

Air Conditioning Trade Association

1112 N. Main St. #386
Manteca, CA 95336



Phone: (888) 486-4464
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DOCKET
10-BSTD-01
DATE <u>MAR 05 2012</u>
RECD. <u>MAR 05 2012</u>

March 5, 2012

Karen Douglas
Commissioner
California Energy Commission
Dockets Office, MS-4
1516 Ninth Street, Sacramento, CA 95814

Re: Docket No. 10-BSTD-01

Re: Certification of Acceptance Testing Field Technicians for Mechanical Systems and Lighting Controls

Dear Commissioner Douglas:

The Air Conditioning Trade Association (ACTA) represents the interests of its HVAC Member Contractors throughout the State of California. We strongly oppose the proposal submitted by IBEW and the Sheet Metal Workers. Attached are letters from some of our member contractors opposing the proposals as well as several of our member contractors have submitted opposing letters directly to the California Energy Commission.

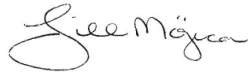
ACTA opposes the proposal based on the following:

1. We do not feel it is necessary to add more regulations that add more problems to Title 24 than there are already.
2. We do not feel that training and certification should be limited to 3 agencies (AABC, NEBB, and TABB). This creates the inability for any other organization to provide competition and allows these 3 agencies to monopolize the training and certification arena.
3. ACTA feels that certification is important, but contractors should have a choice on who they use for training and certification.

We feel that this proposal is being rushed through for some reason and we don't feel it has truly addressed the root of the acceptance testing problem. We recommend more time and research be

given to this issue to determine what the real problem is and how California can best solve the problem without causing more problems for contractors already struggling to remain in business in California. ACTA would be willing to work with the appropriate agencies on how this could be accomplished. We urge the Commission to reject these proposals.

Sincerely,

A handwritten signature in black ink that reads "Jill Mojica". The signature is written in a cursive style with a large, looping initial "J".

Jill Mojica
Executive Director
Air Conditioning Trade Association



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Heating and Ventilating Co.

CONTRACTOR'S LICENCE NO. 856293

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hugh@atlasheat.com

March 5, 2012

To: California Energy Commission

From: Hugh Tuck

Re: Proposals for Certification of Acceptance Testing Field Technicians for Mechanical Systems and Lighting Controls

I strongly support the goals of the California Energy Commission. My main reason is:
I don't want to be dependent on imported oil.

With that said, I have had a growing concern about the complexity of complying with Title 24 regulations. Over the years the Title 24 forms, calculations and regulations have become more detailed and complicated to the point where they have surpassed the ability of the average HVAC contractor to understand and comply. The proposal for Certification of Acceptance Testing Field Technicians adds another layer of difficulty and cost to an already complicated system. When this happens the goals get buried in an avalanche of details. The Title 24 process has become so difficult that an increasing number of contractors forgo permits and therefore the goal of energy independence is completely lost.

I request that instead of adding to an already burdensome and complicated system that you attempt to streamline the system, reduce the paper work and work with contractors to build energy efficient structures.

Thank you,

Hugh Tuck
President



March 2, 2012

Corporate Office • 5901 Ericson Way • Arcata, California 95521 • 707 / 822-8800
Colusa, CA 530 / 458-8850 • Medford, OR 541 / 772-4606 • Crane Hill, AL 256 / 747-2747

Members of the California Energy Commission

Re: Proposals from the IBEW and Sheet Metal Workers for Certification and Acceptance
Testing Field Technicians for Mechanical System and Lighting Controls – **Opposition**
to the proposals offered by the IBEW and Sheet Metal Workers

Commission Members:

I would like to take this opportunity to register my firm **opposition** to the proposals presented to your Commission by the IBEW and Sheet Metal Workers.

This seems to be just another union ploy to throw roadblocks in front of merit shops trying to compete with union shops. The important issue here, however, as it would pertain to the California Energy Commission would seem to be conformance to Title 24 compliance regulations. Further simplified, it would seem to be of most importance to the commission to insure the maximum efficiency of heating and air conditioning installation which will result in the attainment of the goals of Title 24.

