

**DOCKETED**

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**Sheet Metal Worker's Local 104 comments on 17-EBP-01**

*Additional submitted attachment is included below.*

July 31, 2018

Docket Number 17-EBP-01

**Sheet Metal Workers Local 104 Comments on Improving Energy Compliance of Central Air-Conditioning and Heat Pump Systems**

I am writing on behalf of Sheet Metal Workers Local 104 to comment on the Workshop for promotion of regulatory compliance in the installation of central air conditioning and heat pumps. I am also a member of the Contractors State License Board (CSLB) and am very familiar with the widespread lack of permit compliance in the HVAC industry. As a state licensing entity, the CSLB has jurisdiction over the construction contractors that install HVAC systems. While the CSLB can discipline contractors that violate state law including building permit requirements, the CSLB is not a permit enforcement agency. That is generally the responsibility of the local building department. Both the CSLB and the local building department, however, are limited in their ability to address code compliance because they have no reliable way of determining when a contractor is installing an HVAC system without a license.

In California, the construction enforcement process begins with a permit application. That application alerts the enforcer that an HVAC system is being installed or replaced and starts the process of design review, inspections, title 24 compliance documentation, HERS testing verification and acceptance testing documentation. If no permit is pulled, code, installation and verification requirements cannot be enforced. Local 104 agrees with stakeholders calling for better training requirements for contractors and installers. But without better permit enforcement, such requirements would also lack enforcement.

The problem of low permit compliance rates has been known for decades, yet is getting worse rather than better due to resistance to addressing this issue head on. The solution is simple. If you buy HVAC equipment, it must be registered and the purchaser must provide proof that a permit was obtained and all title 24 compliance and verification documents were filed. A registry would provide alerts where this verification was not provided within a certain number of days, allowing enforcement by the authority having jurisdiction.

I also want to address the claim in the Mitsubishi comments that a “union representative” stated at the workshop that additional training is not necessary. This is absolutely incorrect. No union representative made that statement. Nor would that make any sense since Unions are the only entities in the states that invest in comprehensive, state-certified training for all of their members. The unions, more than anyone, recognize that training is critical both to achieve energy efficient outcomes and ensure safe installations. What the Unions object to is the idea that training contractors about the importance of quality installation will meaningfully improve compliance rates. Such claims are not based on any data and are wishful thinking. Lack of compliance is about money and about the ease of avoiding permits. Under the current system, the CSLB could increase its enforcement budget a hundred-fold, and permit compliance rates would barely budge.

While Mitsubishi sets forth a long list of proposed strategies for improving HVAC performance, none of them set forth any new strategies that would meet the Commission's goal of improving retrofit compliance with permitting and code requirements to 90 percent by 2020. Most of the proposed strategies have to do with new installation or equipment standards or additional contractor training. Local 104 supports stronger HVAC standards and improved contractor and installer training. But these strategies cannot be enforced without improved permit compliance. Mitsubishi also proposed increased penalties and better coordination between the CEC and the CALB on enforcement. These enforcement strategies, however, will have little to no impact if without a mechanism to track equipment and identify when permit and title 24 compliance documentation requirements are being ignored.

Local 104 urges the Commission to move forward with the recommendation set forth in the 2016 Existing Building Energy Efficiency Action Plan to develop an HVAC equipment sale registry to ensure that all HVAC installations follow permit and title 24 compliance documentation and testing requirements. Stakeholders have been calling for the creation of an HVAC registry for over a decade. It is more than past time to make this happen.

Sincerely,

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