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CALCTP COMMENTS ON OCTOBER 6, 2017 WORKSHOP

Additional submitted attachment is included below.

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October 19, 2017

VIA U.S. MAIL AND E-FILE

California Energy Commission
1516 9th Street
Sacramento, CA 95814
Attn: Docket Office (MS-4)

**Re: Docket # 17-BSTD-01 – Comments on Changes to ATTCP
Requirements for 2019 Standards Proposed at October 6, 2017
Workshop**

Dear Commissioners and Commission Staff:

The following comments are submitted on behalf of the California Advanced Lighting Control Training Program (“CALCTP”) in response to the proposed amendments to the Acceptance Test Technician Certification Provider (“ATTCP”) requirements for the 2019 Building Energy Efficiency Standards that were presented at the July 18, 2017 Pre-Rulemaking Workshop. CALCTP is an approved Lighting Control ATTCP that has trained and certified over 1,400 Lighting Control Acceptance Test Technicians throughout California.

A. Sections 10-103.1(b): Threshold Maintenance

Proposed Change: Provide the Energy Commission with regulatory authority to ensure that the threshold requirements are maintained.

Industry Certification Threshold. ~~Lighting Controls Acceptance Test Technician~~ ATT and ~~Employer~~ ATE certification requirements shall take effect when the Energy Commission finds that each of the following conditions are met. Until such time that Section 10-103.1(b)1 and 10-103.1(b)2 are met, or if, subsequent to being met, they cease to be maintained, Field Technicians ~~ATTs are allowed to~~ may complete the

acceptance testing ~~requirements as specified in Part 6, Section 130.4 without completing meeting the Acceptance Test Technician certification requirements specified in Part 1, Section 10-103.1.~~

CALCTP Comment:

CALCTP opposes this for Lighting Control ATTCPs on the grounds that it is unnecessary and undermines the confidence of ATTs in this program at the same time that lack of enforcement is already undermining the confidence of ATTs in the value of maintaining certification. Moreover, there is no justification for imposing this threat uniquely on acceptance testers when other similar certification programs such as HERS are not burdened with the same language.

This language is unnecessary for two reasons. First, CALCTP has almost 1600 currently certified ATTs and almost 500 certified ATEs. It is highly unlikely that the number of lighting control acceptance testers will fall under the 300 threshold. Moreover, just as with the HERS program the Commission has the authority to take action or suspend the program if problems with availability occur through the issuance of emergency regulations temporarily suspending the program.

Given the substantial investment in time and money that stakeholders have put into the ATT certification program, this requirement should not be rescinded without a formal hearing and a formal determination that the current number of ATTs are inadequate. Furthermore, the remedy for such an occurrence should be more flexible than simply eliminating the requirement to use acceptance testers who actually know what they are doing. If the lack of sufficient ATTs is only an issue for a particular county or counties, the Commission could temporarily suspend the requirement in the affected county or counties only.

Adding this language is not only unnecessary, it would create confusion in the marketplace and further contribute to the lack of enforcement of the certified ATT requirements. Instead of adding language suggesting that this requirement may disappear, CALCTP recommends eliminating Section 10-103.1 altogether. Currently, Title 24 users have no indication when they look at the code as to whether the requirement to use certified lighting control ATTs is actually in effect. They would have to go to the Commission website to determine this. This section

should be amended to unequivocally state that this requirement is in effect for lighting control ATTs.

B. Sections 10-103.1(c)2A: Recertification of ATEs

CALCTP supports the clarification that ATEs need to be recertified in addition to ATTs.

C. Sections 10-103.1(c)3B(iii), (c)3E and (c)3G: Decertified ATT Restrictions

Proposed Change:

- ATTCP's must maintain a list of ATTs or ATEs that have been decertified.
- Decertified ATTs may not apply for certification with other ATTCPs.
- ATTCPs shall describe their process and requirements for recertifying ATTs or ATEs that have been previously decertified.

CALCTP Comment:

CALCTP supports this change with some modification. The regulations should make clear that ATTCPs are not required to recertify ATTs or ATEs that have been previously decertified where that decertification was for a reason other than letting certification or recertification lapse.

D. Sections 10-103.1 (c)3B(vi): Recertification Training Curricula

Proposed Change:

Require that ATTCPs develop recertification training curricula consistent with training requirements in Sections 10-103.1(c)3A-C and submit recertification training curricula for Energy Commission approval as part of the update report.

CALCTP Comment:

Staff should be given greater latitude in approving online training for recertification requirements than provided for the initial training for acceptance test technicians. While CALCTP supports hands-on training requirements, recertification program costs should be minimized by providing greater latitude to allow online virtual hands-on training where it can be demonstrated to the satisfaction of Energy Commission staff that such training is sufficient for experienced ATTs. Propose adding the following language: “Recertification training may be provided by webinar or virtual hands-on training programs where staff determines that such training would be sufficient for experienced ATTs.”

E. Sections 10-103.1(c)3F: Quality Assurance

Proposed Change: None.

CALCTP Comment:

CALCTP strongly supports maintaining the current onsite quality assurance requirements for the lighting control certified acceptance tester programs. CALCTP has found the current requirements to be effective and feasible for the lighting control acceptance ATTCP program. CALCTP has performed over 750 quality assurance audits. CALCTP believes that these onsite verifications are an effective deterrent to drive by acceptance tests where the paperwork is filled out, but the tests are not actually performed. CALCTP has also found the paper audits to be valuable in determining common errors that should be addressed in training.

Fifteen projects reviewed by CALCTP under its quality assurance program were deemed to have failed results and to require remedial action. Each of those fifteen projects involved an on-site audit that found a test result that was not able to be replicated. Five of the failed test results involved an automated demand response control, and ten of the failed test results involved automatic daylight controls. The test results were corrected and the fifteen technicians were placed into the first remedial action category requiring 50% of future projects to be on-site quality assurance tested until they have passed 2 audits. Three of the technicians failed a second quality assurance test, resulting in placement in the 3rd and final tier of auditing.