Although the intention of the proposals put forth to your Commission by the IBEW and Sheet Metal Workers seem lofty, in reality they would be limiting and project cost increasing by allowing only 3 agencies (AABC, NEBB and TABB) to train and certify TAB inspectors. Allowing these three agencies only to monopolize this training and certification process would limit competition and seem to forward union agendas.

In **your** report completed by the California Commissioning Collaborative titled "Evaluation of Title 24 Acceptance Enforcement and Effectiveness" the report clearly states that currently "acceptance forms may receive little review and plans examination are often outsourced to local engineering firms because building departments are underfunded and understaffed." Although it is certainly possible to create yet mounds and mounds of additional red tape, certification requirements, and reams of new forms, the bottom line seems to be that these will do nothing to fund added inspection personal on the community level, or fund additional training for inspectors responsible for compliance to Title 24 requirements.

To this point my company O&M Industries recently participated in a round table discussion at our local city council meeting which set forth to receive comments on a union proposal to increase training requirements for contractors participating in city funded construction projects. Although thorough training of construction workers and supervisors working on these projects was soundly applauded by council members, tradesmen, and union advocates alike, enforcement of such contractual stipulations was a sticking point. The council members freely admitting that they had neither the time nor financial resources to take on additional enforcement responsibilities.

While we certainly conform to all certification and acceptance requirements listed in the private and public works contracts that we receive, another point that should be considered by the CEC is that in rural areas such as Humboldt County where our business is located, seeking out firms for testing and balancing such as those listed by the Sheet Metal Workers can lead to delays and certainly added expenses because of our rural location. Further compliance requirements could only have the net effect of making project costs more expensive, completion delays more likely, and would make rurally located firms like O&M Industries less competitive in the State wide project arena.

For these reasons we ask that you join with ACTA, my company O&M Industries, and all the many heating and electrical contractors state wide (union or not) that oppose these burdensome and tax dollar squandering proposals set forth before you by the IBEW and Sheet Metal Workers unions.

Sincerely,
Rob McBeth, O&M Industries Inc.

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Phone (209) 722-1815
Fax (209) 722-4718
www.ModernAir.biz

February 28, 2012

California Energy Commission
1516 Ninth Street
First Floor, Hearing Room B
Sacramento, CA 95814

To Whom It May Concern;

We object to the “**Proposals For Certification of Acceptance Testing Field Technicians For Mechanical Systems and Lighting Controls**” and wish to bring several important points to your attention for consideration.

First, it would not be in the best interests of Californians to limit the training and certification process to only three agencies, eliminating the competition from other organizations unnecessarily. We suspect this proposal has been made and is being rushed through the approval process in another attempt to give the Union an unfair advantage and eliminate their competition through regulatory measures.

Second, there are already problems regulating and administering Title 24 which have not been fully dealt with, and this proposal would only complicate these issues further.

We strongly urge you to reconsider this proposal as it is written, and allow fair competition when considering a training and certification procedure.

Sincerely,

Mark Cauwels
President

“We Autograph Our Work With Quality!”



March 2, 2012

Members of the California Energy Commission

Re: Proposals from the IBEW and Sheet Metal Workers for Certification and Acceptance Testing Field Technicians for Mechanical System and Lighting Controls – **Opposition** to the proposals offered by the IBEW and Sheet Metal Workers

Commission Members:

The Associated Members of the Humboldt Builder's Exchange would like to take this opportunity to register our firm **opposition** to the proposals presented to your commission by the IBEW and Sheet Metal Workers.

These proposals appear to be another attempt by trade unions to monopolize the free competition market and to throw yet more roadblocks in front of merit shops just trying to stay in business. The important issue here as it would pertain to the California Energy Commission should be conformance to Title 24 compliance regulations.

