

DOCKETED

Docket Number:	17-BSTD-03
Project Title:	2019 Title 24, Part 11, CALGreen Rulemaking
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Document Title:	2019 CALGreen Notice of Proposed Action
Description:	Notice that the California Energy Commission proposes to adopt changes to the voluntary provisions contained in the California Green Building Standards Code, California Code of Regulations (CCR), Title 24, Part 11 (also known as CALGreen). - Hearing to discuss the 45-Day Language is February 6, 2018.
Filer:	Adrian Ownby
Organization:	California Energy Commission
Submitter Role:	Commission Staff
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CALIFORNIA ENERGY COMMISSION

1516 Ninth Street Sacramento, California 95814

Main website: www.energy.ca.gov**NOTICE OF PROPOSED ACTION****PROPOSED REVISIONS TO THE CALIFORNIA BUILDING
ENERGY EFFICIENCY STANDARDS
CALIFORNIA CODE OF REGULATIONS, TITLE 24,
PART 11, APPENDICES A4 AND A5
(2019 CALIFORNIA GREEN BUILDING STANDARDS CODE)****California Energy Commission
DOCKET NO. 17-BSTD-03
January 19, 2018****INTRODUCTION**

Notice is hereby given that the California Energy Commission (Energy Commission) proposes to adopt changes to the Building Energy Efficiency Standards contained in the California Green Building Standards Code, California Code of Regulations (CCR), Title 24, Part 11 (also known as CALGreen). The proposed amended standards are called the "2019 California Green Building Standards Code" (Standards) and will go into effect on January 1, 2020.

The Energy Commission has prepared this Notice of Proposed Action (NOPA) and an Initial Statement of Reasons (ISOR) regarding the need for the proposed revisions, and has available all the information upon which its proposal is based. The Energy Commission has also published the Express Terms (45-Day Language) of the proposed amendment language. These documents can be obtained from the contact persons designated below or from the Energy Commission website at:

<http://www.energy.ca.gov/title24/2019standards/>.

PUBLIC COMMENT PERIOD AND HEARINGS

The Energy Commission's Energy Efficiency Lead Commissioner will hold public hearings to receive public comments on the proposed action. At these hearings, any person may present statements or arguments relevant to the proposed regulatory action summarized below. The proposed language (45-Day Language Express Terms) is posted on the Energy Commission's website at:

<http://www.energy.ca.gov/title24/2019standards/>.

The 45-Day Language Express Terms are also available from the Energy Commission's Building Standards Office (contact persons are listed later in this NOPA). The Energy Efficiency Lead Commissioner Hearings to discuss the 45-Day Language are scheduled as follows:

February 6, 2018
9:00 a.m.
CALIFORNIA ENERGY COMMISSION
Hearing Room A
1516 Ninth Street
Sacramento, California
(Wheelchair Accessible)

Audio for the Energy Efficiency Lead Commissioner Hearings will be broadcast over the internet. For details, please go to: www.energy.ca.gov/webcast.

If you have a disability and require assistance to participate in these hearings, please contact Poneh Jones at (916) 654-4425 or by email at poneh.jones@energy.ca.gov at least 5 days in advance.

A Hearing before the Energy Commission, for possible final adoption of the Express Terms, is scheduled to be held on the date below. This date may be postponed by the Energy Commission through a notice to the docket of this proceeding.

**PROPOSED ADOPTION DATE – FULL ENERGY
COMMISSION HEARING**

March 21, 2018
10 a.m.
CALIFORNIA ENERGY COMMISSION
Hearing Room A
1516 Ninth Street
Sacramento, California
(Wheelchair Accessible)

Audio for the hearings will be broadcast over the internet. For details, please go to: www.energy.ca.gov/webcast.

If you have a disability and require assistance to participate in these hearings, please contact Poneh Jones at (916) 654-4425 or by email at poneh.jones@energy.ca.gov at least 5 days in advance.

