

DOCKETED

Docket Number:	13-ATTCP-01
Project Title:	Acceptance and Training Certification
TN #:	245774
Document Title:	Request Clarification and Approval
Description:	Written request for clarification of Regulation-and approval of proposal
Filer:	David Bernett
Organization:	National Energy Management Institute Committee
Submitter Role:	Applicant
Submission Date:	9/1/2022 5:27:42 AM
Docketed Date:	9/1/2022

August 31, 2022

Joe Loyer
Senior Mechanical Engineer
California Energy Commission
715 P Street, Sacramento CA 95814

Email: Joe.Loyer@energy.ca.gov

RE: Request for clarification and approval for the use of MechCheck database by acceptance test technicians (“ATTs”) who are employed by contributing employers but are not NEMIC-certified (“Non-NEMIC ATTs”).

Dear Mr. Loyer,

NEMIC, which is accredited as an Acceptance Test Technician Certification Provider (“ATTCP”) under a regulation (the “Regulation”)¹ issued by the California Energy Commission (“CEC”), is considering whether to permit Non-NEMIC ATTs to complete certificates of acceptance (“Certificates”) through NEMIC’s MechCheck portal and store them in and distribute them from the MechCheck database, while declining to perform audits of those Certificates provided for under the Regulation.

As an ATTCP, NEMIC has been authorized by the CEC to certify ATTs who perform acceptance testing of non-residential mechanical systems pursuant to the Regulation and that ATTs NEMIC has certified, and who work for employers that contribute to NEMIC. NEMIC certified ATT’s will complete certificates of acceptance through MechCheck, an on-line portal that includes a database for the Certificates, where the Certificates will be available for audit and inspection. NEMIC is considering allowing Non-NEMIC ATTs who work for these employers and are certified in either all mechanical acceptance forms or certified to the forms of a NEMIC MATT Level 1– generally, members of the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry – to complete Certificates via MechCheck for a nominal fee, as a convenience to the contributing employers, but to leave the audit function to the ATTCP that certifies those ATTs.

A provision of the Regulation relevant to the MechCheck database might be read as contradicting this position. The provision provides that an ATTCP like NEMIC must “maintain, or by suitable contractual requirements cause to be maintained”² an electronic database system approved by the CEC, which in NEMIC’s case, is MechCheck. The database must meet several requirements, including that for no less than five years, it must record and preserve “all certificates of acceptance offered for certification by the ATTCP and as performed *by its own certified ATTs.*”³ The relevant portion of 2022 Nonresidential and Multifamily Compliance Manual (“Manual”), which supplements the Regulation, restates this requirement.⁴

¹ California Code of Regulations, Title 24, Part 1 and Part 6

² Regulation, § 10-103.2(c)(3)(H)

³ *Id.*, § 10-103.2(c)(3)(H)(ii) (emphasis added)

⁴ Manual, Subsection 14.5.1.3(H)



The requirement that an ATTCP’s database record and preserve Certificates offered by “its own certified ATTs” suggests that Non-NEMIC ATTs would not be able to offer Certificates through MechCheck unless the ATTCP that certifies them enters into a “suitable contractual arrangement” with NEMIC. **NEMIC is seeking formal clarification and approval from CEC allowing Non-NEMIC ATTs to offer Certificates through MechCheck without entering into such an arrangement.**

The Regulation also requires that an ATTCP’s database allow for transmission of the electronic copies of Certificates back to the ATT who submitted them, as well as the associated employer.⁵ Each page of each Certificate must bear the logo of the ATTCP “or other identifying insignia as approved by the CEC.”⁶ Currently, acceptance test forms completed through MechCheck are to include a watermark of the NEMIC acronym, name, and logo, as well as the logo of the ICB/TABB brand.⁷ If NEMIC is approved by the CEC to allow Non-NEMIC ATTs to enter Certificates through MechCheck, NEMIC will seek CEC approval of a different logo that does not mention NEMIC, ICB, or TABB for use on the forms completed by Non-NEMIC ATTs.

NEMIC is willing to store Non-NEMIC ATTs’ Certificates in the MechCheck database, NEMIC will not offer to review, or audit, those ATTs’ Certificates. The Regulation provides that an ATTCP must audit a random sample of “each ATT’s completed compliance forms.”⁸ This language does not require the ATTCP that audits a given Certificate to be the ATTCP associated with the database where the Certificate is stored – that section of the Regulation does not mention the database. Therefore, the ATTCP that certifies the Non-NEMIC ATTs should be able to audit its own ATT’s Certificates without having to involve NEMIC.

Thank you for your time and attention to this request.

Sincerely yours,

David Bennett

David L Bennett
Administrator, NEMIC-ATTCP

⁵ *Id.*, § 10-103.2(c)(3)(H)(iii); Manual, Subsection 14.5.1.3(H)(iii)

⁶ *Id.*, § 10-103.2(c)(3)(H)(iii)(a); Manual, Subsection 14.5.1.3(H)(iii)(a)

⁷ 2019 Amendment (Substantive Changes) to Application for Nonresidential Mechanical Acceptance Test Technician Certification Provider under California Code of Regulations 2019 Title 24, Part 1, Article 1, Section 10-103.2, and Part 6, Sections 120.5, Section 6.11

⁸ Regulation, § 10-103.2(c)(3)(F)(ii)