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November 14, 2025

VIA Docket No. 24-BSTD-05

California Energy Commission
Docket Unit
Docket No. 24-BSTD-05
715 P Street
Sacramento, California 95814

Re: **Energy Code Compliance Initiatives Comments of the Joint Committee on Energy and Environmental Policy, the Western States Council of Sheet Metal, Air, Rail, and Transportation Workers, the California State Pipe Trades Council, and the California State Association of Electrical Workers**

Dear Commissioners and Staff:

We write on behalf of the Joint Committee on Energy and Environmental Policy, Western States Council of Sheet Metal, Air, Rail, and Transportation Workers, the California State Pipe Trades Council, and the California State Association of Electrical Workers (collectively “the Coalition”) to comment on the Improving Energy Code Compliance: Recommendations on Tools, Process, and Performance Tools Report (“Compliance Recommendation Report”).¹

The Coalition commends the Commission for the thoughtful and comprehensive Compliance Recommendation Report. This report represents an important step in finally addressing compliance issues that have plagued the Energy Code for decades. As discussed in detail below, the Coalition recommends adding several action items.

The most important addition is the development of a heating, ventilation, and air conditioning (“HVAC”) sales tracking system to address widespread unpermitted

¹ California Energy Commission, Consultant Report: Improving Energy Code Compliance; Recommendations on Tools, Processes, and Performance Indicators (May 2025), *available at* <https://efiling.energy.ca.gov/GetDocument.aspx?tn=266082&DocumentContentId=103099>.

HVAC installations. As it stands, none of the recommendations meaningfully address this noncompliance issue. The Coalition also recommends adding a near-term focus on identifying and lobbying jurisdictions that are not consistently enforcing acceptance test requirements. A key component of this strategy is to develop an action plan to improve enforcement in low-performing jurisdictions. Finally, the Commission must prioritize these implementation measures over unnecessary further studies attempting to quantify the compliance gap more precisely.

I. STATEMENT OF INTEREST

The Joint Committee on Energy and Environmental Policy (“JCEEP”) is an advocacy organization that represents the California sheet metal workers’ local unions and over 25,000 technicians working for over 600 contractors throughout California. JCEEP’s mission is to promote responsible environmental and indoor air quality and energy policy in California as it pertains to and impacts the HVAC industry.

The Western States Council of Sheet Metal, Air, Rail, and Transportation Workers (“WSC SMART”) represents Sheet Metal Workers' Local Unions in California, Arizona, Nevada, and Hawaii. Its members install all types of HVAC systems, both residential and commercial, and are committed to not only ensuring indoor comfort through heating and cooling but also safeguarding air quality and promoting energy efficiency in HVAC systems. In California alone, the WSC SMART operates over 15 training facilities, where thousands of workers are trained daily in HVAC specialties, including heat pump installations.

The California State Pipe Trades Council (“CSPTC”) represents more than 30,000 union plumbing, pipefitting, and HVAC installers throughout California. The CSPTC and its local union members have long advocated for building standards and regulations to improve the health, safety and efficiency of buildings in California, and for meaningful enforcement of these standards to level the playing field for high road contractors that take compliance with permit, code and energy code compliance documentation requirements seriously. The CSPTC Apprentice Program invests over \$18 million annually to train the next generation of plumbers, pipe fitters, and refrigeration and air conditioning journeymen at 27 apprenticeship training centers across the state and to provide continuing education training opportunities to its existing members with a focus on new technologies such as heat pump water heating and HVAC equipment.

The California State Association of Electrical Workers (“CSAEW”) and its member IBEW locals represent approximately 83,000 active members in California that work in all aspects of electrical construction. CSAEW has long been an advocate for increased energy efficiency, renewable energy and energy storage building requirements. CSAEW’s members operate over 25 apprentice training centers across the state. These centers provide the highest level of classroom and hands-on training available in code compliance, workmanship and safety to ensure that electricians have the skills, experience and abilities needed to meet California’s energy goals.

These organizations and their members have long advocated for quality installation practices, code and permit compliance, and the development and implementation of education and training programs that advance safety, performance and efficiency in California’s building sector.

II. THE COALITION STRONGLY SUPPORTS THE REPORT’S COMPLIANCE RECOMMENDATIONS AND OFFERS ADDITIONAL MEASURES TO ADDRESS REMAINING GAPS

Overall, the compliance recommendations are well-conceived and offer meaningful opportunities to modernize processes, promote consistency, and reduce ambiguity. In particular, the Coalition strongly supports complete digitization of compliance forms in the near term. The Coalition, however, recommends that the long-term goal of developing a centralized compliance data platform be prioritized over the mid-term recommendations.

In addition, the Coalition recommends adding the following items to the proposed recommendations:

A. Add An HVAC Sales Tracking System as a Long-Term Goal

The Coalition recommends adding an HVAC sales tracking system as a long-term goal to enable identification of unpermitted projects.² None of the Compliance

² See generally Letter to California Energy Commission from Thomas A. Enslow, Adams Broadwell Joseph & Cardozo re: Request for Information (RFI) re Energy Data Collection Phase 3 – Space Conditioning and Water Heating Equipment Data Tracking (Docket 24-OIR-03) (Aug. 18, 2025), available at

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=2656664&DocumentContentId=102513>.

Recommendation Report's solutions would address non-permitted projects in any meaningful way. A centralized data platform would only capture permitted and reported projects, missing the shadow market of unpermitted or off-the-book installations. If permits are not pulled, documentation requirements are rendered useless and ineffective.

