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**CaISHAPE Draft 2nd Edition Guidelines Comments**

*Additional submitted attachment is included below.*

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### **Submitted via Electronic Docket**

Docket No. 20-RENEW-01  
California Energy Commission  
Docket Office MS-4 1516  
1516 Ninth Street  
Sacramento, CA 95814-5512  
California Schools Healthy Air, Plumbing, and Efficiency

Re: **JCEEP, WSC-SMART, and CAL SMACNA's Joint Comments on the Draft Second Edition CalSHAPE Guidelines**

Dear Commissioners and Staff:

We write on behalf of the Joint Committee on Energy and Environmental Policy (JCEEP), the Western States Council of Sheet Metal, Air, Rail and Transportation Workers (WSC-SMART), and the California Association of Sheet Metal and Air Conditioning Contractors, National Association (CAL SMACNA) to comment on the Draft Second Edition Guidelines for the California Schools Health Air, Plumbing, and Efficiency (CalSHAPE) Ventilation Program.

### **I. INTRODUCTION**

Overall, we support the proposed revisions to the Ventilation Guidelines, particularly the expansion of eligibility to all schools within the utility service territories. However, the Commission may run afoul of its statutory obligations by failing to comply AB 841's prioritization scheme. To meet this requirement, we recommend that the Commission provide a short priority period at the beginning of the third funding round for certain schools to apply for CalSHAPE ventilation grants.

In addition, it is critical that the Commission continue to ensure that LEAs clearly understand and comply with AB 841's workforce standards to maximize

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energy saving outcomes and avoid potential clawbacks of grant funds where program requirements have not been met. Without proper education and enforcement, the program's goals will not be achieved. To that end, we propose a few modest steps for the Commission to take to ensure LEAs clearly understand their responsibilities and comply with requirements to document their compliance.

## II. DISCUSSION

### A. The Commission Should Take Additional Steps to Ensure Grant Awardees Comply with the Workforce Requirements

AB 841 and the Commission's implementation guidelines set clear standards for the CalSHAPE programs. These standards include requirements to use a properly trained workforce, requirements to document compliance with all statutory requirements, and a requirement that AB 841 funds be used for program implementation, not on consultants. These requirements are intended to maximize the energy efficiency savings and health benefits achieved under this program.

We recommend that the Commission undertake four separate actions to safeguard against noncompliance with these requirements. These additional steps will help ensure LEAs fully understand and comply with program requirements.

*First*, the Commission should modify the Second Edition Ventilation Guidelines to add two new reporting requirements that can facilitate verification of qualified personnel. Under the current guidelines, the only way to verify compliance with the workforce standards, is via a self-certification by the LEA at the conclusion of the project. Specifically, the LEA must self-certify that it "complied with all skilled and trained workforce requirements and other labor requirements" when it submits its final reporting package.<sup>1</sup> Without additional information, it will be difficult for the Commission to confirm whether the LEA actually ensured that its contractors complied with the workforce requirements.

The Commission should require that LEAs submit the following information in periodic progress reports and with the final verification report at the conclusion of the project:

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<sup>1</sup> California Energy Commission, Revised Commission Guidelines: California Schools Healthy Air, Plumbing, and Efficiency Ventilation Program Guidelines (Aug. 2021) p. 41, *available at* <https://efiling.energy.ca.gov/GetDocument.aspx?tn=239307>.  
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1. The name of each worker who performed project activities and which activities they completed.
2. The last four digits of each worker's social security number.
3. The workforce category each worker falls within (i.e., registered apprentice, skilled journeyman, certified TAB technician, HVAC acceptance test technician).
4. The name of the apprenticeship program for any registered apprentices.
5. The name of the apprenticeship program completed or, in the alternative, the number of hours of on-the-job experience in the applicable occupation for any skilled journeyman.
6. The name of the certification agency and the certification number for any certified TAB technicians or HVAC acceptance test technicians.
7. The license classification and number for any licensed professional.