The public comment period for the 2019 Building Energy Efficiency Standards will begin on January 19, 2018, and end at 5:00 p.m. on March 5, 2018. Any interested person may submit written comments on the proposed amendments. Regarding the Energy Efficiency Lead Commissioner and Adoption Hearing, the Energy Commission requests written comments at the earliest possible date: for the February 6, 2018

hearing, please provide written comments by February 20, 2018. However, written comments will still be accepted if they are received by 5:00 p.m. on March 5, 2018. Written comments must be emailed to Docket@energy.ca.gov or mailed or delivered to the following address (emailing is preferred):

CALIFORNIA ENERGY COMMISSION
Attention: Docket No. 17-BSTD-03
Dockets Office
1516 Ninth Street, MS-4
Sacramento, CA 95814

All written comments must contain the official number of the proceeding “Docket No. 17-BSTD-03,” prominently displayed on the first page. When comments are emailed on behalf of an organization, the comments should be a scanned copy of the original on the organization’s letterhead and include a signature of an authorized representative.

Written comments may also be filed electronically by emailing adrian.ownby@energy.ca.gov or faxing them to (916) 654-4304, as long as they are received no later than March 5, 2018, at 5:00 p.m.

Oral comments may be made at the Energy Efficiency Lead Commissioner hearing(s). In addition, oral comments may be made at the March 21, 2018, Full Commission Adoption Hearing.

POTENTIAL POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Interested persons should be aware that these amendments may be subject to change as a result of public comment, staff recommendations, or discussions at meetings with the Energy Efficiency Lead Commissioner or other Commissioners. The proposed regulations could be changed, withdrawn, or replaced.

Pursuant to Government Code 11346.8(c), no state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to Section 11346.5, unless the change is (1) non-substantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action. If a sufficiently related change is made, the full text of the resulting adoption, amendment, or repeal, with the change clearly indicated, shall be made available to the public for at least 15 days before the agency adopts, amends, or repeals the resulting regulation. Any written comments received regarding the change must be addressed in the final statement of reasons required by Government Code section 11346.9.

To be notified of any modifications, please sign-up on the Building Standards list-serve to be informed of ongoing activities regarding the 2019 Update. You can sign up for this list-serve here: <http://www.energy.ca.gov/efficiency/listservers.html>.

For assistance in participating in this the rulemaking proceeding, please contact the Energy Commission's Public Adviser's Office, at (916) 654-4489, toll free at (800) 822-6228, or by email at publicadviser@energy.ca.gov.

AUTHORITY AND REFERENCE

The Energy Commission proposes to adopt the Express Terms under the authority granted by Public Resources Code Sections 25213, 25402, subdivisions (a)-(b), 25402.1, 25402.4, 25402.5, 25402.8, 25910, 25942, and 25943.

The Energy Commission proposes to adopt the Express Terms in order to implement, interpret, or make specific Public Resources Code Sections 25402, subdivisions (a)-(b), 25402.1, 25402.4, 25402.5, 25910, 25942, and 25943, and Health and Safety Code Sections 18390, 18934 & 18935.

INFORMATIVE DIGEST

A. Summary of Existing Laws

Public Resources Code Sections 25402 and 25402.1 were enacted in the 1970s as part of the enabling legislation establishing the Energy Commission and its basic mandates. These sections require the Energy Commission to adopt, implement, and periodically update energy efficiency standards for both residential and nonresidential buildings. In addition, Public Resources Code Section 25910 directs the Energy Commission to adopt standards for the minimum amount of additional insulation installed in existing buildings. Senate Bill (SB) 639 (Statutes of 1993) added Section 25402.5, which expressly directs the Energy Commission to consider both new and replacement, and both interior and exterior, lighting devices when adopting building standards. SB 5X (Statutes of 2001) added subsection (c) to Section 25402.5 to clarify and expand the Energy Commission's authority to adopt standards for outdoor lighting.