An HVAC sales tracking system would address this gap by enabling the Commission and other enforcement agencies to link equipment sales with issued permits and submitted compliance documentation – such as certificates of acceptance or verification – to ensure proper installation and regulatory adherence. Equipment that is sold without the required permits, inspections and compliance documentation can be investigated so that unpermitted installations can be identified and responsible parties are held accountable. Without such a system in place, there is no viable way to detect or prevent the installation of systems that lack proper permitting.

The Commission has previously endorsed similar approaches. For instance, in the 2016 Existing Building Energy Efficiency Action Plan Update, the Commission recommended creating a HVAC equipment sales registry to track installations and verify that permit requirements are met.³ Likewise, in 2018, Senate Bill 1414 (Stern) directed the Commission to develop a plan to improve Energy Code compliance for central air conditioning and heat pumps systems.⁴ In response, the Commission recommended that:

- Distributors sell heating and air conditioning equipment only to licensed contractors and report the number of units sold to each purchaser.
- Manufacturers and distributors require that warranty registrations include the installation permit number.
- Warranty claims be contingent upon proof that a valid permit was obtained for the installation.⁵

A sales tracking system aligns perfectly with these recommendations because it provides the data backbone and verification framework needed to enforce them consistently and automatically. Each recommendation depends on accurate,

³ California Energy Commission, 2016 Existing Buildings Energy Efficiency Update (Dec. 2016) p. 22-23, available at <https://efiling.energy.ca.gov/getdocument.aspx?tn=214801>.

⁴ Pub. Res. Code § 2402.12.

⁵ California Energy Commission, Final 2021 Integrated Energy Policy Report, Volume I: Building Decarbonization (Feb. 2022), available at <https://efiling.energy.ca.gov/GetDocument.aspx?tn=241599>.

connected records of who bought what, when, and under what credentials. A sales tracking system centralizes this information, linking sales data with contractor licensing databases, permit records, and warranty submission. This integration allows real-time validation, automated reporting, and transparent traceability from product sale through installation and service.

The sales tracking system directly supports and strengthens energy code compliance by creating a transparent, verifiable chain between sale, installation, and permitting of heating and cooling equipment. By ensuring that distributors sell only to licensed contractors and that every warranty registration and claim is tied to a valid permit installation, the system guarantees that equipment installations are performed by qualified professionals following local building and energy codes. This closed-loop process prevents unpermitted or standard installations that often bypass efficiency requirements, while providing the Commission with reliable data to monitor compliance trends.

B. Add a Near-Term Goal of Identifying Major Jurisdictions That Fail to Consistently Enforce Acceptance Test Requirements

The Coalition recommends adding a new near-term goal of identifying major jurisdictions that are not consistently enforcing acceptance test requirements. The Coalition recommends prioritizing this for three key reasons.

First, the data needed to identify where substantial gaps in acceptance test enforcement exist is already available. Acceptance Test Technician Certification Providers (“ATTCPs”) are required to track all acceptance tests, giving them clear visibility into jurisdictions where requirements are being inconsistently enforced, or not enforced at all. This dataset can be further strengthened through interviews with acceptance test technicians about their experiences with jurisdictions that fail to enforce acceptance test requirements.

Second, the level of acceptance test enforcement can serve as a broad proxy for assessing the broader strength of energy code enforcement within a jurisdiction. Where acceptance testing is not enforced, overall code compliance is likely to be weak as well.

Third, strengthening acceptance test enforcement must be an immediate priority for the Commission because the current lack of enforcement has created a financial crisis for ATTCPs. Without prompt corrective action, some or all the

ATTCPs may be forced to cease operations, which would significantly undermine the State's acceptance testing framework.

C. Add a Near Term Goal of Developing an Action Plan for Lobbying Jurisdictions that Fail to Adequately Enforce the Energy Code

The Coalition also recommends establishing a near-term goal of developing a formal Commission action plan to address jurisdictions that are not adequately enforce the Energy Code. This plan should include lobbying mayors, city councilmembers, and board of supervisors on the critical importance of ensuring that their building departments are enforcing Energy Code requirements. In many jurisdictions, Energy Code enforcement will not become a priority unless local leadership explicitly directs building departments to treat it as one.

D. Prioritize Meaningful Compliance Actions Over Unnecessary Further Studies of Compliance Problems

Members of the Coalition have previously expressed its concerns with the proposals in the Compliance Gap Analysis calling for additional, expensive studies to more precisely measure code compliance.⁶ These studies are unnecessary, and none of the proposed research would meaningfully contribute to improving compliance. The Commission and other agencies have identified the same compliance challenges for more than twenty years, yet there has been little substantive action to address them.

The Coalition strongly opposes the gap analysis recommendations to the extent that undertaking these studies would, in any way, delay the implementation of meaningful compliance improvement measures or divert resources that would be better spent on carrying out the proposals presented in the Compliance Recommendation Report and these comments.

III. CONCLUSION

The Coalition greatly appreciates the Commission's continued efforts to improve Energy Code compliance and its consideration of the additional recommendations outlined in this letter. Together, these measures provide a clear

⁶ Letter to Energy Commission from Andrew J. Graf, Adams Broadwell Joseph & Cardozo re: Comments on the Energy Code Compliance Gap Analysis (Sept. 12, 2025), *available at* <https://efiling.energy.ca.gov/GetDocument.aspx?tn=266003&DocumentContentId=103017>.

November 14, 2025

Page 7

and actionable pathway to significantly increase compliance rates. We encourage the Commission to focus its time and resources on these implementation strategies. By doing so, the Commission can help ensure that efficiency measures are properly installed and verified, deliver real energy savings, protect consumers, and maximize the return on the state's investments in the Energy Code.

Thank you for your consideration of these comments.

Sincerely,



Andrew J. Graf

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