

**DOCKETED**

<b>Docket Number:</b>	21-BSTD-01
<b>Project Title:</b>	2022 Energy Code Update Rulemaking
<b>TN #:</b>	238811
<b>Document Title:</b>	CalCERTS, Inc Comments - Response to comments by SMACNA and NEMIC
<b>Description:</b>	N/A
<b>Filer:</b>	System
<b>Organization:</b>	Russell King, M.E.
<b>Submitter Role:</b>	Public
<b>Submission Date:</b>	7/12/2021 3:41:29 PM
<b>Docketed Date:</b>	7/12/2021

*Comment Received From: Russell King, M.E.  
Submitted On: 7/12/2021  
Docket Number: 21-BSTD-01*

**Response to comments by SMACNA and NEMIC**

*Additional submitted attachment is included below.*



July 12, 2021

To: California Energy Resources Conservation and Development Commission  
From: CalCERTS, Inc., CA HERS Provider  
Re: Rebuttal to comments by SMACNA (TN# 238383) and NEMIC (TN #:238376) , Docket # 21-BSTD-01

CalCERTS appreciates this opportunity to provide feedback to the California Energy Commission. For those who may not know, CalCERTS is an approved California HERS provider. We train, certify, and provide quality assurance on HERS Raters in the state. HERS Raters are the third-party special inspectors that provide field verification and diagnostic testing to assist building departments in the enforcement of the Title-24, part 6, Energy Codes. We would like to take this opportunity to address comments made by SMACNA and NEMIC on the proposed express terms for the 2022 code language that relate to HERS testing (TN#s above). Our comments stem from our mutual goals of:

1. Improved compliance with the energy code
2. Simplified and streamlined protocols and procedures
3. Reasonable alternatives to compliance options
4. Enforceability of the requirements

SMACNA Comment:

*"SINGLE-FAMILY HOMES ARE DIFFERENT THAN MULTI-FAMILY STRUCTURES -- ACCEPTANCE TESTING FOR MULTIFAMILY BUILDINGS SHOULD NOT REQUIRE HERS RATER FIELD VERIFICATION OR FOLLOW HERS PROCEDURE*

*Single-family and multi-family structures are not the same. HERS training and the entire program itself is designed for evaluating single-family residences. The Express Terms language for NA7.18.1.1 and NA7.1 8.1.2, however, both require multi-family dwellings ventilation and enclosure leakage acceptance to be verified by a HERS rater. This is non-sensical. Furthermore, the Express Terms also require multi-family mechanical acceptance testing to be completed by a Certified Mechanical Acceptance Test Technician (MATI), and then requires a HERS rater-verification of that work. MATI technicians are required to have far more extensive knowledge, experience and training than a HERS rater. Having a HERS rater verify the work of a certified MATI technician is redundant, costly and unnecessary for building owners.*

*REQUEST CHANGES - SET #2 -- To avoid confusion and reduce unnecessary cost, burden and energy waste, NA7.18.1.1.2 and NA7.18.1.2.2 should be removed. ”*

**Our reply:** The comments and requested changes quoted above should be disregarded because they contain some fundamental inaccuracies related to:

1. The building types that fall under the MF sections of the code. (e.g., low rise multifamily)
2. The tests that HERS raters are trained to do and have been doing for many years (e.g., testing HVAC and IAQ of systems serving individual dwelling units, regardless of number of stories)
3. The triggers for and importance of certain protocols in the Nonresidential Appendices (e.g., NA7.18.1.2.2 is a blower door test that is only triggered when non-balanced IAQ ventilation is installed in an individual dwelling unit. This section should NOT be removed.)

HERS Raters have been performing important verifications on low rise multifamily buildings and high rise multifamily dwelling units for several code cycles. HERS Registries can already accommodate these types of verification to ensure that the appropriate protocols are applied and allow for streamlined enforcement by building departments through use of the Project Status Report. HERS Raters and HERS verifications serve a very specific and distinct role in safeguarding code compliance and are not duplicative of the ATTCP requirements. The combining of high-rise and low-rise multifamily buildings in the code is obviously causing confusion about the specific responsibilities. This confusion underscores the need to continue to have experienced HERS raters perform these tests.

**NEMIC Comment:**

“In addition to the conflict with Section 160.3(c)3B, the HERS program is not appropriate to address the requirements, safety, and health concerns of Multifamily Buildings. Multifamily Buildings should follow the same requirements as commercial buildings due to similar components, modes of operation, and safety concerns. The HERS program is designed for single-family residences making HERS raters inappropriate for multifamily projects.”

**Our reply:**

1. There is no conflict with 160.3(c)3B, which does not involve test methods. 160.3(c)3B simply states when a MATT needs to be a CMATT.
2. NA7.18.1.1.2 applies to IAQ fans serving individual dwelling units, which are exactly the same as IAQ fans serving single family homes. HERS raters are specially trained and are qualified to perform these tests and have been testing these systems for years.
3. The NA7.18.1.2.2 blower door test is necessary to ensure that air is not exchanged between dwelling units when a non-balanced IAQ system is used. It should not be removed. Furthermore, HERS raters are perfectly qualified to perform blower door testing on individual dwelling units. We are not aware of blower door testing being covered in any ATTCP training.

NEMIC comment:

“To avoid confusion in the field and appropriately address Multifamily Building concerns, HERS NA7.18.1.1.2 and NA7.18.1.2.2 should be removed. NA7.18.1, NA7.18.2, NA7.18.3 and NA7.18.4 workforce standards requirements should be limited to an MATT.”

**Our reply:** Their reasoning for this suggestion is flawed, due to the inaccuracies as shown above. It should be disregarded.

It is very important that all stakeholders (and the code language) distinguish between tests done on systems serving individual dwelling units and test done on systems serving multiple dwelling units (central systems). HERS raters specially trained and are perfectly qualified to perform tests on the former. They are also trained to test duct leakage on nonresidential heating and cooling systems and some inspections to central plumbing systems.

Our desire is for HERS raters to work closely with ATTs in the field. We realize that the delegation of testing and verification in multi-family buildings is complex and can be confusing. We would like to coordinate our training with ATTCPs to help alleviate some of this confusion. We invite SMACNA and NEMIC to contact us if they desire clarification of these requirements in the future.

Thank you for the opportunity to comment.

Signed,

A handwritten signature in black ink, appearing to read 'Russell King', with a long horizontal flourish extending to the right.

Russell King, M.E.  
Senior Director of Technical Services  
CalCERTS, Inc.