In addition, paper audits identified 25 projects that erroneously failed to check the box verifying that the occupancy sensor was on the Title 20 list of approved equipment. The technicians informed us that they missed this item due to its location on the form. These errors were corrected and a reminder was sent out to all technicians noting the frequency of this error.

CALCTP recognizes that the quality assurance requirements for lighting control acceptance test technicians may not be feasible for HVAC acceptance test technicians. CALCTP supports requiring the most affective quality assurance *that is reasonably feasible*. CALCTP agrees that the quality assurance reasonably feasible for lighting control acceptance tests may not be the same as the quality assurance reasonably feasible for HVAC acceptance tests. Onsite verification of lighting control acceptance tests does not encounter the same barriers or difficulties that verification of HVAC acceptance tests face. For example, on site verification of HVAC acceptance tests may require shutting down a buildings HVAC system or taking actions that could throw the system out of balance.

CALCTP's experience suggests that it may be useful to temporarily suspend some or all of the quality assurance requirements for the HVAC ATTCPs in order to give them time to get their programs fully functional and financially solvent and to provide staff more time to determine what quality assurance requirements are practically and economically feasible. While CALCTP was able to make their quality assurance program fully functional at the same time as the rest of their program, the greater cost and complexity of making the HVAC quality assurance programs fully functional may be proving an unnecessary barrier to triggering the (more important) requirement to use certified HVAC acceptance testers.

The requirement to use trained and certified HVAC acceptance testers should not be delayed in the pursuit of a perfect quality assurance program. Everyone can agree that it would be better to have HVAC systems tested by trained acceptance test technicians than continuing the current system where anyone off the street with no HVAC experience whatsoever can perform the acceptance test requirements.

The difficulties in implementing a quality assurance program for HVAC acceptance testers should not be used to water down quality assurance programs for lighting control acceptance testers. Quality assurance programs for lighting control acceptance testers have been successful and effective. At the same time, CALCTP

supports a modified quality assurance requirement for HVAC ATTs if such a modification is necessary to move that forward program. Implementing the requirement to use certified HVAC ATTs will increase the accuracy of these acceptance tests even if without a rigorous quality assurance program.

More importantly for CALCTP, expeditiously implementing the requirement to use certified HVAC ATTs is likely to help increase acceptance test compliance for *all* systems. Requiring certified ATTs for lighting control acceptance tests but not HVAC acceptance tests creates confusion and increases noncompliance.

F. Sections 10-103.1(d)1: Annual Reports

Proposed Change: Expand annual report requirements to include a summary of the quality assurance activities conducted over the reporting period.

CALCTP Comment: CALCTP supports this Proposed Change.

G. Sections 10-103.1(d)2: Update Reports

Proposed Change: Expand the update report requirements to include all application amendments.

CALCTP Comment: CALCTP supports this Proposed Change.

H. Sections 10-103.1(f)1A: Nonsubstantive Application Amendments

Proposed Change: Require that for nonsubstantive amendments, the ATTCPs must submit an underline-strikethrough copy of the affected application sections and a clean copy of the affected application sections.

CALCTP Comment: CALCTP supports this Proposed Change.

I. Other Comments

There needs to be greater focus on enforcement of acceptance test requirements. CALCTP receives five to six complaints a week from ATTs about the lack of acceptance test compliance or enforcement. CALCTP records show that there are numerous counties where there has been zero compliance with the requirements to use certified ATTs. Even in counties that have some compliance, compliance is spotty at best. Numerous complaints have involved scenarios where an ATT is hired for a project, only to be told that his or her services are not needed because the building inspector does not require acceptance testing. A partial list of jurisdictions where CALCTP has received complaints regarding enforcement include: (1) Los Angeles; (2) Cerritos; (3) Chula Vista; (4) La Costa; (5) Indio; (6) Riverside; (7) San Diego; (8) Long Beach; (9) Fullerton; (10) Hollywood; (11) Huntington Beach (12) Kernan; (13) Costa Mesa; (14) Mission Viejo; (16) Camarrillo; (17) West Covina; (18) Glendale; (19) Escondido; (20) Arcadia; (21) Rosemead; (22) Paso Robles; (23) Santa Monica; (24) Placentia; (25) Inyo County; (26) Mono County; (27) La Habra; and (28) Bishop.

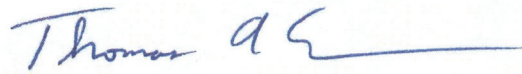
CALCTP proposes amending the annual report requirements to require ATTCPs to set forth the number of acceptance tests performed annually in each county and city. This information should then be used by the Commission to identify the jurisdictions that do not appear to be enforcing these requirements and to take action to ensure enforcement. In addition, the Commission should set up a formal process for receiving and resolving complaints regarding enforcement of the acceptance test requirements.

An additional enforcement issue is the failure of local jurisdictions to require compliance with Title 24 requirements. CALCTP ATTs regularly test systems that have obviously not complied with Title 24 lighting requirements. Under the current regulations, ATTs can only test what they have been hired to test and do not document Title 24 compliance issues. CALCTP would support requiring or authorizing acceptance test technicians to report non-compliant projects to the authority having jurisdiction and/or the Commission.

October 19, 2017
Page 8

CALCTP thanks staff for the opportunity to comment on these proposals.

Sincerely,

A handwritten signature in blue ink that reads "Thomas A. Enslow". The signature is written in a cursive style with a long horizontal flourish at the end.

Thomas A. Enslow

TAE:ljl

2698-134j