

DOCKETED

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| Docket Number: | 22-BSTD-03 |
| Project Title: | 2022 Field Verification and Diagnostic Testing OIR Proceeding |
| TN #: | 250544 |
| Document Title: | FV&DT Staff Final Presentation June 9 Workshop |
| Description: | N/A |
| Filer: | Joe Loyer |
| Organization: | California Energy Commission |
| Submitter Role: | Commission Staff |
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Title 24 FV&DT Program Rulemaking

Joe Loyer, Senior Mechanical Engineer

June 9, 2023



Rulemaking Status

Title 24 FV&DT Rulemaking

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|----------------------------|--------------|
| Pre-Rulemaking | May 11, 2022 |
| Draft Staff Report | Oct 2022 |
| 1 st Workshop | Nov 15, 2022 |
| 2 nd Workshop | Jan 26, 2023 |
| Revised Draft Staff Report | May 2023 |
| 3 rd Workshop | June 9, 2023 |



Revisions to the Draft Staff Report

- Program Name Change
- Allow the Rater to be hired/paid by the contractor
- 72-hour limit to register compliance documents
- Rater Shopping
- Verified Rater
- More detailed training requirements
- Photographic Evidence
- The following areas are proceeding unchanged:
 - Regulatory Alignment
 - Progressive Discipline
 - Quality Assurance



Program Name Change

- Energy Code Compliance (ECC) program
- In code, the parties will be referred to as follows:
 - ECC-Rater
 - ECC-Provider
 - ECC-Rater Company
- In practice, the parties may maintain the existing nomenclature:
 - Rater
 - Provider
 - Rater Company



Rater Paid by the Contractor

- The “homeowner to hire” mandate is replaced
- Registered consent form signed by the building owner
- Summary of tests performed with pass/fail results
 - The company’s name, logo (if any), Contact information, and Certification Number
 - A link to the data registry link and registry numbers for all registered compliance documents.
 - An itemization of each field verification or diagnostic test performed for the project and pass or fail result.



72-hour Limit for Registration

- The proposed daily limit for document registration (15) is replaced
- 72-hour limit from the actual date of the FV&DT to register compliance documents



Rater Shopping

- Rater Shopping is the act of hiring a second Rater to obtain a passing test after the first Rater has failed the project.
- Rater-of-Record (ROR) is established when a Rater registers a failed FV&DT.
- Only the ROR can register a passing FV&DT
- In limited circumstances, the Provider may replace the ROR with another Rater and a Shadow Audit.



Verified Rater

- Verified Rater will receive fewer quality assurance checks than a Rater that is not Verified.
- The quality assurance checks will be reduced from once per year to once pre code cycle.
- To qualify as a Verified Rater:
 - Passed all required quality assurance audits for the last 12 months
 - Minimum of 5 years experience as a Rater



Detailed Training Requirements

- Building Energy Efficiency Standards (RA1-4, NA1 and NA2, Nomenclature)
- Roles and Responsibilities of all parties
- Energy Code Basic Building Science Concepts
- Worksite Safety
- Instrumentation Setup and Care & Equipment Certification Requirements
- Compliance Forms and Registration
- Professional Conduct
- Resources
- Progressive Discipline, Quality Assurance, and Conflict of Interest Requirements



Photographic Evidence

JA7.5.6.1: Requirements for photographs associated with registered compliance documents

- Photographs are not to be issued with registered compliance documents.
- Must be stored by the Provider as Joint Photographic Experts Group (JPEG)
- Must show the specific equipment being tested
- Must include sufficient background to identify the location of the project site
- Must include a time and location stamp



Reminders

| Event | Date |
|--|-----------------------|
| Publication of FV&DT Revised Draft Staff Reports | May 2023 |
| 3 rd FV&DT Workshop | June 9, 2023 |
| Publication of FV&DT Final Staff Report | July 2023 |
| 2025 Title 24 Energy Code Pre-Rulemaking Workshops | July – September 2023 |
| Formal 2025 Energy Code Rulemaking | January - June 2024 |
| Adoption of 2025 Energy Code | June 12, 2024 |



Resources

- **To Access Dockets:**

- Docket for Title 24 FV&DT Draft Staff Report: [22-BSTD-03](#)
- Docket for Title 20 HERS Rulemaking: [23-HERS-01](#)

- **To Submit Comments:**

- [Title 24 FV&DT Pre-Rulemaking](#) (docket 22-BSTD-03)
- [Title 20 HERS Rulemaking](#) (docket 23-HERS-01)
- [Application for Confidential Submission](#)

- **To follow pre-rulemaking and rulemaking process:**

- [Rulemaking Website](https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2025-building-energy-efficiency-0): <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2025-building-energy-efficiency-0>



Thank You!





Panel 1: Provider Perspectives

- What other issues and associated impacts exist in the current FV&DT programs that are not reflected in the draft staff report which the CEC should consider addressing at this time?
- What alternative approaches and requirements do you recommend the CEC consider that may more effectively address identified issues regarding the current FV&DT?
- What are the current costs associated with rater training, oversight, and quality assurance? What do you estimate the specific cost impacts to be on program regulated entities, consumers, local agencies, and other stakeholders of staff's proposed changes to the FV&DT program?



**Lunch Break
Workshop will resume at 1:00 pm**



Afternoon Agenda

- 1:00 PM** **Panel 2: Small Rater Companies Perspectives**
- 2:00 PM** **BREAK**
- 2:20 PM** **Panel 3: Large Rater Companies Perspectives**
- 3:20 PM** **Open Comment Period**
- 4:00 PM** **Closing Remarks & Adjourn**



Panel 2: Small Rater Companies Perspectives

- How will these recommended changes impact smaller rater companies and their ability to ensure honest, accurate and complete ratings for Energy Code compliance? Please provide any analysis or cost information you may have.
- Do you think these changes will improve compliance with the Energy Code through the FV&DT program? If not, what alternatives to staff's proposal should the CEC consider?
- What alternatives, if any, do you suggest the CEC consider to more cost effectively protect consumers from non-compliant work and poor installations?



Panel 3: Large Rater Companies Perspectives

- How will these recommended changes impact larger rater companies and their ability to ensure honest, accurate and complete ratings for Energy Code compliance? Please provide any analysis or cost information that you may have.
- Do you think these changes will improve compliance with the Energy Code through the FV&DT program? If not, what alternatives to staff's proposal should the CEC consider?
- What alternatives, if any, do you suggest the CEC consider to more cost effectively protect consumers from non-compliant work and poor installations?



AFTERNOON Break
Workshop will resume at 2:20 pm



Closing Remarks

Please submit all comments to the docket:

- [Title 24 FV&DT Pre-Rulemaking](https://efiling.energy.ca.gov/EComment/EComment.aspx?docketnumber=22-BSTD-03) (docket 22-BSTD-03)
<https://efiling.energy.ca.gov/EComment/EComment.aspx?docketnumber=22-BSTD-03>
- [Application for Confidential Submission](https://www.energy.ca.gov/sites/default/files/2023-04/CEC_13_Application%20for%20Confidential_04-24-2023.pdf)
https://www.energy.ca.gov/sites/default/files/2023-04/CEC_13_Application%20for%20Confidential_04-24-2023.pdf