

<b>DOCKETED</b>	
<b>Docket Number:</b>	22-BSTD-03
<b>Project Title:</b>	2022 Field Verification and Diagnostic Testing OIR Proceeding
<b>TN #:</b>	247469
<b>Document Title:</b>	FV&DT Pre-rulemaking Workshop 11-15-22 Presentation
<b>Description:</b>	N/A
<b>Filer:</b>	Joe Loyer
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	11/15/2022 9:29:22 AM
<b>Docketed Date:</b>	11/15/2022



# **2022 Field Verification and Diagnostic Testing Program Rulemaking**

Joe Loyer, Senior Mechanical Engineer

November 15, 2022



# Today's Agenda

<b>Time</b>	<b>Activity</b>
10:00 AM	Welcome & Logistics
10:10 AM	Opening Remarks
10:30 AM	CEC Staff Presentation
12:00 PM	LUNCH BREAK (1 hour)
1:00 PM	Question and Comments
2:30 PM	BREAK (15 minutes)
2:45 PM	Workshop Notice Questions
4:45 PM	Closing Remarks & Reminders
5:00 PM	Adjourn



# Acronyms Used

<b>Acronym</b>	<b>Definition</b>
HERS	Home Energy Rating System
Energy Code	California Building Energy Efficiency Standards (Title 24, Part 1 and Part 6)
HERS Regs	HERS Regulations (Title 20, section 1670-1675)
Whole House Rating	Voluntary rating process regulated by the HERS Regs
FV&DT	Field Verification and Diagnostic Testing, mandatory, regulated by the Energy Code
OII	Order Instituting Investigation



# Presentation Overview

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- Home Energy Rating System Background
- Rulemaking Status, Schedule, and Opportunities to Comment
- Objectives of Draft Staff Reports
- Public Engagement Opportunities
- Draft Staff Reports Organization
- Proposed Changes to the HERS Regulations
- Challenges Being Addressed by the Rulemakings
- Proposed Changes to the FV&DT Regulations
- Summary of Major Categories in FV&DT Proposed Regulations



# Home Energy Rating System Background

- Warren-Alquist Act – Energy Code
- 1980's: Poor installation of air ducts and conditioning equipment
- Energy Code verification of installations to address code compliance
- 1999: Home Energy Rating System regulations
  - FV&DT
  - Whole House Rating
- Energy Code Compliance – California GHG reduction goals
  - California goal of installing six million heat pumps in buildings by 2030



# Rulemaking Schedules-Status

## HERS Regulations (Title 20)

Pre-Rulemaking	May 11, 2022
Draft Staff Report	Late October
<b>Workshop</b>	<b>November 15</b>
Final Staff Report	Mid January
Rulemaking	Concurrent with Energy Code

## FV&DT Regulations (Title 24)

Pre-Rulemaking	May 11, 2022
Draft Staff Report	Mid October
<b>1<sup>st</sup> Workshop</b>	<b>November 15</b>
2 <sup>nd</sup> Workshop	Mid January
Revised Draft Staff Report	Q2, 2023
3 <sup>rd</sup> Workshop	Q2, 2023
Final Staff Report	Q3, 2023
Rulemaking	Concurrent with Energy Code



# Objectives of Draft Staff Reports

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## **HERS Staff Report (T20)**

Remove any provisions relevant to the FV&DT program from HERS regulations.

## **FV&DT Staff Report (T24)**

Improve effectiveness of the FV&DT requirements in helping to ensure compliance with the Energy Code.





# Public Engagement Opportunities

## For Both the FV&DT and HERS Rulemakings

- First comment period: October 26 - December 16, 2022
- First Workshop (November 15, 2022)
- Second and third workshops
- FV&DT and HERS Revised Draft and Final Staff Reports
- Formal rulemaking (FV&DT and HERS rulemaking)



# Draft Staff Reports Organization

Chapter 1: Legislative Criteria

Chapter 2: Efficiency Policies

Chapter 3: Background

Chapter 4: Proposed Regulatory Framework

Chapter 5: Alternative Considered

Chapter 6: Technical Feasibility

Chapter 7: Savings and Cost Analysis

Chapter 8: Environmental Impacts

Chapter 9: Economic and Fiscal Impacts

Chapter 10: Consumer Equity

Appendix A: Energy Commission Investigative Reports

Appendix B: Proposed Regulations



# Proposed Changes to the HERS Regulations (T20)

- Overall structure is unchanged
- Remove any provisions relevant to the FV&DT program
- Retain all provisions necessary for the implementation of voluntary Whole House Ratings
- Minor changes through Title 20, section 1670-1675



# Challenges Being Addressed by both Rulemakings

- Implementing the OII Proceeding
  - Workshops and Webinars
  - Consumer, Provider, and Rater Complaints
- Effectiveness of FV&DT on Reducing HVAC Defects
- Consumer Complaints Against Providers and Raters
- Data Errors and Falsification
- Quality Assurance Program

For more discussion, see Chapter 3 of FV&DT Draft Staff Report.



