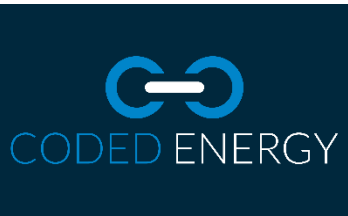


DOCKETED	
Docket Number:	22-BSTD-03
Project Title:	2022 Field Verification and Diagnostic Testing OIR Proceeding
TN #:	250650
Document Title:	Russell King, ME Comments - HERS Raters and Special Inspector Designation
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Comment Received From: Russell King, ME
Submitted On: 6/16/2023
Docket Number: 22-BSTD-03

HERS Raters and Special Inspector Designation

Additional submitted attachment is included below.



Coded Energy, Inc.

Software and
Training on
Building Science and
HVAC Design

To: Docket 22-BSTD-03
From: Russell King, ME, CEO Coded Energy, Inc.
Re: Modifications to FV&DT Program, HERS Raters designation as “special inspectors”
Date: June 9, 2023

Dear CEC Commissioners and Staff,

My comments are specific to this section of the Staff Report, particularly the highlighted text:

Remove the Designation of Raters as Special Inspectors

Current Language and Reason for Change

The Energy Code, in Reference Appendix 2.1, currently states that raters should be considered as “special inspectors” by enforcement agencies. Title 24, Part 2 defines a special inspector as “a qualified person employed or retained by an approved agency and approved by the building official as having the competence necessary to inspect a particular type of construction requiring special inspection.” RA 2.1 also states that raters shall demonstrate competence, to the satisfaction of the building official, for the visual inspections and diagnostic testing that they perform. However, no AHJ (local building department) has approved of or attempted to approve any rater as a special inspector or required a rater to demonstrate competence to their satisfaction to operate within its jurisdiction. Raters are trained and certified by providers as set forth in the program regulations without any other action taken by a building official.

Description of Changes

Staff proposes amending Residential Appendices RA2 and JA7 to remove the statement that HERS raters should be considered as “special inspectors,” and delete the authority of local building departments to determine whether raters are allowed to perform FV&DT in their jurisdiction, consistent with the current implementation of the FV&DT program.

I have provided energy code training to building departments through the BayREN Codes and Standards for 10 years. I also have trained building department staff through 3C-REN, local governments, utilities, and CalCERTS. I have trained dozens of building departments and hundreds of code enforcement personnel. In almost every class I teach the topic of HERS raters comes up because of their importance to the overall compliance process. Every time I mention HERS raters, I make a point to state that they are “special inspectors helping building departments enforce the energy code in the field”. Not one single time has anyone ever questioned this or disagreed with this statement. If anything, it helps building departments understand the role of HERS raters.

I believe that removing this designation will cause additional confusion to an already extremely complicated process.

I believe that the “Reason for Change”, above, is not adequate to justify this change. The designation as a special inspector was put into the code because that’s exactly the role they serve. I believe that HERS raters do meet the definition of a special inspector as stated in Title 24, Part 2. The “approved agency” is the HERS Provider. There are examples of other types of special inspectors who are not explicitly “approved” by the jurisdictions. HERS raters are subject to as much training, certification, and quality assurance as any other type of special inspector, probably more. Because of this, most jurisdictions do not feel the need to approve each HERS rater. Approval is implicit in simply being allowed to provide inspection services. Furthermore, if no AHJ has specifically approved a rater, this is not a reason to remove the designation.

I strongly believe that local building departments need the authority to determine whether raters are allowed to perform FV&DT in their jurisdiction. There may be reasons other than HERS competency that a building department needs to stop a HERS rater from working in their jurisdiction, such as business license, and violations not related to HERS inspections, etc. The fact that this statement is still in this report leads me to believe that not many building departments have seen it. I am extremely disappointed in the lack of participation by building departments in this HERS program revision process. They are the ones (other than providers and raters) most affected by changes in the HERS programs. I strongly recommend that the CEC distribute notification of this specific removal of authority to building departments throughout the state to seek their feedback.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Russell King', with a flourish at the end.

Russell King, ME
CEO