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*Comment Received From: Bernie Kotlier*  
*Submitted On: 9/14/2023*  
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**Urgently Reinstating Plan Review Requirements for Enhanced Title  
24, Part 6 Compliance**

*Additional submitted attachment is included below.*

September 14, 2023

California Energy Commission  
Docket #: 22-BSTD-01  
1516 Ninth Street  
Sacramento, CA 95814-5512

Re: Urgently Reinstating Plan Review Requirements for Enhanced Title 24, Part 6 Compliance

To: The California Energy Commission

The California Advanced Lighting Controls Training Program (CALCTP) is a non-profit statewide initiative dedicated to increasing the utilization and efficacy of lighting controls in commercial buildings and industrial facilities through education and training. CALCTP is composed of two training programs: (i) an installation program and (ii) an acceptance test technician program (Title 24 requirement). Building Energy Efficiency Standards require certified technicians to conduct tests to pass/fail installed lighting controls. CALCTP is a state recognized provider that certifies employers and technicians.

CALCTP proposes that the Building Energy Code Section 130.4(a)1 of the 2013 code cycle be reinstated as a Q1, 2024 midterm code change. These requirements encompass the certification of plans, specifications, installation certificates, and compliance with various sections of the building code, specifically Section 130.1(c), 130.1(d), 130.1(e), and 130.2(c). CALCTP feels strongly that reinstating these certification criteria during Q1 of 2024 is essential for ensuring Title 24, Part 6 compliance and would foster a more collaborative approach with Authorities Having Jurisdiction (AHJs). It is important to emphasize that the reinstated certification requirements would not serve as a means to override the AHJ's authority or the engineer on record (EOR). Instead, the reinstated certification requirements would function as a valuable tool to enhance transparency and cooperation with the design team prior to the permitting process and would provide clarity on non-compliance issues. The reinstated certification requirements would yield the following important benefits:

- **Facilitating Collaborative Compliance:** Reinstating these certification requirements would promote a collaborative compliance process. Rather than circumventing the EOR's decisions, the review process would work in tandem with their assessments. The EOR would remain the ultimate authority, while the review process would serve as an additional layer of documentation.

- **Elevating Documentation Practices:** The restoration of these review criteria would significantly improve our documentation practices. The compliance documents would serve as clear records of compliance or non-compliance with specific Title 24, Part 6 regulations. This documentation would be valuable not only for the AHJ but also for building owners, architects, and the installing contractors, ensuring everyone is aware of any issues and their resolution prior to permitting.
- **Compliance Transparency:** By noting instances of non-compliance through the certification process, transparency is enhanced. This transparency can lead to more informed discussions and resolutions, ultimately fostering a better understanding of the compliance landscape.
- **Accountability:** The reinstatement of these requirements reinforces the accountability of architects, engineers, and contractors for adhering to the energy efficiency and environmental standards outlined in Title 24, Part 6. It also ensures that building owners receive the energy-efficient lighting systems they expect and helps to meet California's decarbonization goals.
- **Energy Efficiency and Environmental Responsibility:** This approach aligns with our commitment to achieving energy-efficient and environmentally responsible building practices, a cornerstone of Title 24, Part 6. It reflects our dedication to reducing energy consumption and mitigating the environmental impact of our projects and the decarbonization of California.

Because ATTs have undergone advanced subject matter training, they're expertise should be utilized to conduct comprehensive plan reviews of all AT related construction documents.

It is important to communicate any code compliance issues to the client and/or design team that could hinder the project's successful completion of the functional testing process. Just meeting code compliance in the design phase doesn't guarantee smooth functional testing. Many projects encounter challenges related to daylighting controls, such as cardinal direction considerations or occupancy sensor placement, which might not be adequately addressed in the plans despite complying with the code.

The role of the ATT must never override the approved plans of enforcement agencies.

Similarly, the ATT must never supersede the approved plans of the engineer of record. In situations where the engineer is unavailable, there could be instances where the responsibility for a project is assumed by the ATT or another entity like a general or electrical contractor. Such a transfer of responsibility has occurred in cases when the engineer is no longer accessible.

The NRCC should establish a designated signature area for ATTs to indicate whether they have found the design compliant or non-compliant. This information could then be shared with the design team prior to plan submission, fostering better communication and proactive resolution of compliance issues.

### **Urgency of this Proposal**

Since Section 130.4(a)1 was removed, the role of the ATT has been relegated to “just test what is shown on the drawings,” regardless of Title 24, Part 6 compliance requirements. This has led to an increasing number of non-compliant projects being approved and a growing number of reports from ATTs in the field experiencing pushback and lack of enforcement amongst numerous AHJs. In addition, CALCTP has experienced a dramatic downturn in the number of active ATTs, with the remaining ATTs reporting an increasing loss of Acceptance Testing projects. **This is not a financially sustainable position for non-profit CALCTP and other ATTCPs. CALCTP cannot to continue to operate without substantive, effective and immediate changes.**

**Reinstating Section 130.4(a) would not only strengthen the effectiveness of acceptance testing but also promote genuine compliance rather than mere procedural checkboxes. CALCTP stands at a pivotal juncture due to the lack of enforcement, and unless substantial changes occur promptly, sustaining our operations will be in jeopardy.**

Furthermore, if corrective action is not taken promptly, Title 24, Part 6 could devolve into a mere paperwork exercise, with more AHJs and designers bypassing California's Energy Code and undermining the state's decarbonization objectives. Therefore, CALCTP urgently requests expedited implementation of our proposal to reinstate Section 130.4(a)1 in this code cycle in order to restore compliance before it becomes too late for the entire ATTCP program. We request this change be made to the 2022 code in Q1 of 2024.

Thank you.

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