# New Terms for FV&DT Stakeholder

<b>New Term</b>	<b>Existing Term</b>
Administrator	Provider
Technician	Rater
Technician-Company	Rater-Company



# Proposed Changes to the FV&DT Regulations (T24)

## Sections RA1, RA2, RA3, RA4, NA1, and NA2:

- Adding procedures for “onsite” and “shadow audits” for the new QA requirements.
- NA1.1 – removal of the special inspector designation.
- Updates to other sections as needed for additions of defined terms.

## Section 10-103.3 – Outline:

- (a) Scope
- (b) General Provision
- (c) FV&DT Administrator Approval
- (d) FV&DT Administrator Responsibilities
- (e) FV&DT Technician Certification and Responsibilities
- (f) FV&DT Technician Company Certification and Responsibilities
- (g) Prohibition from Practice and Re-Entry
- (h) Appeal to the Commission



# Summary of Major Categories in FV&DT Proposed Regulations (T24)

- General Requirements
- Progressive Discipline
- FV&DT Technician Companies
- FV&DT Technicians
- 3rd Party FV&DT Program Administrators



# FV&DT: General Requirements

## Conflict of Interest

- Technicians and Technician Companies are independent from Administrators
- Technicians, Technician Companies, and Administrators are independent from builders, designers, and installing contractors

## General Prohibition for Conflict of Interest

- Direct or indirect investment worth \$2,000
- Income totaling \$500 or more
- FV&DT Testing services prohibited for close family relatives





# **FV&DT: Specific Prohibitions for Conflict of Interest**

## **Technician Prohibitions**

- May not sign the CF1R or CF2R in any capacity
- May not apply for a construction permit for the project

## **Technician & Technician Company Prohibitions**

- May not perform construction activities on the project site
- May only be hired by the building owner for existing buildings
- May only be hired by the project owner for newly constructed buildings



# FV&DT Conflicted Data

Any data collected by a Technician when they have a conflict of interest, regardless of its accuracy, shall be considered conflicted data.

1. Administrators shall not accept or store, conflicted data on their systems.
2. Administrators shall take all reasonable steps to detect, deter, isolate, and remove conflicted data from their systems.
3. Administrators shall inform all the following stakeholders of conflicted data removal: Homeowner, Technician, Technician Company, Authority having jurisdiction, and Commission.



# **FV&DT: Progressive Discipline**

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- Applies to Administrator, Technicians, and Technician Companies
- Implemented by the CEC for Administrators
- Implemented by Administrators for Technicians and Technician Companies



# **FV&DT: Progressive Discipline Steps**

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- Notice of Violation
- Probation
- Suspension
- Decertification
- Appeal to the Energy Commission



# **FV&DT: Technician Companies**

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- Minimum Qualifications
- Training and Certification provided by the Administrator
- Services and Restrictions
- Responsibilities and Reporting Requirements



# FV&DT: Technicians

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- Minimum Qualifications
- Restrictions
- Responsibilities
- Document Registration Limitation



# **FV&DT: Administrators**

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- Application Approval Procedures
- Training Requirements
- Testing Requirements
- Quality Assurance Alternatives
- Conflicted Data
- Reporting Requirements



# Break for Lunch

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## Afternoon Agenda

- Questions or Comments from Workshop Participants
  - Major Categories in FV&DT Proposed Regulations
  - Other Questions or Comments
- Break
- Questions from Workshop Notice for Participants
- Closing Remarks and Reminders

**Please return at 1:00 PM**





# Questions and Comments

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- General Requirements
- Progressive Discipline
- FV&DT Technician Companies
- FV&DT Technicians
- 3rd Party FV&DT Program Administrators
- Open Questions and Comments



# Afternoon Break

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**Please return in 15 minutes**



# Workshop Notice Questions

- Naming Convention
  - Residential Efficiency Verification (REV) Program
  - Energy Code Compliance (ECC)
  - Building Efficiency System Testing (BEST) Program
  - Field Verification Program (FVP)
- Other Program Issues
- Alternative Remedies to Program Issues
- Better Estimated Costs of Implementation
- Impacts not Considered
- Alternative to the Proposed Quality Assurance Measures
- Severe Code Violation - Proposed Progressive Discipline



# Closing Remarks & Reminders

- Afternoon Panel Discussion and Public Comment Period
- 2<sup>nd</sup> Workshop
- Publication of FV&DT Final Staff Reports
- 3<sup>rd</sup> Workshop
- Formal Rulemaking
- 1<sup>st</sup> Rulemaking Workshop

Docket for HERS Draft Staff Report: [22-HERS-02](#)

Docket for FV&DT Draft Staff Report: [22-BSTD-03](#)

[Rulemaking Website](https://www.energy.ca.gov/event/workshop/2022-11/update-home-energy-rating-system-regulations): <https://www.energy.ca.gov/event/workshop/2022-11/update-home-energy-rating-system-regulations>



**Thank You!**