The Global Warming Solutions Act (Assembly Bill (AB) 32, Núñez, Chapter 488, Statutes of 2006) has been the foundation of California's efforts over the past five years to reduce greenhouse gas emissions (GHG); AB 32 requires that by 2020 the state reduce its GHG emissions to the level that existed in 1990. *Improving the energy efficiency of existing residential and commercial buildings is the single most important activity to reduce greenhouse gas emissions that result from electricity and natural gas use.* The Energy Commission's 2017 Integrated Energy Policy Report (IEPR), which is California's official statement of the state's energy policy, concludes that climate change is the single most important environmental and economic challenge of the century, that greenhouse gas emissions are the largest contributors

to climate change, and that California's ability to slow the rate of greenhouse gas emissions will depend first on energy efficiency.

Similarly, the California Long-Term Energy Efficiency Strategic Plan (2008) adopted by the California Public Utilities Commission (CPUC) identifies the importance of the Energy Commission's Building Energy Efficiency Standards in reaching the State's goal of having new homes be "zero net energy" buildings by 2020 and of having commercial buildings be "zero net energy" buildings by 2030.

Governor Brown's Clean Energy Jobs Plan (2010) combines existing state energy policy with economic recovery and growth goals by focusing on developing renewable energy and energy efficiency technologies and creating more than half a million green jobs. In the area of building efficiency, the Governor's Plan calls for:

- Adopting stronger appliance standards for lighting, consumer electronics, and other products;
- Creating new efficiency standards for new buildings;
- Increasing public education and enforcement efforts so that the gains promised by California's efficiency standards are realized;
- Adopting a plan for achieving "zero-net-energy" homes and businesses;
- Making existing buildings more efficient, especially the half of California homes that were built before the advent of modern building standards; and
- Providing information to commercial investors and homebuyers by disclosing building energy consumption prior to building sale.

Senate Bill 350 (de León, Chapter 547, Statutes of 2015) established California's 2030 greenhouse gas reduction target of 40 percent below 1990 levels. To achieve this goal, Senate Bill 350 set specific 2030 targets for energy efficiency and renewable electricity, among other actions aimed at reducing greenhouse gas emissions across the energy and transportation sectors. In particular, SB 350 requires the state to double statewide energy efficiency savings in electricity and natural gas end uses by 2030. (Senate Bill 32 (Pavley, Chapter 249, Statutes of 2016) followed by amending the California Global Warming Solutions Act of 2006 to establish a matching emissions limit in California's Cap and Trade program.)

The Energy Commission's Integrated Energy Policy Report (2017) includes an energy efficiency chapter that emphasizes the energy policy goals for the state's residential and nonresidential buildings. It articulates how the Building Energy Efficiency Standards, including Reach Standards, will be updated periodically to attain the aggressive levels of energy efficiency required to make energy efficient buildings cost-effective for consumers.

The 45-Day Language Express Terms described in this NOPA are designed to comply with and meet all of these state laws and policies. To summarize:

As required by law, the proposed voluntary Standards are likely cost-effective to consumers (that is, the energy bill savings over the life of the building will be greater

than any increased construction costs that will result from the Standards). If a local jurisdiction chooses to adopt these voluntary Standards as mandatory in the form of a local ordinance, they will be required to show cost effectiveness in the applicable jurisdiction.

The proposed voluntary Standards take additional steps in meeting the 2020 and 2030 zero net energy goals; if adopted, they will allow local jurisdictions to mandate that new residential buildings are closer to achieving California's goal of having all new residential buildings be zero net energy by 2020. They will also further advance California's requirements locally for nonresidential buildings in a manner that harmonizes California with national nonresidential building standards, ensuring California neither lags behind nor departs from the national work of the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) and the U.S. Department of Energy.

By saving large amounts of energy within jurisdictions that choose to adopt the voluntary measures, the voluntary Standards will make a major contribution in meeting the State's goals for reductions in greenhouse gas emissions.

By making buildings more affordable to own and operate in the adopting jurisdictions, the Standards will encourage investment in new construction, make more capital available for other investments, stimulate economic growth, and create new jobs in the adopting jurisdictions.

