

DOCKETED

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NATIONAL ENERGY MANAGEMENT INSTITUTE COMMITTEE

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CHIEF COUNSEL'S OFFICE

August 29, 2016

Attn: Dockets Unit (MS-14)
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Re: *California Code of Regulations, Title 24, Part 1 10-103.2 – Nonresidential Mechanical Acceptance Test Training and Certification, Section (d) Requirements for ATTCPs to Provide Regular Reports*

Dear Docket Unit,

This report addresses the issues (*in italics*) Mr. Randy Brumley raised in his letter of June 21, 2016 in response to our update report to the Docket Unit of May 17, 2016.

1. *Describe how NEMIC will implement the 2016 recertification of ATTs, including how NEMIC plans to offer 2016 recertification (partially online and in person, completely in person, or both) and how NEMIC will ensure the integrity of its recertification curriculum and the ATTCP program, if training is conducted on line. Specify what the cost is to ATTs for recertification and whether it is included in the annual maintenance fee or if it is separate.*

To be recertified for the 2016 *Building Energy Efficiency Standards* (Standards), the Building Energy Efficiency Standards (Standards), we have developed a webinar, that each NEMIC ATTCP-certified Acceptance Test Technician (ATT) (and Acceptance Test Employer (ATE)) will have to attend to recertify. The webinar will be self-paced that the ATT can review at his leisure. It will be offered as a download from our ATTCP website, www.attcp.org. This format has been developed by our industry partners who offer hundreds of self-paced curricula online. There is no cost to either the ATT or the ATE for recertification.

2. *Provide more information about the proposed training for Acceptance Test Technician (ATT) and Acceptance Test Employer (ATE) recertification classes, including:*
 - a. *Will recertification trainings be offered online?*
 - b. *Will NEMIC require ATEs to attend recertification training? If so, will the courses be divided into ATT and ATE recertification? Alternatively, will recertification be offered to ATTs and ATEs together in the same class?*

As indicated under point (1) the classes will be offered online only; they will be the same for both ATTs and ATEs. There will be no classroom training.



The webinar regarding the 2016 Standard updates was submitted to the Docket Unit on May 17, 2016. In your letter of June 21, 2016 you indicated a number of points needing further refinement. A copy of the webinar reflecting those refinements is attached to this report. As soon as the California Energy Commission approves of the attached webinar will be published online and pertinent notice will be posted on our website as well as emails will be forwarded to all NEMIC ATTCP-certified ATTs and ATEs.

3. *Provide more information about how NEMIC will phase in the 2016 Standards.*
 - a. *When will the training modules for 2016 be ready for review? Will there be a schedule published to show available courses for both 2013 and 2016?*
 - b. *How will NEMIC phase out 2013 training?*

The information in the recertification webinar will be shared with our training partners who will incorporate it in their respective training modules. The International Training Institute developed the training for ATTs and the National Energy Management Institute for ATEs. Starting January 1, 2017, both organizations will train only to the 2016 Standards.

4. *Provide more information about how NEMIC will address the update to §10-103.2(c)3F of the Standards, which requires the ATTCP to review a random sample of no less than one percent of each ATT's completed compliance forms, and randomly perform selected onsite audits of no less than one percent of each ATT's completed acceptance tests. The quality assurance program NEMIC currently employs is acceptable under the 2013 Standards, but needs to be updated to meet the new 2016 Standards.*

NEMIC's original QA program, as submitted with our original ATTCP application and approved by the California Energy Commission, is a paper only audit. Every audit will review five (5) percent of each type of completed mechanical acceptance forms with a minimum of five (5) forms per each type and not to exceed ten (10) forms per each type.

NEMIC has repeatedly informed the CEC staff that NEMIC cannot warrant onsite audits. The enforcement of the California Building Energy Standards rests solely and exclusively with construction inspectors employed by the local authority having jurisdiction per *Section 18949.25. | CHAPTER 7 - Construction Inspectors, Plans Examiners, and Building Officials | PART 2.5 - STATE BUILDING STANDARDS | DIVISION 13 - HOUSING | Health and Safety Code*. The random nature of the onsite audits after the mechanical acceptance tests have been completed as spelled out in *§10-103.2(c)3F of the Standards* defines an action that is outside the regular construction process, i.e., upon successful completion of the acceptance tests (in new construction), the building occupancy permit is issued and the building enters its operational state. Section *§10-103.2(c)3F* of the Standards represents a random enforcement of the Standards mandates. Code enforcement can only be performed by construction inspectors employed by local authorities having jurisdiction. NEMIC ATTCP onsite auditors do not meet the enforcement role as defined by Section 18949.25 of the Health and Safety Code. Without this legal standing, any access to a building site would depend on the voluntary cooperation of the building owner / building



operator. Thus, NEMIC ATTCP cannot warranty that even one onsite audit may be performed per Section §10-103.2(c)3F of the Standards.

NEMIC urges the California Energy Commission to address the issue of the random enforcement of the mandates per Section §10-103.2(c)3F of the Standards by either a) removing the onsite audit requirement or b) propose to the California Legislature to amend Section 18949.25 of the Health and Safety Code to elevate the status of ATTCP-employed onsite auditors to that of construction inspectors for the purpose of inspecting building system requirements of adopted standards.

Sincerely,

A handwritten signature in blue ink that reads "David Bernett". The signature is written in a cursive style with a horizontal line underneath the name.

David Bernett
NEMIC ATTCP Administrator