

DOCKETED

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Project Title:	Alternative Procedure to Home Energy Rating System (HERS) Rater Nonresidential Duct Leakage Test Verification
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Comment Received From: Shelby Gatlin

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CalCERTS Comments Re Alt Procedure HERS

Additional submitted attachment is included below.

January 13, 2017

To: California Energy Resources Conservation and Development Commission

Re: Alternative Procedure to Home Energy Rating System (HERS) Rater
Nonresidential Duct Leakage Test Verification – Docket No. 16-ATTCP-01

CalCERTS, Inc. appreciates this opportunity to provide feedback to the California Energy Commission regarding the proposed Alternative Procedure for Nonresidential Duct Leakage Test Verification. Although we feel that this proposal does have merit, there are significant concerns that still need to be addressed. CalCERTS has been a HERS Provider in California for more than 10 years and is approved for both Residential and Non-Residential HERS testing. As a HERS Provider, we must meet the requirements of Title 20, including detailed requirements regarding Quality Assurance and Third Party Independence. Our comments on the Commission's proposal are based largely on our decade's worth of experience of meeting the Title 20 requirements and maintaining the CalCERTS Registry.

To begin with, while we do have serious reservations about this proposal, there are many positive aspects which are worth mentioning. First, there is no doubt that the Acceptance Testing Technicians have the *technical* knowledge to perform the testing. Second, Commission has considered the impact of this change on the market in general and on HERS Raters in particular. The fact that HERS Raters may verify sampling while Acceptance Technicians may not is a notable distinction that CalCERTS fully supports. Finally, it's clear that the Commission has given serious thought to the issue of enforcement. The planned outreach and educational efforts by Building Departments should help address the confusion that jurisdictions will undoubtedly experience once there are multiple pathways to compliance.

There is one important issue with the proposal that has not been addressed adequately: the abandonment of third party independence. Acceptance Testing Technicians and Providers are not required, as HERS Raters and Providers are, to have third party independence from the installing contractor. Abandonment of third party independence for these verifications is cause for serious concern, and could undermine the Commission's long term goals for energy efficiency in non-residential buildings. The Commission's change in policy on this issue could delegitimize the importance of the verification process in the eyes of industry stakeholders.

The primary benefit of third party independence is that it removes a strong financial incentive to certify buildings as compliant when they are not. Another benefit of third party independence is that it removes the financial incentive for Providers to claim that their Technicians – which could mean employees in this case – pass Quality Assurance reviews even if they do not. Third party independence is one of the *fundamental* differences between the HERS Program in California versus the rest of the nation. The requirement of independence has improved compliance with the building code. It has also helped improve enforcement, remove bad actors and poor installation practices from the industry, and reduce energy costs for California’s building owners. Third party independence safeguards the inspection processes.

CalCERTS urges Commission to reconsider its position of relinquishing the third party independence of Acceptance Testing Technicians and Providers, especially in light of the fact that it is required of HERS Raters and Providers. CalCERTS formally requests Commission staff to clarify their position on third party independence, and in particular to answer the following questions:

- What analysis was performed to justify the omission of these requirements for ATTCP’s?
- Was a similar analysis performed on behalf of HERS Providers and Raters?
- Does the Commission intend to remove the third party independence requirement for other acceptance technicians or for other tests?
- Can HERS Providers expect a removal of the third party independence requirements in the next iteration of Title 20?

In conclusion, while many aspects of this proposal are sound, CalCERTS cannot support the proposal as it stands. CalCERTS requests staff clarification of the third party independence issue and specifically would like to know the Commission’s reasoning for requiring independence of HERS Raters and Providers but not of Acceptance Testing Technicians and Providers. By understanding the rationale, CalCERTS is hopeful that it will understand why the Commission has amended the HERS verification requirement for this important energy verification for non-residential buildings. Thank you for this opportunity to comment on the proposal. We look forward to the Commission’s feedback on this issue.

Sincerely,



Michael C. Bachand
Chief Executive Officer
CalCERTS, Inc.

