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*Comment Received From: Jim
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Opposition to E Palo Alto Proposed Energy Code Ordinance

Additional submitted attachment is included below.



November 30, 2020

Docket Unit
California Energy Commission
Docket No. 19-BSTD-06
1516 9th Street, MS-4
Sacramento, CA 95814

RE: Docket No. 19-BSTD-06 - City of East Palo Alto Application for Approval of Locally Adopted Building Energy Standards in Accordance with Section 10-106 of the California Code of Regulations, Title 24, Part 1

Dear Commissioners:

The American Supply Association (ASA) thanks you for the opportunity to comment on the city of East Palo Alto application to implement a local “reach code” ordinance having energy efficiency requirements different than those specified in the current California Energy Code.

ASA is the national trade association representing distributors and their manufacturers and manufacturer representative agencies serving the plumbing heating, cooling, pipe (PHCP) and industrial pipe, valves and fittings (PVF) industry. ASA members include the major distributors and manufacturing brands throughout the PHCP-PVF supply chain including: 110 product manufacturing companies, 315 wholesale/distribution companies with over 4,500 branch locations throughout the U.S., and over 100 manufacturer representative companies.

ASA is submitting the following comments in opposition to the East Palo Alto proposed ordinance:

- 1.) We believe that the proposed effective date for the code of January 1, 2021, is unfair to multiple parties. We maintain this position knowing exemptions are made for projects already in the pipeline, and that other jurisdictions have adopted similar codes (Morgan Hill is referenced specifically in East Palo Alto’s documentation). All stakeholders involved will need appropriate time to communicate this information to interested parties so they have ample time to prepare for such a drastic change and communicate it to builders, as well as to perspective home and building owners. It is simply not possible to do this in a responsible manner in less than two months.
- 2.) East Palo Alto City Council staff are making this Reach Code based on an assumption that the 2022 version of Title 24 will move buildings in the direction of promoting electrification. There are no guarantees that this will be the case, which is something even staff acknowledges in this documentation. Given this, would it not make more sense for the city to hold off on this decision, or at least the compliance date, so that they have time to fully digest the data that will ultimately inform what CEC’s Title 24 determinations?

- 3.) The code will call for electric water heating to be provided in commercial and multi-residential constructions with few exceptions. At this time, there is only one product, from one company, that we are aware of that would be able to provide this service successfully. Exceptions, according to city staff, apparently include installations where electric water heating would be costly or infeasible, but staff does not provide clear parameters as to precisely what that would mean. Does the city believe it is justifiable to enact and promote a code that solely benefits a single product from a single manufacturer?
- 4.) By working to phase out natural gas, the city is relying too heavily on one fuel source (electricity) to provide power to buildings. There are risks to doing so that could lead to issues with electric grids being able to keep up with demand during peak demand times. Despite Peninsula Clean Energy's confidence that this will not be an issue, the reality is that California already experienced this problem earlier this year.
- 5.) For single family housing, the code allows for an exception to the electrification requirements for 100-percent affordable housing. If the IOUs are seeing positive cost-effectiveness results from electrification in their Low-Rise Residential New Construction Cost-Effectiveness Study, as staff suggests, why is this exception necessary? These contradictory recommendations would seemingly indicate that staff needs more time to thoroughly examine this issue before the city moves forward to adopt this code.
- 6.) The ordinance would consider a building new construction if 50-percent of the existing framing above the sill plate is removed or replaced for purposes other than repair and when over 50-percent of the existing framing above the sill plate is removed or replaced for purposes other than repair. Neither of these exceptions speak specifically to the building's HVAC or plumbing systems, which would be a more consistent metric to determine if a building is undergoing "new construction" as it relates to mandating electrification in HVAC and/or water heating systems.

Again, thank you for the opportunity to submit comments and participate in the review process. If you have any questions related to our comments please contact me directly.

Sincerely,



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