

DOCKETED

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On 15 Day Language

Additional submitted attachment is included below.

CALIFORNIA ENERGY COMMISSION
2019 TITLE 24 BUILDING STANDARDS RULEMAKING
15 DAY COMMENT PERIOD

15 Day Comments on Rulemaking Docket No. 17-BSTD-02

Submitted By:

Walmart Inc.

Albertsons Companies, Inc.

California Retailers Association

May 7, 2018

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INTRODUCTION

On March 5, 2018, Walmart Inc. (hereinafter “Walmart”), Albertsons Companies (hereinafter “Albertsons”), and the California Retail Association (hereinafter “CRA”), collectively (the “Joint Commenters”), submitted comments within the 45 day comment period addressing specific concerns with CEC 2019, Title 24, Building Standards Rulemaking – Docket No. 17-BSTD – 02.

Joint Commenters, hereby incorporate by reference,¹ all introductory language contained in Joint Commenter 45 Day Comments filed with the CEC on March 5, 2018. Said introductory language shall be incorporated herein, word for word, and attached hereto as Exhibit A.

Position and Recommendations of Joint Commenters Regarding Issues Related to CEC Building Code, Title 24, Submitted During Final 15 Day Comment Period of Docket No. 17-BSTD- 02

The Joint Commenters request that the California Energy Commission (hereinafter “CEC”) thoroughly reconsider and implement comments as recommended below:

- 1) Clearly define language contained in Exception 5 to § 141.0(b)2I as suggested in Section I of these comments.
- 2) Reconsider and implement suggested Exception to outdoor lighting requirements discussed in Section II of this document.
- 3) Include in Title 24, suggested language concerning permitting delays as well as concerns about conflicting requirements discussed in Section III of this document.

¹ See Black’s Law Dictionary, 5th Edition, West

- 4) The CEC should, as soon as practical, begin a complete re-write of Title 24 regulations with the goal of making requirements contained therein more easily interpreted. All language in the regulations should ensure a better understanding and accurate implementation of their requirements.

As stated in the Joint Commenters 45 Day Comments, the opportunity to participate in this 15 Day Comment Period is appreciated.

Section I.

INDOOR LIGHTING

The latest draft of Title 24 contains language in § 141.0(b)2I, titled Altered Indoor Lighting Systems. This Section goes on to recite certain exceptions to the requirements imposed when alterations are made to indoor luminaire systems. The draft makes one change to the language of EXCEPTION 5 to Section 141.0(b)2I, and states as follows:

“Any alteration limited to adding lighting controls or replacing lamps, ballasts, or drivers.”

The Joint Commenters do not oppose the CEC’s change to EXCEPTION 5 and would like to emphasize, as they did in their original comments, that EXCEPTION 5, as stated above should be interpreted as it is written.

Whether the deletion of the word “solely” in the current draft or the Commenters suggested edits are seriously considered and implemented, the correct interpretation of the language would clearly allow the addition of lighting controls, lamp replacement, ballast replacement, and driver replacement to be exempt from the requirements of § 141.0(b)2I.

Any other meaning given to this exception would open the door to subjective and selective interpretation by different jurisdictions enforcing the requirements imposed by § 141.0(b)2l.

Section II.

OUTDOOR LIGHTING

The Joint Commenters again stress issues with outdoor lighting requirements contained in Title 24 § 130.2.

The Joint Commenters recommend that the CEC reverse their position pertaining to dimming in parking lots. Additionally, special deference should be given to large parking lots that serve businesses that operate on a 24 hour basis. Though the Joint Commenters currently have no statistical data on what number would constitute a “large” parking lot, we recommend that 75-100 spaces be a starting point for debate, discussion and ultimately, revision of the current outdoor lighting requirements.

Section III.

INCONSISTENT IMPLEMENTATION OF TITLE 24 REQUIREMENTS AND PERMITTING DELAYS

Members of the Joint Commenters often experience permitting delays when dealing with the governmental unit charged with compliance with Title 24. Additionally, a lack of

standardized time frames in which Certificates of Compliance must be issued creates costly delays in implementation of energy efficiency installations.

Although the CEC has established time frames for publication of the California Building Code, it is the Joint Commenters' understanding that the CEC may have little or no regulatory authority regarding the placement of certain time limitations of independent governmental jurisdictions with regards to permitting.

