

DOCKETED

Docket Number:	17-BSTD-02
Project Title:	2019 Title 24, Part 6, Building Energy Efficiency Standards Rulemaking
TN #:	223382
Document Title:	CBSC comment for May 9 CEC business meeting
Description:	N/A
Filer:	System
Organization:	California Building Standards Commission (CBSC)
Submitter Role:	Public Agency
Submission Date:	5/7/2018 5:46:10 PM
Docketed Date:	5/8/2018

Comment Received From: Mia

Submitted On: 5/7/2018

Docket Number: 17-BSTD-02

CBSC comment for May 9 CEC business meeting

Additional submitted attachment is included below.



May 7, 2018

Via email <https://efiling.energy.ca.gov/EComment/EComment.aspx?docketnumber=17-BSTD-02>

To: California Energy Commission – Docket number 17-BSTD-02

Re: 2019 California Energy Code, Part 6 of Title 24, California Code of Regulations

The California Building Standards Commission (CBSC) commends the California Energy Commission's leadership and supports their efforts to research and develop energy efficiency regulations that further California's Green House Gas reduction goals. CBSC would like to take this opportunity to provide administrative comments on the Energy Commission's proposed 2019 California Energy Code (Part 6) Section 120.1 specific to MERV 13 rating requirements for ventilating mechanical systems for non-residential buildings (Docket number 17-BSTD-02).

The Building Standards Law authorizes CBSC to oversee the formal rulemaking process, approval, adoption and publication of all Parts the California Building Standards Code, Title 24, California Code of Regulations (Title 24) including Part 6, the California Energy Code (Health and Safety Code 18901 et seq). Title 24 applies to the design, construction, maintenance and alteration of all publicly and privately owned buildings in California. Additionally, CBSC has authority to develop and adopt building standards with application to specific state buildings and non-residential green building standards where no other state agency has specific authority to do so. The CBSC staff performs the daily operations necessary to carry out these duties and to propose the necessary building standards. The ten Governor appointed Building Standards Commissioners review and take action on the code proposals after the administrative rulemaking process concludes. An approval and/or adoption action by the Commission allows the proposed building standards to be published in Title 24.

Health and Safety Code Section 18930 requires any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification in Title 24. Building standards shall be developed in compliance with the California Administrative Procedure Act and Building Standards Law. Building standards adopted by state agencies and submitted to the Commission for approval shall be accompanied by a nine-point criteria analysis that justifies their approval, including but not limited to:

- The proposed building standards do not conflict with, overlap, or duplicate other building standards.
- The proposed building standard is within the parameters established by enabling and is not expressly within the exclusive jurisdiction of another agency.

CBSC submitted a 45-day public comment to CEC docket number 17-BSTD-02 explaining that the proposed MERV 13 rating would conflict with existing MERV rating and labeling building standards currently in effect within the 2016 California Green Building Standards Code, Part 11, (CALGreen) and the California Mechanical Code, Part 4, Title 24 of the California Code of Regulations. These approved and published provisions were proposed by the CBSC within its green building standards authority for non-residential occupancies found in Health and Safety Code 18930.5 and have been mandatory in the California Green Building Standards Code, Part 11, Title 24 since January 1, 2011. A reference was added to the California Mechanical Code, Part 4, Title 24 to assist the regulated and enforcement communities. The California Air Resources Board (CARB) worked with CBSC in the early development of these standards and provided the documents necessary to justify the code changes as they are the state agency with subject matter expertise in indoor and outdoor air quality. Pursuant to Health and Safety Code Section 18930.5 (b), state agencies with green building subject matter expertise may submit recommended changes to state agencies with authority to propose CALGreen building standards.

In response to CBSC 45-day public comment, the Energy Commission staff reached out to CBSC to better understand the nature of the conflict and discuss possible solutions. Because this conflict involved several state agencies, it was necessary to convene a second Coordinating Council meeting (Health and Safety Code Section 18926). During the April 26, 2018 Coordinating Council Meeting, CBSC and other state agencies worked with the Energy Commission to strategize a solution to eliminate the conflict identified between Parts 4, 6, and 11 of Title 24. As a result, CBSC and the other affected state agencies will swiftly propose amendments during the 2018 Triennial Code Adoption Cycle prior to their adoption into the 2019 edition of the California Building Standards Code, thereby harmonizing the regulations and avoiding the nine point criteria conflict. In the future, additional amendments may be necessary in order to ensure Part 6 maintains consistency with existing model code language and state amendment language within the various parts of Title 24.

In the past it was necessary for CBSC and other state agencies to propose amendments in order to align with the Energy Commission's appliance efficiency regulations in Title 20 governing the sale of specified water conserving plumbing fixtures. Because the California Energy Code requires the installation of these fixtures to

meet the appliance efficiency requirements, both the Title 20 appliance efficiency regulations (governing the sale of fixtures) and the Title 24 flow rate standards (governing the installation of fixtures) are closely linked. To avoid a nine point criteria conflict, CBSC and other state agencies proposed similar building standards to align with the corresponding provisions adopted by the Energy Commission. In addition to the MERV rating issue, this is another example of semi-duplicative building standards necessitating coordination among different titles.

As new advances in technology become more widely available, and California continues to implement methods to reduce its carbon foot print, CBSC looks forward to working with the California Energy Commission to ensure consistency, avoid conflicts, and to produce sensible and usable state building standards and administrative regulations that implement or enforce those standards.

Sincerely,

A handwritten signature in black ink, appearing to read 'MMA', with a long horizontal stroke extending to the right.

Mia Marvelli, Executive Director
California Building Standards Commission