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**DOCKET**

**12-BSTD-1**

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March 12, 2012

California Energy Commission  
Attention: Docket No. 12-BSTD-1  
Dockets Office  
1516 Ninth Street, MS-4  
Sacramento, CA 95814

Re: Proposed Section 140.3(b): OPPOSE

Members of the California Energy Commission:

The **Associated Roofing Contractors of the Bay Area Counties, Inc.** and the **Union Roofing Contractors Association** are professional trade associations that represent signatory roofing contractors in Northern California and Southern California, respectively. Despite the economic recession, our combined membership of more than 100 companies currently employ over 3,000 skilled union craftsmen who performed in excess of 4 million man-hours of roofing work last year, primarily on commercial and industrial projects. We are writing this joint letter today because we are deeply concerned that proposed revisions to the California Energy Code will have a disproportionate adverse affect on our union contractor members and their employees. Accordingly, we have no choice but to oppose them.

### The Current Energy Code is Flexible

Union roofing contracting firms tend to be relatively large companies that specialize in performing difficult work for demanding customers, such as refineries, national laboratories, heavy manufacturers and utilities. They rarely encounter “wide open” flat roofs with few penetrations or other obstacles. The roofs our members work on are littered with HVAC units, photovoltaic panels, electrical conduits, gas, water and chemical pipes, vents and skylights. These roofs are often situated directly above millions of dollars worth of computers, sensitive equipment and machinery. The owners are very sensitive about protecting these assets and rightly so.

Competing in the commercial and industrial roofing market is extremely challenging. It requires specialized equipment, a highly skilled workforce and the ability to devise creative solutions to complex situations. From a regulatory point of view, union roofing contractors need flexibility. A “one size fits all” approach is simply not appropriate in the environment in which our members – and their customers – operate.

The current California Energy Code provides roofing contractors with considerable flexibility in determining how to satisfy energy efficiency requirements when reroofing a building. They can install a “cool roof”. They can install additional insulation above the roof deck in lieu of applying a “cool roof”. And especially significant for our union contractor members, they can install insulation below the roof deck to compensate for applying a non-compliant roofing membrane. This is a crucial option in commercial and industrial situations, where disconnecting and lifting machinery and equipment so that insulation can be installed above the roof deck is frequently impractical and/or prohibitively expensive.

## **The Proposed 2013 Energy Code Limits Contractor and Consumer Options**

The proposed 2013 Building Energy Efficiency Standards effectively eliminate the option of installing insulation below the roof deck, which severely limits contractors' and consumers' reroofing options. Moreover, this very significant change is effectuated in a distressingly "quiet" manner, with little fanfare, no discussion and not so much as a passing mention in the supporting documentation for this rulemaking! Only the most careful and attentive reading of the 45-day language makes this drastic change apparent.

### **Proposed Exception 1 to Section 141.0(b)1B**

Proposed *Exception 1 Section 141.0(b)1B* (page 230 of the 45-day language document) reads as follows:

*The Overall Envelope Energy Approach of Section 140.3(b) may be used and the standard building shall be based on the higher roof/ceiling insulation value of the following:*

- i. For low-sloped roofs, the insulation values specified in Table 141.0C; or*
- ii. For steep-sloped roofs, the insulation values specified in Section 150.3(a); or*
- iii. The existing installed insulation.*

This wording is almost identical to the wording in *Exception 2 to Section 149(b)1B* in the current iteration of the Energy Code. This Exception allows roofing contractors to utilize the Overall Envelope (TDV) Energy Approach to calculate how much insulation must be installed – either above or below the roof deck – to compensate for applying a noncompliant roofing product. The casual reader of this proposal is led to believe that the Overall Envelope Energy Approach is still available as a compliance option. This is not the case.

### **Proposed Section 140.3(b)**

When one follows the regulatory trail and actually reads proposed *Section 140.3(b)* one finds that the *Overall Envelope Energy Approach* referenced in proposed *Exception 1 to Section 141.0(b)1B* **no longer exists!** It has been deleted in its entirety. The revised provision (see page 179 of the 45-day language document) reads as follows:

***Other Envelope Energy Approaches. Other envelope tradeoffs alternatives approved by the Executive Director may be allowed provided that the total TDV Energy of the overall envelope of the proposed building,  $TDV_{prop}$ , shall be no greater than the TDV Energy of the overall envelope of a standard building,  $TDV_{std}$ .***

The reference to the Overall Envelope Energy Approach in proposed *Exception 1 to Section 141.0(b)1B* is superfluous and deceptive. To add insult to injury, not only has the existing trade-off procedure been eliminated, it has not been replaced with any alternative procedure that contractors can use now. It should also be noted that existing *Reference Nonresidential Appendix NA5*, where the current

envelope tradeoff procedure is described, is also proposed for deletion in its entirety. That section is now devoid of content and is marked “Reserved”, perhaps as a placeholder for some alternative procedure that “may” be approved in future.

All that remains of a very useful Section of the Energy Code is a vague provision that alternative tradeoff approaches may be allowed in future, if the Executive Director approves them. Unless and until a new procedure becomes available, the effect of the changes discussed above is to declare the area below the roof deck “off limits” to contractors and consumers looking for compliance options. This is unacceptable.

**Offer New Alternatives Before Deleting Existing Ones!**

Narrowing contractors’ and consumers’ compliance options without discussion, explanation or justification is unjust and unwise. It is fundamentally unfair to our union roofing contractor members and does nothing whatsoever to advance energy efficiency in roofing. Indeed, if these proposals are adopted they are likely to have precisely the opposite effect.

Adding insulation below the roof deck can be a cost-effective way for commercial and industrial building owners to get the roof of their choice while also saving energy. Declaring the underside of the roof deck “off limits” narrows owners’ reroofing options to a handful, the most attractive of which may be ignoring the requirements of the Energy Code in order to get the roof of their choice at a reasonable price.


Unfortunately, there is no shortage of unscrupulous roofing contractors who are ready, willing and able to give customers precisely what they want, regardless of Energy Code requirements. Playing into their hands by eliminating the Overall Envelope TDV Energy Approach harms our contractor members, the union craftsmen they employ and the State of California’s energy conservation goals.

Our organizations stand ready to assist CEC staff in developing alternative approaches to trade-offs. But until such time as such alternatives are actually available, there is simply no justification for eliminating the Overall Envelope TDV Energy Approach. We urge you to reject proposed Section 140.3(b) and restore all of the existing Energy Code provisions pertaining to the Overall Envelope TDV Energy Approach.

Thank you for your attention and consideration.



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