B. Summary of Existing Regulations

The Energy Commission's Building Energy Efficiency Standards are contained in two parts of Title 24 of the California Code of Regulations. Administrative regulations, such as how the standards' requirements are integrated with local governments' building permit processes, are in Part 1 of Title 24, and the substantive requirements for building construction are in Part 6 of Title 24. (Amendments being proposed to Part 1 and Part 6 of Title 24 are being considered in a separate, parallel rulemaking.) In addition, voluntary, or "reach" guidelines for sustainable building practices that are more protective of the environment than the minimum standards are in Part 11 of Title 24, the California Green Building Standards. The Energy Commission is responsible for the Energy Chapters (separate chapters are published for residential and nonresidential buildings) of Part 11.

Part 11 is composed of several chapters, some of which apply to all buildings and all types of construction, while others apply to specified subsets. Part 11 is further divided into mandatory measures that must be met by a qualifying building (primarily specifying the other Parts and Sections of Title 24 that apply) and voluntary or "reach" measures that are not mandatory unless adopted by a local jurisdiction. The Energy Commission is responsible for adopting both mandatory and voluntary energy provisions in Part 11 of Title 24 with other state agencies being responsible for approving and adopting the other portions of Part 11.

The Energy Commission is responsible for adopting the energy provisions found in the following sections of Part 11:

Chapter 4, Division 4.2, Section 4.201 states that the Energy Commission will adopt mandatory standards for residential green buildings through its adoption of Part 6 of Title 24.

Chapter 5, Division 5.2, Section 5.201 states that the Energy Commission will adopt mandatory standards for nonresidential green buildings through its adoption of Part 6 of Title 24.

Appendix A4, Division A4.2 describes the voluntary energy provisions for residential buildings that may only become mandatory when adopted by a local jurisdiction.

Appendix A5, Division A5.2 describes the voluntary energy provisions for nonresidential buildings that may only become mandatory when adopted by a local jurisdiction.

The amendments proposed as a part of this rulemaking are solely to the voluntary provisions in Appendices 4 and 5.

C. Summary of the Effect of the Proposed Regulations

Overview

The changes proposed in this Rulemaking are updates to the voluntary energy efficiency provisions of the California Green Building Standards. These voluntary guidelines, contained in Title 24, Part 11 of the California Code of Regulations, go beyond the mandatory standards in Part 6.

In addition to updating the voluntary provisions in Title 24 Part 11, the Energy Commission is also proposing updates to the mandatory energy efficiency provisions in Title 24, Parts 1 and 6, in a separate, parallel rulemaking.

Residential

The structure of the Residential Section is reverting to the two tier approach used in the rest of Part 11 and continues to require an Energy Design Rating (EDR). The EDR has been further refined in the proposed Express Terms for Part 6 to include a minimum efficiency only portion (Efficiency EDR) as well as the previous comprehensive EDR (Total EDR), which includes additional energy efficiency (Efficiency EDR) AND on-site renewable electricity generation to meet a specific threshold of expected electricity use. The same definitions and metrics for Efficiency and Total EDRs are used in the proposed language for Part 11 when setting the Tier

1 performance targets and defining the Tier 2 target as having a Total EDR of less than or equal to 6.

Furthermore, the set of residential prerequisites has been expanded to include efficiency measures that should be considered in any project striving to meet advanced levels of energy efficiency. Quality Insulation Installation remains mandatory while one of the new prerequisites (roof deck insulation, ducts in conditioned space, high performance walls, and HERS-verified compact hot water distribution system with HERS-verified drain water heat recovery) must also be selected. All prerequisites applied to a given project result in credit towards the performance goal EDR targets of Tier 1 and Tier 2.

Section A4.204, relating to the performance approach for additions, is proposed to be removed as it largely repeats what is stated in Section A4.203. Local jurisdictions are able to consider extending local ordinances to existing buildings without the express language of this Section, which was found to be redundant and potentially confusing.

Nonresidential

The proposed changes to the nonresidential sections of CALGreen are restricted to the addition and expansion of prerequisites. Outdoor lighting now includes a color temperature upper limit. Also, energy efficiency measures for Warehouse Dock Seal Doors, Daylight Redirecting Devices, Exhaust Air Heat Recovery, and Triple Bottom Line Analysis have been added as prerequisites. Only one of these prerequisites is required to qualify for Tier 1 while two are required to qualify for Tier 2. All prerequisites applied to a given project result in credit towards the performance targets of tier 1 and tier 2.