In **your** report completed by the California Commissioning Collaborative titled "Evaluation of Title 24 Acceptance Enforcement and Effectiveness" the report clearly states that currently "acceptance forms may receive little review and plans examination are often outsourced to local engineering firms because building departments are underfunded and understaffed." Although it is certainly possible to create yet mounds and mounds of additional red tape, certification requirements, and reams of new forms, the bottom line seems to be that these will do nothing to fund added inspection personal on the community level, or fund additional training for inspectors responsible for compliance to Title 24 requirements.

To this point local members of the Humboldt Builder's Exchange recently participated in a round table discussion at our local city council meeting which set forth to receive comments on a union proposal to increase training requirements for contractors participating in city funded construction projects. Although thorough training of construction workers and supervisors working on these projects was soundly applauded by council members, tradesmen, and union advocates alike, enforcement of such contractual stipulations was a sticking point. The council members freely admitted that they had neither the time nor financial resources to take on additional enforcement responsibilities.

While our members strive to conform to all certification and acceptance requirements listed in the private and public works contracts that we receive, another point that should be considered by the CEC is that in rural areas such as Humboldt County where our businesses are located, seeking out firms for testing certification such as those listed by the IBEW and Sheet Metal Workers can lead to delays and certainly added expenses because of our rural location. Further compliance requirements could only have the net effect of making project costs more expensive, completion delays more likely, and would make rurally located firms less competitive in the State wide project arena.

Although the intention of the proposals put forth to your Commission by the IBEW and Sheet Metal Workers seem lofty, in reality they would be limiting and project cost increasing by allowing only 3 agencies (AABC, NEBB and TABB) to train and certify TAB inspectors. Allowing only these three agencies only to monopolize this training and certification process would limit competition and seem to play right into union agendas and would give the unions yet another opportunity to limit merit shop participation in obtaining community improvement work .

For these reasons we ask that you join with ACTA, the Humboldt Builder's Exchange, and all the many heating and electrical contractors state wide (union or not) that **oppose** these burdensome and tax dollar squandering proposals set forth before you by the IBEW and Sheet Metal Workers unions.

Sincerely,

Rob McBeth, Legislative Chair of the Humboldt Builder's Exchange

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WITHOUT COMPROMISE"

FOUR C's SERVICE, INC.

1560 "H" Street

Fresno CA 93721-1616

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Web Site: www.fourcsmetal.com

CA License #: 303676

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HVAC, Certified Welding (Mig and Tig)

March 2, 2012

California Energy Commission

1516 Ninth Street

First Floor, Hearing Room B

Sacramento, CA 95814

Regarding Proposals from the IBEW and Sheet Metal Workers, "...for Certification of Acceptance Testing Field Technicians for Mechanical Systems and Lighting Control"

To Whom It May Concern-

In review of the new proposals, there are items that are unsettling, some of which include—

- It seems that there is insufficient time to thoroughly research the proposal, its elements and provide a satisfactory inquiry.
- The quick rate at which this topic is being introduced and voted upon without fully disclosing/understanding of all the ramifications of the proposal. What does that mean for California non-union small businesses? Why is it that the state and unions are such strong supporters of the bill? Is it trying to phase out non-union shops?
- Is there statistical evidence, supporting the claim that energy has increased 20-30% in 2010 specifically due to poor installation and commission of HVAC? Where does the burden fall, all projects are signed off by engineering and commissioning boards that certify that it was done to specifications, are these projects engineered incorrectly to begin with, should all engineers be educated to the same extent as the technicians completing the work in the field? Are the units that were installed during that time, efficient to "new" energy efficient standards?
- Will the state monopolize the Training of the Technicians? Why is it limited to three (3) agencies, will other agencies be able to provide the certification?

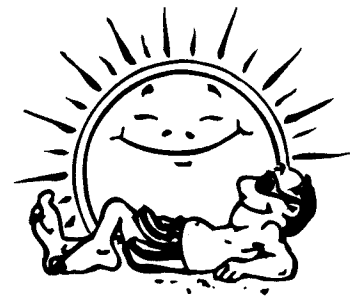
I respectfully request that careful thought and consideration be taken before deciding on these proposals. I believe in having employees educated in their field of expertise, fair compensation & benefits, and have had my own business for over 33years now. I am concerned however on what this means to me and my business.

