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Ecology Action Comments on 2-9-2016 Compliance Workshop

Additional submitted attachment is included below.

Dear Commissioners,

Ecology Action strongly opposes the proposal put forth to add a Compliance requirement that existing fixture types and wattages for lighting retrofit projects must be verified only by Acceptance Test Technicians (ATTs). Doing so would be unnecessary, expensive, and would simply prevent many smaller jobs from even occurring. Over the last 18 months there has been an unprecedented level of participation in the development of the 2016 Code for lighting retrofits because the 2013 Code has decimated the lighting retrofit industry for small and medium commercial buildings. The new “Third Compliance Option” in the 2016 Code puts appropriate and sensible rules back in place. However, requiring a whole new level of cost and delay by requiring ATT testing would have much the same chilling effect for the SMB retrofit market as the 2013 Code does currently. No such requirement exists in the 2016 Code language because stakeholders would have fought it tooth and nail, and it shouldn’t be added now outside of the normal process. CEC’s goal is to “improve 2016 compliance while minimizing costs (dollars and time) and keeping the burden low.” Requiring a second level of ATT verification for all Code-triggering projects goes against these goals, against the spirit of the 2016 Code, and against the reality of lighting retrofits in the SMB market and must be prevented.

Opponents repeatedly said that “installation contractors cannot be trusted,” and suggested they would be likely to falsify existing wattages to get a higher rebate, or at best not record them accurately. This allegation is false, highly disparaging and unsupported by factual data. Contractors are trusted, and this trust is backed up by their license and bond and insurance. Documenting as-built conditions is the contractor’s normal daily role in lighting retrofit work, and they verify all fixtures – not just a sample. In contrast, ATTs are not currently trained to do this kind of work. The curriculum for ATTs does not include training on how to establish existing condition fixture, lamp and ballast system wattages. We believe having to schedule and pay for an ATT to come out up front to count existing lamps (or even a sample) and write down fixture types and figure wattages is redundant, unwarranted, and would – at a minimum – add delays and many hundreds of dollars to job costs and would kill many small to medium projects.

Our position is that the evidence required to document the existing fixtures and wattages should be simple, clear, and inexpensive to provide. Compliance forms should be highly streamlined and electronic. This can be done by using something like a work order or spreadsheet that gives detailed space-by-space descriptions of preexisting and newly installed fixture types, counts and wattages, along with total existing and new wattage and percentage savings. This would be extremely simple for any jurisdiction to review, and is similar to what contractors and implementers already supply to utilities for rebate purposes. If desired by the jurisdiction, the documentation could be supplemented by photos of the various existing lamp and ballast types, with photos geotagged to verify the installation address, dates, etc.

In summary, Ecology Action strongly opposes adding any requirement for ATT involvement in verifying existing fixture wattages for lighting retrofit projects. Doing so would add significant additional costs and delays onto the compliance process which were not anticipated when the Code was developed, and if imposed would achieve the exact opposite of CEC’s stated goal of “improving compliance without increasing transaction costs.” We need to simplify and streamline compliance for lighting retrofits, not create the “Full Employment Act” for ATTs.

Respectfully,

Gene Thomas

Ecology Action