savings envisioned in Title 24.

Sincerely,

Michael Scalzo

Executive Director

National Lighting Contractors Association of America (NLCAA)