Cleanup and Alignment

The proposed changes to the voluntary Standards (CALGreen Part 11) also include changes throughout the regulations to clarify, simplify, and streamline the existing language and requirements, as well as to align with the proposed changes to the mandatory Standards (Part6).

A detailed list of all proposed changes, with descriptions of each change, is located in the Initial Statement of Reasons released concurrently with this notice.

IMPORTANT NOTE: These proposed changes are discussed in more detail in the Initial Statement of Reasons that is being published simultaneously with this NOPA.

D. Policy Statement Overview

The proposed standards will help residential buildings to reach California's zero net energy goals and assist local jurisdictions considering zero net energy related

ordinances by providing a clear and specific definition of a zero net energy design building. In addition, clearer phrasing and presentation of the Pat 11 regulatory language will aid its effectiveness and implementation.

As these updates to Part 11 amend the voluntary provisions, there is no monetary benefit that can be attributed to the amendments. Instead, Part 11 results in indirect benefits and cost savings by acting as a model for local energy efficiency ordinances.

E. Documents Incorporated by Reference into the 2019 Standards

The Energy Commission proposes to incorporate the following documents by reference:

Reference #	Title	Version / Publication Date	Available From
RA3.6.5, RA4.4.16, RA3.6.9, RA4.4.21	Title 24, Part 6 Reference Appendices	2019	California Energy Commission 1516 9 th Street Sacramento, CA 95814 www.energy.ca.gov
ASTM E783	Standard Test Method for Field Measurement of Air Leakage Through Installed Exterior Windows and Doors	2010	American Society for Testing and Materials 100 Bar Harbor Drive West Conshohocken, Pennsylvania 19428-2959 (800) 262-1373 or (610) 832-9585
ASTM E2387	Standard Practice for Goniometric Optical Scatter Measurements	2011	https://www.astm.org/
ASHRAE 90.1 Section 6.5.6.1	Energy Standard for Buildings Except Low-Rise Residential Buildings	2016	ASHRAE 1791 Tullie Circle N.E. Atlanta, Georgia 30329-2305 www.ashrae.org
ASHRAE Standard 170	Ventilation of Health Care Facilities	2017	
ASHRAE Standard 62.1	Ventilation for Acceptable Indoor Air Quality	2016	
AHRI 1060-2014 or 1061- 2014	Air-to-Air Energy Recovery Ventilation Equipment	2014	Air-Conditioning and Refrigeration Institute 4301 North Fairfax Drive, Suite 425 Arlington, Virginia 22203 (703) 524-8800 http://www.ahrinet.org/

All of these documents will be made available for review at the Energy Commission during the rulemaking action, and will continue to be available in the future by contacting the agency contacts identified in this Notice. All of these documents are also available directly from the publishing entities, as described in the table above. All available contact information, including internet addresses, physical addresses, and phone for these entities has been provided where possible.

These documents are incorporated by reference because it would be cumbersome, unduly expensive, and otherwise impractical to publish them in the California Code of Regulations. In addition, some of the documents are copyrighted, and cannot be reprinted or distributed without violating the licensing agreements. The documents are lengthy and highly technical test methods and engineering documents that would add unnecessary additional volume to the regulation. Distribution to all recipients of the California Code of Regulations is not needed because the interested audience for these documents includes only the technical and engineering staff employed by builders, local building departments, and environmental groups, most of whom are already familiar with these methods and documents.

F. Comparable Federal Statutes Or Regulations

There are no federal energy standards applicable to nonfederal buildings within the scope of Title 24 Part 11. Therefore, the proposed regulations do not differ substantially from existing, comparable federal regulations or statutes, as no such regulations or statutes exist.

