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*Comment Received From: Jordan Garbayo
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Tri-County Regional Energy Network Comments - FV&DT

Additional submitted attachment is included below.



September 15, 2023
California Energy Commission
Re: Docket No. 22-BSTD-01
Re: Docket No. 22-BSTD-03
1516 Ninth Street
Sacramento, CA 95814
docket@energy.ca.gov

Dear Commissioners and Staff,

The Tri-County Regional Energy Network (3C-REN) is pleased to submit these comments and recommendations as part of the rulemaking process for the 2025 Building Energy Efficiency Standards to the California Energy Commission (CEC). Three California Central Coast counties – San Luis Obispo, Santa Barbara, and Ventura – came together to deliver energy-saving programs and industry trainings. 3C-REN’s goals are to reduce energy use across all building types, strengthen local job markets, and support efforts to achieve building decarbonization and to lower greenhouse gas emissions. All of 3C-REN’s energy-saving programs and services are locally managed to help address existing gaps in current programs, and to meet the needs of local government agencies, building professionals, and residents throughout the region. 3C-REN also strives to leverage our programs as a way to re-invest in our community as a whole, support historically underserved communities, and mitigate gaps and disparities caused by social inequality.

When 3C-REN, led by the County of Ventura, was formed, all counties had several years of experience and cooperation with the administration of energy and sustainability programs. Their goal in combining was to provide these programs at a regional level. One of those programs is Energy Code Connect which provides building professionals with forums, trainings, and support services focused on increasing comprehension, compliance, and enforcement of California’s energy code. With the needs of the local building industry in mind, 3C-REN offers the following comments to changes proposed under the 2025 Codes and Standards Enhancement (CASE) initiative:



3C-REN supports most of the proposed changes for Field Verification and Diagnostic Testing (FV&DT).

3C-REN appreciates staff efforts in identifying and resolving several challenges related to HERS and FV&DT in its proposed changes. The proposed measures are aimed at ensuring a higher quality of inspection and more accurate data, while providing consequences for those that generate or host falsified data. This is crucial both for customer understanding and trusting HERS ratings and in ensuring that installed systems provide optimal energy saving benefits and greenhouse gas emissions reductions. 3C-REN finds that the changes proposed by the Commission, such as clearly outlining and forbidding conflicts of interest, and requiring proper training/re-training and quality assurance audits, are reasonable and will hopefully result in more a reliable and accurate HERS rating system.

3C-REN strongly opposes the removal of “special inspector” designation for HERS providers and HERS raters.

Current 2022 Title 24 Code states the following: “HERS Providers and HERS Raters shall be considered special inspectors by enforcement agencies and shall demonstrate competence to the satisfaction of the enforcement agency, for field verifications and diagnostic testing. As specified by California Code of Regulations, Title 20, Division 2, Chapter 4, Article 8, Section 1673(j)(2), HERS Providers and HERS Raters shall be independent entities from the builder or subcontractor installer of the energy efficiency improvements being field verified or diagnostically tested.” The code further proceeds to define the role of an independent entity i.e. having no financial interest in, and not advocating or recommending the use of any product or service as means gaining increased business with, firms or persons specified in CCR Title 20, Division 2, Chapter 4, Article 8, Sections 1671 and 1673 (j).”

As part of proposed changes to FV&DT regulations, the staff workshop indicated the removal of “Special inspector designation” of HERS raters in section NA1.1. Similar proposals have been made for sections RA2 and JA7 as well citing no attempts made by AHJs to approve any rater as a special inspector.

With HERS raters undergoing rigorous training through the HERS providers, there is not a special need to approve every HERS rater. The special inspector requirement allows jurisdictions to take interest and better understand the role of HERS raters. Removing the authority of local building departments to determine whether raters are allowed to perform



FV&DT in their jurisdictions creates unnecessary confusion in the complex process of plan and permit approvals.

The plan and permit approval process requires jurisdictions to verify the credentials of HERS raters and they get an opportunity to review if satisfactory verification and compliance is taking place. The proposed changes absolves jurisdiction from this verification and may compound the very problem the proposal is trying to solve which is reducing data errors/falsification and reducing HVAC defects.

In conclusion, 3C-REN strongly recommends that the special inspector requirement remain in place for the new code cycle and supports the remaining proposed changes to address the challenges in the Field Verification and Diagnostic Testing sector.

Sincerely,

Jordan Garbayo

Energy Program Manager, Tri County Regional Energy Network