Given this limitation, the Joint Commenters suggest implementation of the following action by the CEC:

- a) Short Term Action – Title 24 include suggested time limits that are both reasonable and consistent. Although there will be no requirement for various jurisdictions to follow the suggestions, there may be considered effort on the part of the entity charged with approvals to meet the suggested time limits.
- b) Long Term Action – The CEC should work with businesses and other organizations effected by time limits on permitting, in an effort to establish legislation implementing time limit requirements or in the alternative, attempt to pass legislation that would delegate permitting time frames to the CEC.

Although, the suggestions will not be mandatory, they should, at minimum, make various entities in charge of permitting aware that there is a significant problem and perhaps take steps to address the issue on their own.

A lack of consistency in what actions are required by Title 24, create some of the same problems associated with delays in permitting and approval. Additionally, inconsistent enforcement leads to situations that are inherently unfair and invariably cause added expense and delays.

Section IV.

SPECIFIC CHANGES REQUESTED TO TITLE 24 REGULATIONS

The Joint Commenters request that the California Energy Commission thoroughly reconsider and implement comments as recommended below:

- 1) Clearly define language contained in Exception 5 to § 141.0(b)21 as suggested in Section I of these comments.
- 2) Reconsider and implement suggested Exception to outdoor lighting requirements discussed in Section II of this document.
- 3) Include in Title 24, suggested language concerning permitting delays as well as concerns about conflicting requirements discussed in Section III of this document.
- 4) The CEC should, as soon as practical, begin a complete re-write of Title 24 regulations with the goal of making requirements contained therein more easily interpreted. All language in the regulations should ensure a better understanding and accurate implementation of their requirements.

Section V.

CONCLUSION

Again, the Joint Commenters would like to thank the CEC for providing an opportunity for businesses to express their views and offer, what they believe to be improvements and enhancements in not only the form, but also the substance of Title 24.

Again, we commend the CEC for their seemingly endless and exhaustive work to make California a model of environmental quality and health that others will attempt to emulate.

EXHIBIT A
INTRODUCTION

The California Retailers Association (hereinafter “CRA”), Albertsons Companies (hereinafter “Albertsons”), and Walmart, Inc. (hereinafter “Walmart”), collectively (the “Joint Commenters”), respectfully submit these comments concerning the final draft of Title 24 of the California Building Code, currently scheduled to become effective on January 1, 2020.

“The California Retailers Association, is the only statewide trade association representing all segments of the retail industry, including general merchandise, department stores, mass merchandisers, restaurants, convenience stores, supermarkets and grocery stores, chain drug, and specialty retail such as auto, vision, jewelry, hardware, and home stores. CRA works on behalf of California’s retail industry, which currently operates over 418,840 retail establishments with a gross domestic product of \$330 billion annually and employs 3,211,805 people-one fourth of California’s total employment. At the end of the fiscal year 2014 the state of California collected \$48.5 billion in revenue from retail sales and use taxes, representing more than 25% of the state revenue.”²

Albertsons Companies is one of the largest food and drug retailers in the United States, with both a strong local presence and national scale. We operate stores across 35 states and the District of Columbia under 20 well-known banners including Albertsons, Safeway, Vons, Jewel-Osco, Shaw’s, Acme, Tom Thumb, Randalls, United Supermarkets, Pavilions, Star Market, Haggen and Carrs, as well as meal kit company Plated based in New York City. Albertsons Companies is committed to helping people across the country live better lives by making a

² See, <https://calretailers.com/>

meaningful difference, neighborhood by neighborhood. In 2016 alone, along with the Albertsons Companies Foundation, the company gave nearly \$300 million in food and financial support. These efforts helped millions of people in the areas of hunger relief, education, cancer research and treatment, programs for people with disabilities and veterans outreach.³

Walmart operates 304 retail units and 14 distribution centers and employs over 93,000 associates in California. In fiscal year ending 2017, Walmart purchased \$24.5 billion worth of goods and services from California based suppliers, supporting over 212,000 supplier jobs.⁴

³ Information provided by Albertsons Companies

⁴ <http://corporate.walmart.com/our-story/locations/limited-states#/united-states/california>

California Retail Association



Albertson Companies, Inc.



Walmart Inc.

B. Danowski

California Retail Association

Albertson Companies, Inc.

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