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| Docket Number: | 13-ATTCP-01 |
| Project Title: | Acceptance and Training Certification |
| TN #: | 210541 |
| Document Title: | Executive Director Recommendation to Approve the National Environmental Balancing Bureau |
| Description: | Approval as a Nonresidential Mechanical Acceptance Test Technician Certification Provider |
| Filer: | Hilary Fiese |
| Organization: | California Energy Commission |
| Submitter Role: | Commission Staff |
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| Docketed Date: | 2/26/2016 |

STATE OF CALIFORNIA

Energy Resources Conservation
And Development Commission

In the matter of,)
)
Energy Commission Decision on the)
Application of the National Environmental)
Balancing Bureau (NEBB) to Certify)
Nonresidential Mechanical Acceptance Test)
Technicians and Employers Pursuant to Section)
10-103-B of the 2013 Building Energy Efficiency)
Standards)
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)

EXECUTIVE DIRECTOR
RECOMMENDATION TO
APPROVE THE NATIONAL
ENVIRONMENTAL BALANCING
BUREAU AS A
NONRESIDENTIAL
MECHANICAL ACCEPTANCE
TEST TECHNICIAN
CERTIFICATION PROVIDER

January 13, 2016

I. Executive Summary

On June 17, 2015, the National Environmental Balancing Bureau (NEBB) submitted an application to demonstrate that it meets the requirements of Section 10-103-B(c) of the 2013 Building Energy Efficiency Standards (Standards) to become a Nonresidential Mechanical Acceptance Test Technician Certification Provider (ATTCP). Pursuant to Section 10-103-B(f) of the Standards, California Energy Commission (Energy Commission) staff has reviewed and validated the information received in NEBB's application and deemed it complete on September 15, 2015. Energy Commission staff has published a detailed Staff Report concerning NEBB's application and finds that the application fully complies with all requirements under Section 10-103-B(c), and accordingly is presenting this application to the Energy Commission for approval. The Staff Report has been included in the backup materials to this agenda item.

NEBB will launch an ATTCP program allowing each technician to certify on each individual mechanical acceptance test. NEBB's approach will rely on an online data registry (Registry) to be able to monitor certified technicians and employers and restrict them to only those acceptance tests for which they possess certification. Certification will require all applicants to pass an entrance exam, complete the necessary training, and pass an exit exam for both classroom and laboratory material for each mechanical acceptance test. The Registry is a critical component of the application as it will serve as the application portal, document archive, mechanism for filing complaints, verification of certification status, and quality assurance monitoring (and reporting) to NEBB, local enforcement agencies, and the Energy Commission.

NEBB does not own or operate the appropriate training facilities in California with the capability to perform all necessary mechanical systems acceptance tests required by 2013 Standards, Section 120.5. NEBB drafted a Memorandum of Understanding to be signed by PG&E Training Center, Brownson Technical School, and North American Training Center to provide accommodations for the hands-on training required for approval. NEBB will develop curriculum, training, procedures, and certification tests for use at these facilities. The facilities will provide appropriate training equipment, qualified instructors, and if required, examiners that meet or exceed the requirements set forth by NEBB and approved by the Energy Commission. Staff has visited these facilities and

agrees that they are acceptable for the training and test requirements laid out in the NEBB Application.

Based upon thorough review and consideration of the NEBB application and Staff Report, I recommend that the Energy Commission confirm these findings and approve NEBB as an authorized ATTCP, subject to the Conditions of Approval as set forth in Exhibit A of this recommendation.

II. Background

Section 10-103-A of the 2013 Building Energy Efficiency Standards (Standards)¹ implements new requirements for Nonresidential Mechanical Acceptance Test Training and Certification as of July 1, 2014. The requirements apply to Nonresidential Mechanical Control Acceptance Test Technicians (ATTs) and Acceptance Test Employers (ATEs), and the Providers who certify them.

Acceptance Testing includes a set of functional tests to ensure that nonresidential mechanical control systems are working as designed after they are installed. Since 2005, nonresidential mechanical systems installers have been required to perform Acceptance Testing on newly installed systems.

To ensure that ATTs receive proper training to correctly perform Acceptance Tests, the Standards require organizations interested in becoming Nonresidential Mechanical ATTCP to apply to the Energy Commission for approval to train and certify ATTs and ATEs.

On June 17, 2015, NEBB applied for Energy Commission approval to be an ATTCP and to certify ATTs and ATEs to perform all mechanical acceptance tests (17 in total) required under Section 120.5 of the Standards.

