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2022 Energy Code - Alternative for the Nonresidential Data Registry

Additional submitted attachment is included below.



Regarding:
2022 Energy Code
Alternative for the Nonresidential Data Registry

On December 2nd, 2020 Pre-Rulemaking workshop for Building Energy Efficiency Standards, staff proposed replacing long-standing requirements for the development of a Nonresidential Data Registry with an alternative plan that would impose increased costs and burdens on ATTCPs and would fail to meet the original goals of the Nonresidential Data Registry. As of the writing of this comment, a detailed report of this alternative plan has not been released. But even in concept, this proposal contains fundamental flaws and does not justify the Commission's sudden abandonment of its longstanding goal to create a central Nonresidential Data Registry in order to improve compliance and enforcement of the Building Energy Efficiency Standards.

A requirement to develop a Nonresidential Data Registry was established in the 2008 Energy code and updates to the Data Registry Requirements Manual have continued with the released [2019 Data Registry Requirements Manual](#). The [2019 Reference Appendices](#) clarifies the Nonresidential Data Registry requirement in Appendix JA7 – Data Registry Requirements.

Even though there is no regulatory requirement for ATTCPs to develop their own databases, the CEC staff has made clear its expectations that ATTCPs would develop their own internal databases that would be able to function within the requirements of the Data Registry Requirements Manual. NEMIC complied with this strongly suggested direction and developed its database in reliance on the continued assurance that the CEC would develop a corresponding Nonresidential Data Registry Manual.

The Nonresidential Data Registry ensured the CEC would have a standardized method to collect, evaluate, and monitor an extensive amount of data, from both the ATTCPs and local jurisdictions, which would assist in compliance and enforcement. The Nonresidential Data Registry would facilitate enforcement by making all compliance forms, installation forms, and acceptance forms available for public review. These goals and intent are stated in the Nonresidential Data Registry Manual and Appendix JA7 – Data Registry Requirements. Currently, compliance rates for the Building Energy Efficiency Standards are low. A comprehensive, statewide Nonresidential Data Registry is a critical tool needed to improve compliance and achieve the State's energy goals.

ATTCPs, and their stakeholders, have spent an extensive amount of money and time to ensure the requirements and recommendations of the CEC were followed. The CEC's proposal to eliminate the Nonresidential Data Registry Manual from the Energy code at this late juncture, while the CEC is in the process of implementing the MATT mandate, is unfair to the ATTCPs that have been voluntarily taking steps to make sure their programs would be consistent with the proposed registry requirements and goals. This shift will add additional ATTCP responsibilities and will increase ATTCP costs at the same time that CEC is in the process of implementing the MATT mandate.



More importantly, however, the CEC has not shown how this new approach will provide the data, compliance and enforcement benefits intended under the Nonresidential Data Registry approach. The CEC will be stuck with multiple reports from multiple ATTCPs that will still need to be aggregated and evaluated. Ultimately, the only way to do this is to aggregate this data into a single repository. With the information in a single place, the CEC can run system wide reports that gives insights across different jurisdictions and regions. What is needed is a uniform standard for data collection and data transfer that provides the ability to translate the information from various sources into a single system. Without aggregating this data into a single database, the CEC will continue to face the current problem of lots of disparate data without an ability to analyze it as a whole.

In addition, abandoning the Nonresidential Data Registry would limit data collection to only acceptance test documents. Compliance forms and installation forms that do not require acceptance testing would be left out and would continue to have no enforcement mechanism.

A single database registry would also provide building officials the ability to quickly and easily verify that CEC compliance, installation and acceptance forms have been completed. By combining compliance documents with acceptance forms, the database also provides the ability to ensure that all relevant acceptance tests have been performed. Currently, acceptance test technicians are not authorized to independently confirm that all relevant acceptance tests will be performed. Acceptance Testers are limited to performing the acceptance tests for which they have been hired to complete. There needs to be an ability to correlate these documents.

There continue to be numerous reports of certain building departments or officials simply ignoring the compliance, installation and acceptance test form requirements altogether. A single database would significantly improve enforcement and compliance by providing the ability for a building official to go to one registry for confirmation that all these documents have been completed. Under the proposed approach, a building official may need to check multiple ATTCP registries, and even then will still have to manually confirm that all relevant compliance, installation and acceptance test forms have been completed.

As an ATTCP with a strong interest in enforcement and compliance of the CEC's acceptance test requirements, NEMIC supports maintaining the requirement for a comprehensive Nonresidential Data Repository. Instead of abandoning this approach, the CEC should work with the ATTCPs to draft amendments to JA7 that would set clear guidance and requirements for ensuring that the individual ATTCP databases will have the ability to exchange data with a statewide Nonresidential Data Repository.

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