Sincerely,

Dale Cross—Owner

Design Air

Heating and Sheet Metal



March 2, 2012

California Energy Commission
Dockets Office, MS-4
Re: Docket No. 10-BSTD-01
1516 Ninth Street
Sacramento, CA 95814-5512

To Whom It May Concern:

We are writing to you today to express our opposition to the "Proposals for Certification of Acceptance Testing Field Technicians for Mechanical Systems and Lighting Controls" proposed by IBEW and the Sheet Metal Workers based on the following.

For starters, we do not feel it is necessary to add more regulations that add more problems to Title 24 than there are already. We also do not feel that training and certification should be limited to 3 agencies (AABC, NEBB, and TABB). This creates the inability for any other organization to provide competition and allows these 3 agencies to monopolize the training and certification arena and that we as a contractor should have a choice on who we use for training and certification.

It also seems as though this proposal is being rushed and we don't feel it has truly addressed the root of the acceptance testing problem. We recommend more time and research be given to this issue to determine what the real problem is and how California can best solve the problem without causing more problems for contractors already struggling to remain in business in California.

We ask that you please oppose the proposals brought to you by the IBEW and the Sheet Metal Workers.

Sincerely,

A handwritten signature in cursive script that reads "Dean Langer".

Dean Langer
President

A handwritten signature in cursive script that reads "Kenneth Langer".

Kenneth Langer
Vice-President

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Contractor's License #952521
www.designairheating.com

Sent via E-Mail
March 1st, 2012

California Energy Commission
1516 Ninth Street, MS-31
Sacramento, CA 95814

6250 Sky Creek Drive
Sacramento, CA 95828
916.381.4611
916.381.3307 FAX
COACAIR.COM

Re: Docket # 10-BSTD-01 "Proposals For Certification of Acceptance Testing Field Technicians For Mechanical Systems and Lighting Controls"

Dear Commissioners:

As a contracting company serving exclusively the commercial HVAC market for forty years (C-10, 20, 43), we **strongly oppose** the narrow interpretation of the CPUC's Long-Term Energy Efficiency Strategic Plan by the International Brotherhood of Electrical Workers (IBEW) and the California Local Unions of Sheet Metal Workers (Sheet Metal Workers).

We are very supportive of any attempt to raise the level of knowledge, skill, craftsmanship and professionalism in our industry. Proper implementation of the Strategic Plan will certainly require highly trained and competent individuals who are able to meet continually higher levels of competence. But we challenge the Commissioners to move beyond certification by "brand name" (exclusively IBEW, AABC, NEBB & TABB) and truly raise the bar to require competency-based certification where qualified professionals, regardless of provenance, are required to demonstrate their knowledge and skills based on an objective testing process that evaluates the individual's ability to properly implement the acceptance testing standards you have established.

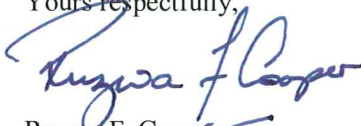
In California, lawyers are allowed to practice because they qualify by passing the bar exam and not based on where they got their law degree. The same goes for MDs, CPAs, PEs and many other professions. For some remarkable reason the IBEW and Sheet Metal Workers unions believe that only their "certification" should be the standard by which the industry is measured. This defies logic and common sense and is nothing more than a brazen attempt to restrain trade. We have no doubt that the net result will be:

- the exclusion of many currently qualified individuals from performing the work;
- an increase in costs of compliance with state standards; and
- limit the Commission's effectiveness in rapidly and properly implementing its prescribed standards.

There are many competent and qualified organizations ready and willing to assist in establishing data-driven competency standards that will define the knowledge and skills required to perform proper acceptance testing in mechanical systems and lighting controls. We are sure that included among these are SMACNA, ACCA, ASHRAE, ACTA, NATE as well as IBEW and the SMW locals. True competence is not the exclusive purview of one, or just a few, interested parties.

