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Commissioner Karen Douglas
Lead Commissioner for Energy Efficiency
California Energy Commission
1516 9th St., MS-31
Sacramento, CA 95814

DOCKET	
10-BSTD-01	
DATE	FEB 24 2012
RECD.	MAR 02 2012

RE: Comments on Docket 10-BSTD-01, "Proposals For Certification of Acceptance Testing Field Technicians For Mechanical Systems and Lighting Controls"

Dear Commissioner Douglas,

I encourage you to oppose further consideration of Docket 10-BSTD-01, "Proposals For Certification of Acceptance of Field Technicians For Mechanical Systems and Lighting Controls," as drafted at present; we believe that this proposal is not in the best interest of achieving the goal of improving compliance with the California Energy Code requirements for Acceptance Testing. I am a building industry professional with over 30 years of experience, and a California licensed mechanical engineer. While I strongly believe in raising the minimum standards required of individuals or firms performing the types of work anticipated under the Energy Code's Acceptance Testing requirements, it is extremely inappropriate for the State of California to favor one type of certification or license over others when this does not serve the end goals of improved Code compliance.

As currently written, the proposal would allow only licensed testing, adjusting, and balancing (TAB) and electrical contractors to perform acceptance tests, as required by Title 24, the state's non-residential energy code. Licensed engineers, commissioning agents, control contractors, general contractors, and other parties uniquely qualified to gather and analyze test results would be prohibited from conducting these assessments. As a result, the number of individuals permitted to perform these tests would be dramatically restricted. Moreover, the proposal would unreasonably prohibit engineers and other individuals from performing duties that they are equally qualified to do. Adopting the provisions outlined by this proposal would impose a restraint-of-trade restriction upon engineers and commissioning agents to the benefit of TAB and electrical contractors – the very individuals installing the equipment the effectiveness of which they would be sanctioned to guarantee.

The initial (2005) mechanical testing requirements were collaboratively drafted by a broad group of stakeholders. As I understand it, TAB contractors declined to participate in the process. We find it inappropriate their representative organizations are now aggressively pursuing revisions solely to their constituencies' narrow commercial advantage.

To sum up, I recommend that the proposal put forward speaking to these issues be rejected on the following grounds:

- restraint of trade
- possible increased costs of compliance with state standards
- exclusion of qualified individuals from performing the work
- potential reductions in independent, third-party testing of "systems"

We stand ready to aid you in efforts to oppose Docket 10-BSTD-01. Should you need further clarification of our position or assistance, please feel free to contact me for additional information.

I have also attached some of my responses to the questions that will be discussed at the upcoming Workshop, which I unfortunately cannot attend.

Very truly yours,

Guttman & Blaevoet



Steven Guttman, P.E., LEED AP
Principal

Enclosure: 2 pages

CC: Ollie Awolowo, Executive Assistant to Commissioner Douglas, California Energy Commission

Mazi Shirakh, Project Manager, Building Energy Efficiency Standards, High Performance Buildings and Standards Development Office, California Energy Commission

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Mark Wills, Manager, State and Local Government Affairs, ASHRAE



KEY ISSUES AND QUESTIONS FOR THE WORKSHOP

1. *Is it appropriate for the Standards to limit who can serve as an acceptance testing Field Technician to only persons who meet specific training and certification requirements?*

No. The State should not be in the business of favoring one industry certification over another. The primary issue facing the State is compliance with the requirements, not poor results due to unqualified individuals or firms performing testing. This proposal does nothing to address the compliance issue.

2. *Would persons who currently are allowed to serve as acceptance testing Field Technicians be disadvantaged by training and certification requirements? How should training and certification requirements be designed to provide a reasonable path for these persons to become qualified?*

Absolutely. I have been a registered professional engineer since 1989. I can tell you that, of the thousands of licensed engineers I have met over the years, only a handful have been certified by one of the two TAB agencies (NEBB or AABC).

3. *How would training and certification requirements for acceptance testing Field Technicians help to address concerns related to any lack of enforcement by building departments of the acceptance requirements?*

It would not address this issue at all. The firms that are benefited by this proposal could be working to improve compliance without the limitations on who is "qualified". This proposal has nothing to do with improving compliance, and everything to do with market advantage. Since 2005, we have issued contract documents on our projects specifically assigning the Acceptance Testing requirements of the California Energy Code to the mechanical and electrical contractors. Of the roughly 200 projects that this has happened on over the past 6 years, I can think of only one where this contract requirement was actually enforced and acted upon by the contractors (our efforts at enforcement of these requirements have been fruitless without the support of the owner and AHJ).

4. *Are certified general electricians who are also certified by the California Advanced Lighting Controls Training Program (CALCTP) uniquely qualified to serve as acceptance testing Field Technicians for lighting controls? Are those CALCTP certified general electricians only uniquely qualified for this service if they are employed by lighting contractors who are also CALCTP certified?*

I do not know the specifics of the CALCTP certification requirements. However, I must assume that this program would serve to improve the expertise of individuals in performing the tasks needed to execute Acceptance Testing on Lighting Controls. However, I have seen successful testing of lighting controls by many Commissioning Agents, none of whom have had this certification.



5. *Should any electricians who are not certified general electricians (e.g., C-10 licensed electrical contractors, or electricians working for school districts or plants, which are not required by state law to be certified general electricians), be allowed to serve as acceptance testing Field Technicians for lighting controls?*

I think this is the wrong question. The question should be: "Are there minimum qualifications required to ensure that individuals are competent to perform Acceptance Tests, and, if yes, what are they?" I think the answer is yes, but certification as an electrician has no relationship to these qualifications. Lighting controls are primarily computer systems, and electricians – from my experience – have no software training that is relevant to the testing requirements for lighting controls.

6. *Should other licensed engineers or contractors who are not CALCTP certified be allowed to serve as acceptance testing Field Technicians for lighting controls?*

Absolutely.

7. *Should CALCTP certified general electricians, who are not employed by lighting contractors who also are CALCTP certified, be allowed to serve as acceptance testing Field Technicians for lighting controls?*

I do not know the specifics of the CALCTP certification requirements. However, I must assume that this program would serve to improve the expertise of individuals in performing the tasks needed to execute Acceptance Testing on Lighting Controls. The need to have this individual working for a CALTCP certified contractor seems unnecessary.

8. *Are testing, adjusting and balancing (TAB) contractors, who meet all of the apprenticeship, experience and testing requirements of the Associated Air Balance Council (AABC), National Environmental Balancing Bureau (NEBB) or the Testing Adjusting and Balancing Bureau (TABB), uniquely qualified to serve as acceptance testing Field Technicians for HVAC equipment and controls?*

No. In fact, there are very few TAB contractors who really understand "systems", and can do anything but "measure" performance. Acceptance testing, done right, requires analysis of the measurements, and recommendations for corrective action, which requires skills that are not in any way related to TAB certification.

