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November 24, 2014

Via Email

California Energy Commission
Dockets Office, MS-4
Re: Docket No. 14-BSTD-01
1516 Ninth Street
Sacramento, CA 95814-5512
docket@energy.ca.gov



Re: JCEEP Comments on Proposed 2016 Code Changes re Acceptance Test Technician Providers: Docket No. 2014-BSTD-01

Dear Docket Office:

I am writing on behalf of the Joint Committee on Energy and Environmental Policy (“JCEEP”) to comment on the proposed codes changes to the California Energy Commission’s Part 1 administrative regulations governing the approval of Acceptance Test Technician Certification Providers (“ATTCPs”). JCEEP is made up of the California sheet metal workers’ local unions and more than 25,000 technicians working for over 600 contractors throughout California. The mission of the Joint Committee on Energy and Environmental Policy is to promote responsible environmental, indoor air quality, and energy policy as it pertains to and impacts the HVAC industry.

JCEEP has reviewed the proposed amendments put forth at the Commission's November 3, 2014 staff workshop and has identified several amendments that appear to weaken the ATTCP requirements. While JCEEP agrees that the ATTCP regulations need updating and additional clarity, JCEEP urges the Commission to ensure that any changes made to the regulations strengthen the program requirements, not weaken them. The proposed Mechanical ATTCP changes are summarized below along with NEMIC’s specific comments on each of the changes.

Proposed Changes to CEC Mechanical ATTCP Regulations
(Cal. Code Regs, tit. 24, Part 1, Section 10-103-B)

Change to Section 10-103-B (c)(1).

Response: Support.

Change to Section (c)(2).

Response: Support.

Change to Section (c)(3).

Response: Support.

Change to Section (c)(3)(A).

A. Training Scope. The scope of the training shall include ~~Both hands-on experience and theoretical training to certify competency in the technologies and skills necessary to perform the acceptance tests such that Acceptance Test Technicians demonstrate their ability to apply the Building Energy Efficiency Standards acceptance testing and documentation requirements to a comprehensive variety of mechanical systems and controls that are reflective of the range of systems currently encountered in the field.~~

Response: **Oppose.** JCEEP supports requiring an ATTCP to demonstrate that its training ensures technicians will have the ability to apply acceptance testing “to a comprehensive variety of mechanical systems and controls that is reflective of the range of systems currently encountered in the field.” The purpose of this requirement is to ensure that technicians are able to apply their training to any of the systems he or she may encounter in the field. Proposed amendment is vague, reduces clarity and weakens existing requirements.

Change to Section (c)(3)(B)(iii).

(iii) Prequalification. Participation in the technician certification program shall be limited to persons who have at least three years of ~~verifiable~~ professional experience and expertise in mechanical controls and systems as determined by the Mechanical ATTCPs, ~~to demonstrate their ability to~~

~~understand and apply the Mechanical Acceptance Test Technician certification training. The criteria and review processes used by the ATTCP to determine the relevance of technician professional experience shall be described in the ATTCP application to the Energy Commission.~~

Response: **Oppose.** The original language should be kept in place. An applicant's professional experience in mechanical controls and systems should be verified and should relate to ability to understand and apply the acceptance test training. Furthermore, the criteria and review process used by an ATTCP should have to be disclosed by the ATTCP applicant so that the staff and the public can assess its adequacy.

Change to Section (c)(3)(B)(iv).

Response: Support.

Change to Section (c)(3)(B)(v).

Response: Support.

Change to Section (c)(3)(B)(vi).

Response: Support.

Change to Section (c)(3)(F) to require random compliance form audits for no less than 1% of each Technician's completed acceptance tests and random on-site audits for no less than 1% of each Technician's completed acceptance tests.

F. Quality Assurance and Accountability. The ATTCP shall describe in their application to the Energy Commission how their certification business practices include quality assurance, ~~independent oversight~~ and accountability measures, ~~such as,~~ including but not limited to independent oversight of the certification processes and procedures, visits to building sites where certified technicians are completing acceptance tests, certification process evaluations, building department surveys to determine acceptance testing effectiveness, and expert review of the training curricula developed for Building Energy Efficiency Standards, Section 120.5. The ATTCP shall review a random sample of no less than 1% of each Technician's completed compliance forms, and shall perform randomly selected on-site audits of no less than 1% of each

Technician's completed acceptance tests. Independent oversight may be demonstrated by accreditation under the ISO/IEC 17024 standard.

Response: Support *with amendment.* JCEEP supports setting a standard minimum rate for quality assurance audits. JCEEP supports requiring a higher rate for the first three to five years of any new ATTCP program.

Change to Section (d).

Response: Support.

Deletion of Section (e) to eliminate entire interim approval section.

Response: Support with amendment. The interim approval provisions that will expire by the effective date of the 2016 code should be deleted, but the provisions regarding employer training requirements should be retained.

Change to Section (f).

(fe) Application Review and Determination. The Energy Commission shall review Acceptance Test Technician Certification Provider applications according to the criteria and procedures in Section 10-103-B(c) to determine if such providers ~~are approved to~~ meet the specified requirements for providing acceptance testing certification services.

1. Energy Commission staff will review and validate all information received on Acceptance Test Technician Certification Provider applications, and determine ~~that~~ whether the application is complete and contains sufficient information to be approved.
2. The Executive Director may require that the applicant provide additional information as required by staff to fully evaluate the Provider application.
3. The Executive Director shall provide a copy of ~~its~~ staff's evaluation to interested persons and provide a reasonable opportunity for public comment.

34. The Executive Director shall issue a written recommendation that the Energy Commission designate the applicant as an authorized Mechanical Acceptance Test Technician Certification Provider or deny the Provider application.

45. The Energy Commission shall make a final decision on the application at a publicly noticed hearing.

*Response: **Oppose.*** This change eliminates the Commission's discretion to assess the merits of an application or the rigor or effectiveness of the proposed certification program. Merely submitting the requested application information isn't sufficient. Commission also needs to evaluate the merits of the application and the strength of the proposed Provider program.

Addition of new Section (f) to add process for amending an ATTCP program.

Response: Support.

In addition to the changes proposed by Commission staff, JCEEP believes that additional amendment of the ATTCP regulations may be necessary to strengthen the certification program and to provide additional clarity to provider applicants. JCEEP is still in the process of completing an assessment of the current regulations and will submit further comments when that assessment is complete.

Sincerely,



Thomas A. Enslow

TAE:ljl