G. Consistency and Compatibility with Existing State Regulations

The Energy Commission has conducted an evaluation for any other regulations that are applicable to buildings within the scope of Title 24 Part 11 and for which energy efficiency standards apply, and has concluded that the proposed regulations are neither inconsistent nor incompatible with any other existing state regulations. In the few cases identified where other State or federal laws could potentially apply, specific language was added to the Express Terms to ensure consistency with applicable provisions of State and federal law.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE ENERGY COMMISSION, OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS PROPOSED FOR ADOPTION

All of the laws applicable to the proposed Standards, primarily Public Resources Code Sections 25402 and 25402.1, are discussed above.

POTENTIAL MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Energy Commission has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. The amended provisions are part of the voluntary provisions of Title 24, Part 11.

ESTIMATE OF COSTS OR SAVINGS

See the Economic and Fiscal Analysis (Form 399), published simultaneously with this NOPA, for complete details. To summarize:

- A. **Total statewide costs and benefits:** There are no estimated statewide costs associated with this update to the voluntary appendices. The benefit of this update is that it aligns CALGreen's voluntary provisions with California's current zero net energy policies, and makes it easier for local jurisdictions to consider local and regional zero net energy programs.
- B. **Cost or savings to any state agency:** There are no estimated statewide costs to state agencies associated with this update to the voluntary appendices
- C. **Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code:** The updates to the voluntary appendices do not result in new mandates to local agencies.
- D. **Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code:** The updates to the voluntary appendices do not result in new mandates for schools.
- E. **Other nondiscretionary cost or savings imposed on local agencies:** No costs or savings are imposed on local agencies by the updates to the voluntary appendices. Local agencies may use the provisions in these appendices as templates or examples for drafting of local ordinances; however, agencies are not required to adhere to the specific language or requirements in these appendices.
- F. **Cost or savings in federal funding to the state:** No costs or savings in federal funding to the state are created by the updates to the voluntary appendices.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES, DECLARATION OF EVIDENCE

The Energy Commission has completed an Economic and Fiscal Analysis and made an initial determination that the adoption of the proposed amendments to the voluntary appendices to Part 11 will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states. Comments on this determination (as on everything in this NOPA) are welcome.

A. *Identification of the types of businesses that would be affected.*

The proposed amendments to the voluntary provisions would have no effect on California businesses.

B. *A description of the projected reporting, record keeping, and other compliance requirements that would result from the proposed action.*

The proposed amendments to the voluntary provisions would not result in new or increased reporting, record keeping, or other compliance requirements or activities.

C. *Evidence relevant to the Energy Commission's initial determination that the adoption of the proposed Standards will not have a significant statewide adverse economic impact.*

The proposed amendments to the voluntary provisions do not create economic impacts of any kind, due to their voluntary nature. To the extent that actions taken by local agencies may include, modify, or not include all or part of the voluntary provisions, those actions would be subject to existing laws relating to the evaluation and disclosure of impacts of actions by those local agencies. Consideration of potential actions taken by local agencies in the future is speculative and therefore not included as an impact of the amendments.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Energy Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The portions of Part 11 that the Energy Commission proposes to modify are voluntary provisions intended to assist local jurisdictions in drafting local ordinances, therefore there are no monetary costs or savings associated with these changes.

ASSESSMENT OF THE EFFECTS OF THE PROPOSED STANDARDS ON JOBS AND BUSINESS EXPANSION, ELIMINATION, OR CREATION

The Energy Commission has made a preliminary assessment on whether, and if so to what extent, the proposed Standards will affect the following:

- A. ***The creation or elimination of jobs within the State of California.***
Jobs will not be eliminated. It is possible that new jobs may be created within the local jurisdictions adopting local Standards as a result of the amended procedures.
- B. ***The creation of new businesses or the elimination of existing businesses within the State of California.***
Businesses will not be eliminated. It is possible that new businesses may be created within the local jurisdictions adopting the voluntary Standards to provide field verification and other compliance services, and to supply energy efficiency products.
- C. ***The expansion of businesses currently doing business with the State of California.***
It is possible that businesses currently doing business in California to provide energy-efficiency products and services, as well as sale and installation of solar photovoltaic systems, will be expanded within the local jurisdictions adopting the voluntary Standards.
- D. ***Benefits of the proposed standards to the health and welfare of California residents, to worker safety, and to the state's environment.***
The proposed updates to the voluntary appendices will have no direct effect on health, welfare, worker safety, or the environment. The updates may encourage consideration and adoption of local ordinances relating to energy efficiency in buildings, and such ordinances, if adopted, can be expected to have the positive impacts on health, welfare, and the environment known to result from energy efficiency. However, as such impacts are speculative, they are not considered in this rulemaking.

