

DOCKETED

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BayREN comments on Docket No. 17-EBP-01

Additional submitted attachment is included below.



January 31, 2019

California Energy Commission
Dockets Office MS-4
1516 Ninth Street
Sacramento, CA 95814-5512
Submitted via Docket No. 17-EBP-01

Re: Docket No. 17-EBP-01 – Improving Energy Compliance of Central Air-Conditioning and Heat Pump Systems

Dear Commissioners and Staff,

The Bay Area Regional Energy Network (BayREN) is a joint effort of Bay Area cities and counties to improve energy efficiency. BayREN provides support to local governments to help them meet and exceed the Energy Code. As such, we regularly hear from local government staff about the difficulties of enforcing the Energy Code given its complexities and the time constraints facing many local building departments. Below we share information about these problems to help the Energy Commission as it considers options for improving compliance pursuant to SB 1414.

In particular, BayREN requests that the Commission:

1. Consider the practical enforceability of any new regulations by local building department staff, and prioritize measures which are easy to understand and implement; and
2. Avoid creating new forms or tracking systems, but instead leverage and integrate with existing tools.

Local building departments are responsible for enforcing all 12 Parts of the California Building Code (Title 24), including the Energy Code (Part 6). The Energy Code differs from many of the other Parts of the Code in that it is focused on saving energy rather than immediate life-safety protection, is written by a different entity, and is organized differently than the other Parts. Enforcement of the Energy Code often requires knowledge of detailed provisions and exceptions, complex calculations, and time to review forms and modelling results.

At the same time, many local Building Departments operate on a cost-recovery basis, where the fees collected for building permits must cover the costs for building permit review. As a result, the time which can be spent to review the plans and inspect a building is limited. Building

Departments understandably prioritize safety in their reviews and inspections, and compliance with the Energy Code can be a low priority. See, for example, BayREN's Permit Resource Opportunity Program (PROP) Report (April 1, 2015)¹ which notes the following as barriers and challenges to implementation and enforcement of the Building Code:

- "Part 6 is just one part of Title 24, yet the regulations, compliance manuals, appendices, and supporting documentation together are thousands of pages of information..." (p. 8)
- "energy code enforcement, while valued, may be deprioritized compared to other requirements of the building code—including structural, fire, electrical, plumbing, and mechanical requirements." (p. 9)
- "Part 6 is structured unlike other building codes, in that the performance approach and energy measure trade-offs provide more flexibility... [which], in turn, increases complexity... This complexity challenges even the most conscientious code enforcement officials." (p. 9)

As the Commission considers how to improve code compliance for central air conditioners and heat pump equipment, and potentially for other items as well, BayREN requests that the Commission carefully consider the practical enforceability of each approach. Regulations which are easier to understand and implement are more likely to be enforced, which could result in greater real-world energy savings than more complex regulations. Conversely, new regulations which increase the complexity of the Code may not improve compliance.

In its deliberations, the Commission may also consider new systems or processes as tools for increasing compliance, such as new forms, submittals, or electronic tracking systems. One of the current challenges of enforcing the existing Energy Code is the amount of paperwork and forms it requires, as well as use of the HERS system for certain types of projects. BayREN therefore asks that the Commission avoid creating new forms or tracking systems, but instead leverage and integrate with existing tools.

We appreciate the opportunity to provide this input, and thank the CEC for its careful consideration of the BayREN's comments.

Respectfully Submitted,



Jennifer K. Berg
Energy Programs Manager

Cc: Veronica Olvera, Electrical Engineer and CEC-BayREN Liaison
Martha Brook, Advisor to Commissioner McAllister

¹ Available online here: https://www.bayrencodes.org/wp-content/uploads/2017/04/BayREN_CS_PROP_Final_Report_2015_0401_0.pdf