If necessary, this information can be used to facilitate verification by allowing the Commission to cross-check it against publicly available databases. For example, the Commission can verify apprenticeship status through the Department of Industrial Relations' search function utilizing the first four letters of the last name, first letter of the first name, and last four digits of the social security number.<sup>2</sup> Certified TAB technicians and HVAC acceptance test technicians can be verified through the applicable certification agencies websites.<sup>3</sup>

*Second*, the Commission should issue a letter to all awardees reiterating the program's workforce requirements, compliance documentation requirements, and the prohibition on the use of AB 841 funds on consultants. The letter should also

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<sup>2</sup> California Department of Industrial Relations, Apprenticeship Status and Safety Training Certification, <https://www.dir.ca.gov/das/appcertpw/appcertsearch.asp> (last visited Apr. 22, 2022).

<sup>3</sup> See e.g., Testing, Adjusting Balancing Bureau, Find a Contractor, <https://www.tabcertified.org/find-a-contractor/> (last visited Apr. 22, 2022); National Environmental Balancing Bureau, Search the Directory, <https://online.nebb.org/nebbssa/f?p=NEBBSSA:17800:4175906800707> (last visited Apr. 22, 2022); Associated Air Balance Council, Member Locator, [https://www.aabc.com/member/?by=state&sort=display\\_name&order=asc&search=California&radius=50mi](https://www.aabc.com/member/?by=state&sort=display_name&order=asc&search=California&radius=50mi) (last visited Apr. 22, 2022); California Energy Commission, Acceptance Test Technician Certification Provider Program Frequently Asked Questions, <https://www.energy.ca.gov/programs-and-topics/programs/acceptance-test-technician-certification-provider-program/acceptance-0> (last visited Apr. 22, 2022) ("You may verify the certification status of an ATT [acceptance test technician] by visiting the ATTCP's website (linked on the CEEC ATTCP webpage) that certified a particular ATT [acceptance test technician]").

remind the LEAs of the potential consequences for noncompliance set forth in the CalSHAPE program guidelines.

While this step may seem redundant given that the program guidelines address these issues, it appears some LEAs that have relied on consultants to prepare their applications and may not have closely reviewed the guidelines. This is reflected in the fact that project management and training and development costs appear to have been commonly included in funding applications. LEAs must clearly understand the program requirements, including its requirements to perform work using an appropriately trained workforce **before** they begin program activities.

*Third*, the Commission should spot check applications that have been prepared by consultants and reach out to the LEA to confirm how the workforce training or certification requirements will be met and that grant funds have not been improperly paid to consultants.

*Finally*, when projects are completed, the Commission should prioritize review of project verification reports to confirm that LEAs have complied with all the program requirements, including each of the required assessment steps and the trained workforce requirements. Projects that provide inconsistent or inadequate information should be audited.

## **B. The Commission Should Provide an Initial Priority Period During Round 3 for Certain LEAs**

The Draft Second Edition Guidelines expand eligibility for Round 3 funding to all schools located in the service territories of one of the four large utilities. We support the Commission's eligibility expansion to maximize the reach of the program and provide a more complete picture of LEAs' interest in the program and funding needs. However, the proposed modifications to eligibility would not comply with AB 841's prioritization scheme.

Specifically, the Commission has not provided a priority period allowing schools with a boundary within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor or within 1,000 feet of a Title V permit facility to apply for CalSHAPE funding. Public Utilities Code § 1612 expressly requires that the Commission prioritize these schools in addition to those in an underserved community. Yet, during the first two rounds of funding, the Commission only prioritized schools in underserved communities.

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To meet this obligation, the Commission should revise the Second Edition Guidelines by offering an initial priority period during Round 3 which gives Section 1612 priority schools the ability to apply for CalSHAPE funding before all other eligible schools.

### III. CONCLUSION

As we enter the implementation phase for the CalSHAPE programs, it is crucial that the grant awardees clearly understand their obligations and the potential consequences for noncompliance. Without strict adherence to the statutory mandated assessment and workforce standards, the Commission cannot ensure the intended energy efficiency and public health outcomes are achieved.

In addition, for the third funding round, the Commission should hold an initial priority period for LEAs with schools in underserved communities, near freeways or busy traffic corridors, or near facilities holding Title V permits.

We greatly appreciate your consideration of these comments and look forward to assisting the Commission and LEAs with implementation of the CalSHAPE programs.

Sincerely,



Thomas A. Enslow  
Andrew J. Graf

AJG:acp