As noted, while local agencies may use the provisions in these appendices as templates or examples for drafting of local ordinances, such agencies are not required to adhere to the specific language or requirements in these appendices. Consideration of potential future actions taken by local agencies is therefore speculative and is not included in the assessment of the effects of the proposed standards.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses. These proposed regulations do not require a

report. Therefore, it is not necessary for the Energy Commission to make a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The Energy Commission has made an initial determination that amending the voluntary appendices to Part 11 will not have a significant effect on housing costs. As no new requirements are imposed on new or existing housing by the proposed updates, these updates will have no effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The Energy Commission has made a preliminary determination that no reasonable alternative considered by it, or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

A rulemaking agency must determine in the Final Statement of Reasons that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information on which the proposed Standards are based is contained in the rulemaking file, which is available for public review at the Energy Commission's Dockets Office, by contacting the persons named below, or on this website: <http://www.energy.ca.gov/title24/2019standards/>.

This notice, the express terms, and initial statement of reasons can also be accessed from the California Building Standards Commission website: <http://www.bsc.ca.gov/>

Documents incorporated by reference that are subject to copyright can be inspected on-site at the Energy Commission by contacting the Energy Commission contact persons named below.

If the proposed Standards are adopted, interested parties may obtain a copy of the Final Statement of Reasons once it has been prepared either by going to this website, or by making a written request to the contact people named below.

ENERGY COMMISSION CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

Questions on procedural and administrative issues should be addressed to:

Adrian Ownby
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street, MS-25
Sacramento, CA 95814
(916) 651-3008
Email: adrian.ownby@energy.ca.gov

CONTACT PEOPLE FOR SUBSTANTIVE AND TECHNICAL QUESTIONS

Questions on the substantive content of the NOPA, ISOR, Express Terms, and other rulemaking documents, including technical questions regarding proposed amendments to regulation, should be addressed to:

Payam Bozorgchami
CALIFORNIA ENERGY
COMMISSION
1516 Ninth Street, MS-37
Sacramento, CA 95814
(916) 654-4618
Email:

payam.bozorgchami@energy.ca.gov

or

Ingrid Neumann
CALIFORNIA ENERGY
COMMISSION
1516 Ninth Street, MS-37
Sacramento, CA 95814
(916) 651-1461
Email:

ingrid.neumann@energy.ca.gov

PUBLIC PARTICIPATION

For assistance in participating in the rulemaking proceeding, please contact the Energy Commission's Public Adviser's Office, at (916) 654-4489, toll free at (800) 822-6228, or by email at publicadviser@energy.ca.gov.

If you have a disability and require special accommodations to attend or participate in a hearing, please contact Poneh Jones at (916) 654-4425 or by email at poneh.jones@energy.ca.gov five days before the hearing.

Media inquiries should be sent to the Media and Public Communications Office at Mediaoffice@energy.ca.gov or (916) 654-4989.

FINAL STATEMENT OF REASONS

If the proposed amendments are adopted, the Energy Commission will prepare a Final Statement of Reasons. This document will update the Initial Statement of Reasons and respond to public comments. It will be posted on the Energy Commission's website for this proceeding described below, and will be distributed to interested persons subscribed to the Building Standards list-server described above. This document may also be obtained after the conclusion of the rulemaking by contacting Adrian Ownby at (916) 651-3008 or by email at adrian.ownby@energy.ca.gov.

WEBSITE INFORMATION

This NOPA, the Initial Statement of Reasons, the Express Terms, any 15-Day Language issued subsequently, and all other relevant rulemaking documents can be accessed at the Energy Commission's website at:
<http://www.energy.ca.gov/title24/2019standards/>

Mailing Date: January 19, 2018