Energy Commission staff reviewed and validated the information in the NEBB application and published the Staff Report, which is included in the backup materials to this agenda item.

III. Summary of the Staff Report

Staff has completed the Staff Report for NEBB's application pursuant to Section 10-103-B(f) of the Standards, which requires staff to review ATTCP applications according to the criteria and procedures in Section 10-103-B(c) of the Standards. In this report, staff has considered each requirement in Section 10-103-B(c) of the Standards and summarized the relevant sections from NEBB's application intended to demonstrate compliance. Staff has explained the method used to determine that NEBB's application is in compliance with the requirements in Section 10-103-B(c) of the Standards.

Staff has determined that NEBB's application, with the Conditions of Approval as described below, is complete and contains sufficient information to be approved.

IV. Conditions of Approval

¹ California Code of Regulations, Title 24, Part 6, and associated administrative regulations in Part 1, Chapter 10.


Section 10-103-B(c)(3)(G), "Certification Identification Number and Verification of ATT Certification Status," requires the ATTCP, upon certifying an ATT, to issue a unique certification number to the ATT, to maintain an accurate list of each certified ATT, and provide the list upon request to authorized document Registration Provider personnel or enforcement agency personnel. Section 10-103-B(c)(3)(D) requires an ATTCP to provide a mechanism for filing complaints regarding the performance of ATTs or ATEs.

Due to the nature of NEBB's approach to depend on a registry system for many aspects of compliance with Title 24, Part 1, Section 10-103-B(c), staff recommends a Condition of Approval (COA-1) that requires NEBB to demonstrate that the registry is operational. Additionally, given that NEBB does not fully control their training centers, staff recommends three Conditions of Approval (COA-2 through 4) to ensure that NEBB will actively monitor and secure their access to these training facilities. NEBB representatives have agreed to the proposed Conditions of Approval. Exhibit A contains the exact language of the Conditions of Approval COA-1 through COA-4 with the signatures of NEBB's representatives.

V. Conclusion

Pursuant to section 10-103-B(f)(3) of the Standards, Energy Commission staff has completed a thorough review and validation of the information received in NEBB's application. Energy Commission staff deemed the NEBB Application complete on September 15, 2015. Staff made the nonconfidential portion of NEBB's application and the Staff Report available to the public for comment on December 18, 2015.

Accordingly, with the Conditions of Approval, I find that NEBB's application to be an ATTCP meets the criteria and procedures required by the Section 10-103-B(c). I recommend that the Energy Commission, with the Conditions of Approval, confirm these findings and approve NEBB as an authorized ATTCP. This approval authorizes NEBB to administer the program, described in its application, to train, certify, and provide necessary oversight for ATTs and ATEs to perform the Nonresidential Mechanical Acceptance Tests, as required under the Standards.



ROBERT P. OGLESBY
Executive Director
California Energy Commission

1-8-16
Date

EXHIBIT A
Conditions of Approval

In addition to the applicable program requirements, the following are conditions for approval as a Nonresidential Mechanical Acceptance Test Technician Certification Provider (ATTCP).

- **COA-1:** By **April 4, 2016**, NEBB (or their representatives) must have implemented an online web service with the capability to:
 - Limit Acceptance Test Technician access to only acceptance test forms for which they hold valid and current certification.
 - Provide a method to complete acceptance test forms bearing an appropriate logo and print a hardcopy for submission to local building authorities.
 - Make available contact information and current certificate status of all approved Acceptance Test Employers and Technicians.
 - Web directory must be able to sort (or filter) by name, county, and by each Acceptance Test for which the Acceptance Test Technician has current certification.
 - File complaints to NEBB regarding any Acceptance Test Technician or Employer from local enforcement agencies, other permitting agents, and/or the public.
 - Provide monthly (or as requested) analytical reports for quality assurance and other purposes to Energy Commission staff and local enforcement agencies.
 - Provide information as requested to appropriate local enforcement agencies and Energy Commission staff.

Compliance:

NEBB will demonstrate that the registry is in full operation by allowing Energy Commission staff to enter test data including:

- Registering as a fictitious ATT and ATE.
- Registering as a fictitious builder and submit acceptance test jobs for bid.
- Filing completed fictitious acceptance test forms.
- Producing printed versions of fictitious acceptance test forms.
- Attempt to submit Forms which do not provide complete information or submit a series of Forms which indicate cloning of test reports.
- File a complaint against one of the fictitious ATTs entered by staff.
- Produce an analytic report from the system showing all activities of the fictitious ATT and ATE entered by staff.