We urge the Commissioners to raise the bar of competency in our industry, establish the level objectively and measure it consistently. Those who are true craftsmen and professionals will embrace higher standards wholeheartedly and will embrace the opportunity to prove their competence. Any individual who can meet those objective competency standards should be allowed to perform the acceptance testing for mechanical systems and lighting controls. We oppose this proposal on the grounds that it does not set the bar high enough.

Yours respectfully,



Ruzwa F. Cooper
President

P.O. BOX 36
SANTA ROSA, CA 95402
(707) 575-5661



CONTRACTOR NO. 584387
ENGINEER NO. 025931

CLIMATE MECHANICAL

March 2, 2012

California Energy Commission
Email: Public Advisor @ energy.ca.gov

Re: Title-24 Acceptance

Gentlemen:

I have reviewed the proposed new requirements for approval testing and I am 100% opposed to making TAB companies the only avenue for completing a project. The unions employ less than 15% of our population, yet want to control 100% of the construction. Although there are TAB companies that are non-union, but they are the exception. C-20 contractors and Mechanical engineers who design and build these systems are already responsible for their proper design and operation.

I have almost 30 years in designing, building and commissioning HVAC systems. TAB Contractors are generally not qualified to be performing the acceptance testing. TAB contractors are trained for airflow and fluids measuring, not controls commissioning. I was NEBB certified for over seven years. TAB Contractors are under enormous pressure to provide "perfect" reports to get the contractor paid and the engineers off the hook. I gave up my certification because a Contractor needed a "perfect" report so that a "hospital scope" that entailed only a couple rooms in radiology, would take precedence over the Mechanical requirements of an air handler serving the entire department.

As a licensed mechanical engineer and contractor, I do not want to lie for a living. As a commissioning agent, the poor air balancing is generally the reason we get hired to commission an HVAC system. I have commissioned dozens of buildings with certified balancing reports that did not reflect the condition of the system. These are mostly Public Buildings such as schools and hospitals.

The unions have priced themselves out of a lot of the private market. TAB contractors are required on public works projects and it is advantageous to be part of the union.

The construction industry has been in severe pain for three years. It is too soon to add more government required costs to an industry still trying to recover. The public needs more incentives to build, not additional costs that favor specialized parts of the industry and produces more paper for the Building Departments to file.

Sincerely,

Leo Copper Jr, PE
Owner
Climate Mechanical

BJ HEATING & AIR CONDITIONING, INC.

1240 Wilson Way Woodland, California 95776-6005

Woodland (530) 662-8601 Sacramento (916) 441-7657 FAX (530) 662-0578

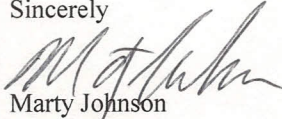
Contractor License # 280981 C-20

California Energy Commission.
"Certifications for Testing Field Technicians"

To Whom It May Concern:

Title 24 acceptance documents, HERS certificates, Certified Air Balance and Commissioning reports I feel are a great idea. All of the new implemented requirements we see every year is a learning curve for all involved, but I don't see why the Unions should be the driving factor for this, in fact I don't see why the Unions should have any involvement here at all. As of now with commercial and residential, new construction, replacements or remodels we are required to have certain documentation before permits can be final, most of the time these documents need to be verified by a 3rd party contractor/inspector and then all documents must to be approved and signed off by the County or City Inspection Department. All HERS inspectors are trained and certified with CEC requirements and Certified Air Balance companies are certified by AABC, NEBB or TABB, when any HERS certificates or MECH forms are required portions of these forms require the assistance of these 3rd party inspectors which are already certified. I feel we presently have really stringent requirements set in place for all and I also feel this is a real good thing, but requiring more certifications and regulations will only drive up the cost of business which means higher prices for the customer and in todays down market this is not a good thing, this could possibly just kill jobs. Please don't change these requirements.

Sincerely



Marty Johnson
Business Owner