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Supplemental Comments in Support of Proposal to Delete Exception 1 to Â§110.6 (a) 2, (a)3 and (a)4 of the 2019 Proposed BEES

Additional submitted attachment is included below.

Before the California Energy Commission
Docket No. 17-BSTD-01
2019 Building Energy Efficiency Standards Pre-Rulemaking

Supplemental Comments in Support of Proposal to Delete Exception 1 to §110.6 (a)2, (a)3 and (a)4 of the 2019 Proposed Building Energy Efficiency Standards

We have reviewed the comments filed by Ken Nittler of Enercomp, Inc., which propose to delete Exception 1 in §110.6(a)2, §110.6(a)3 and §110.6(a)4 related to NFRC ratings for fenestration in nonresidential buildings.[1] The following supplemental comments are submitted in support of Mr. Nittler's proposal.

We support the proposal to delete the 1,000 sq.ft. of glazing exemption to the requirement for NFRC ratings for site-built nonresidential fenestration.

We agree with Mr. Nittler that now is the time to eliminate the exceptions to NFRC rating requirements for site-built fenestration in nonresidential buildings. In comments filed regarding a previous version of the Standards, I recommended that the Commission eliminate these exceptions in a future standards docket. It is important that the Standards no longer continue to provide such a far-reaching exemption that is a deterrent to proper enforcement. Continuing exemptions like these in the Standards indefinitely discourages widespread use of NFRC ratings and undercuts a full transition to use of NFRC ratings in nonresidential applications in the state. Eliminating these exceptions will ensure that all nonresidential buildings utilize consistent NFRC ratings or limited, conservative default values for verifiable features (just as is already the case for all residential buildings and manufactured fenestration in the state).

Eliminating the exemption to NFRC ratings is the appropriate next step.

The exceptions proposed for deletion were initially created to ease California's transition to NFRC ratings for nonresidential buildings. As a result, the initial glazing exemption was set at 10,000 sq.ft. in the 2008 Standards. The exemption was narrowed to 1,000 square feet in the 2013 Standards. The 2019 Standards present the opportunity to finish the transition and entirely eliminate these exceptions. More than ten years is certainly a sufficient opportunity for California to transition to NFRC ratings in these buildings. An NFRC rating is the necessary independent and reliable yardstick to determine accurate values for compliance – whether the building has 500 square feet or 5000 square feet of glazing.

It should be noted that the *International Energy Conservation Code* does not have such an exception. Instead, the IECC requires NFRC ratings or use of limited default values based on readily-observable product features. These IECC provisions have been adopted in most states.

[1] Gina Rodda of Gabel Energy also supported Mr. Nittler's proposal. Ms. Rodda commented "that the NA6 COG 1,000 sq. ft. limitation is abused and should be removed. This will help streamline the enforcement process." Gabel Energy Comments to Docket 17-BSTD-01, October 20, 2017, at p. 2.

The NFRC exemption allows significant amounts of fenestration to be unverified and undercuts energy performance in smaller buildings.

Accurate energy performance values for fenestration are particularly important for nonresidential buildings. What appears to be a small difference in U-factor or SHGC can have significant consequences on building heating and cooling load, particularly when the larger amounts of glazing in such buildings is considered. While the NFRC exemption is no longer warranted for any size building or amount of glazing, it is particularly problematic in smaller buildings where the 1,000 sq.ft. exemption can mean that all of the glazing in the building is site-built and unverified from an energy performance standpoint. One thousand square feet of glazing is a lot of glass – many common small nonresidential buildings (office, retail, medical) may be entirely exempt. (For example, 5,000 sq.ft. x 20% glazing area = 1,000 sq.ft. of glazing.)

Smaller buildings are also likely to be more susceptible to the use of inaccurate energy performance values because larger buildings more often have the benefit of greater design professional (architect and/or engineer) oversight. In large buildings involving design professionals, more attention is likely paid to the envelope components and their energy performance, because design professionals often are concerned over verified energy performance to validate their designs. With small buildings and smaller scope projects, there is less likelihood that there is sufficient and effective design professional oversight to ensure an accurate energy performance assessment independently verified through NFRC.

In sum, good public policy supports eliminating these exceptions. We thank you for the opportunity to offer these supplemental comments.

Respectfully submitted,

Eric M. DeVito
STONE MATTHEIS XENOPOULOS & BREW, PC
1025 Thomas Jefferson Street, NW, 8th Floor – West Tower
Washington, DC 20007
(202) 342-0800
Eric.DeVito@smxblaw.com

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