NEBB will also produce an Annual Report as prescribed in Title 24, Part 1, Chapter 10, Section 10-103-B(d). The Annual Report, at a minimum, will include a list of all ATTs and ATEs separately, and the total number of acceptance test forms filed for each type of acceptance test by California county.

Once Energy Commission staff is satisfied with the performance of the registry, staff will provide NEBB with a written acknowledgement of compliance.

- **COA-2:** By **April 4, 2016**, NEBB must demonstrate access to enough laboratories with the combined capability, if more than one, to perform all necessary mechanical systems

acceptance tests required in the 2013 Building Energy Efficiency Standards, Section 120.5 in an instructional setting.

Compliance:

NEBB will provide Energy Commission staff a copy of memoranda of understanding signed by NEBB representatives and each facility owner/operator that include the following minimum information:

- The owners/operators of the facilities.
- The addresses of the facilities.
- The acceptance tests to be performed at each facility.
- The signatory parties.
- The signatory date(s).

Energy Commission staff will be granted physical access to the each facility to ensure that the facilities are capable of providing a laboratory training environment.

Once Energy Commission staff is satisfied that the records submitted by NEBB, staff will provide NEBB with a written acknowledgement of compliance.

- **COA-3:** By **April 4, 2016**, NEBB must assign a NEBB representative to verify that these laboratories in total, if more than one, can complete all acceptance tests procedures as provided by the NEBB acceptance test technician certification provider application.

Compliance:

NEBB representative must submit a signed and dated affidavit stating the following for each training facility identified in **COA-2**:

- A NEBB representative(s) has visited the facility in person.
- A NEBB representative(s) has reviewed and has knowledge of NEBB's Acceptance Test laboratory procedures relevant to the facility.
- A NEBB representative(s) will vouch that the laboratory is capable of being used for the educational purposes intended by NEBB for acceptance test education and testing.

Once Energy Commission staff is satisfied with the records submitted by NEBB, staff will provide NEBB with a written acknowledgement of compliance.

- **COA-4:** NEBB must notify the Energy Commission within 15 business days of any loss of access to any laboratory facility for which a signed memorandum of understanding that allowed NEBB to perform mechanical systems acceptance tests required by the 2013 Building Energy Efficiency Standards, Section 120.5 in an instructional setting. Within 90 days of notification, NEBB must identify sufficient replacement facility.

Compliance:

NEBB will provide Energy Commission staff a copy of a memorandum of understanding signed by NEBB representatives and each facility owner/operator that include the following minimum information:

- The owners/operators of the facilities.
- The addresses of the facilities.
- The acceptance tests to be performed at each facility.
- The signatory parties.
- The signatory date(s).

Energy Commission staff will be granted physical access to the facility to ensure that the facility are capable of providing the required laboratory training environment.

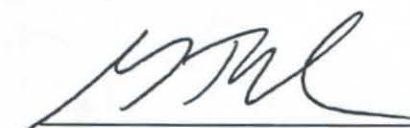
NEBB representative must submit a signed and dated affidavit stating the following for each training facility identified:

- A NEBB representative(s) has visited the facility in person.
- A NEBB representative(s) has reviewed and has knowledge of NEBB's Acceptance Test laboratory procedures relevant to the facility.
- A NEBB representative(s) will vouch that the facility is currently capable of being used for the educational purposes intended by NEBB for acceptance test education and testing.

Once Energy Commission staff is satisfied with the records submitted by NEBB, staff will provide NEBB with a written acknowledgement of compliance.

The Energy Commission may review NEBB's compliance with the procedures required by Section 10-103-B(c) and the Conditions of Approval set forth herein. Pursuant to subsection (g) of Section 10-103-B, if the Energy Commission determines there is a violation of these regulations, including noncompliance with any of the conditions in Exhibit A, or that NEBB is no longer providing adequate certification services, the Energy Commission may revoke NEBB's authorization as a Mechanical ATTCP. The Energy Commission shall not revoke the authorization of an ATTCP without affording the ATTCP the opportunity for a hearing in accordance with the applicable procedures specified in Title 20 of the California Code of Regulations.

The foregoing Conditions of Approval are agreed to:



Glenn Fellman, Executive Vice President
National Environmental Balancing Bureau

1/7/2016
Date