

February 17, 2006

Commissioner Jackalyne Pfannenstiel  
Commissioner Arthur Rosenfeld  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814

**Re: 2008 Building Energy Efficiency Standards – Implementation and Enforcement**

Dear Commissioners Pfannenstiel and Rosenfeld:

CABEC was established in 1986 as a professional non-profit organization of building energy consultants. For the past 20 years we have worked with CEC commissioners and staff with the main goal to ensure that California's Building Energy Efficiency Standards are technically correct, fair and enforceable. Today, CABEC has the same ambition with respect to the 2008 Standards. Please accept these comments from a firm and consistent supporter of the energy standards, and a stalwart ally of the building community's efforts to implement and enforce them successfully. We are interested in an energy-secure and healthy future for all Californians.

CABEC has broad issues and specific points we would like to discuss with the Commission. Many of the detailed items were submitted to staff by Gary Farber, a member of CABEC's Standards Committee. This letter focuses on the broader issues. We would like to hear an initial response to these comments at the February 23<sup>rd</sup> Workshop on the 2008 Standards, or soon thereafter. We can also make ourselves available for a meeting with you, your aides and staff to elaborate upon and discuss solutions to our concerns.

The general issues can be summarized as follows:

- Include time to address problem areas of the 2005 standards in the 2008 schedule;
- Allow time for review by parties who document, verify and enforce the standards;
- Allocate funds and time for solutions to plan check and enforcement issues; and,
- Revisit certification of plan check staff and energy consultants.

**2005 Standards Problems: Standards, Manuals, ACM Manuals.** Now that the 2005 standards have been in effect for 4 ½ months, our members have uncovered numerous problems with implementing and enforcing the 2005 Standards. It is critically important that time, resources and efforts are included in the development of the next set of standards to correct all these problems. This may include changes to the language of the standards, the compliance manuals and/or the ACM manuals, which define the performance approach. We see no indication in the agenda for 2008 that there is any serious planned effort to fix or, if necessary, rethink aspects of the current standards that are not working properly.

**2008 Standards: Evaluation for Implementation and Enforcement.** Given what we witnessed within the 2005 Standards development process, we are quite concerned that new policies, new rules and new energy strategies and technologies included in the 2008 Standards will not be thoroughly reviewed for their effective implementation and enforcement ramifications, and that the 2008 Standards will not be modified accordingly before they take effect. The consultant contractors who assist the utility companies and the Commission in developing new Standards are, with very few exceptions, not the individuals who work day-to-day with documenting compliance, verifying or enforcing the code. The Commission needs to have more input and earlier input from CABEC members and other knowledgeable and independent individuals long before 45-day language is released, and before the first draft compliance and ACM manuals are released. We are requesting that 5% to 15% of the budget for consultants involved in the development of the Standards be allocated specifically and formally for peer review; and that peer review become an integral part of the process.

**Enforcement Problems: Plan Review and Field Inspection.** Local building department enforcement has long been a difficult aspect of Standards implementation for a variety of reasons. However, we believe that the time is ripe for the Commission to consider a number of approaches - some old and some new - that can substantially improve enforcement throughout the state. Once again we urge that funds, staff resources and additional contracts with special consultants be established for this effort to succeed. Some of our suggestions include:

- **Monitoring of Building Departments.** The Commission should allocate funds to restart and sustain monitoring of enforcement by local building departments. We support efforts that use the “carrot” of additional training more than the “stick” of publicly naming building departments who are doing a poor job.
- **Simple Plan Check and Field Inspection Guide.** As the Standards have become more complex, one solution to improve enforcement is to develop a simple, clear and well-written plan check and field inspection guide for building departments. There is enormous confusion within building departments about what requirements and rules and compliance options apply under different permit and construction scenarios within a particular climate zone. A simple guide can direct plan reviewers and field inspectors to look for the items that are generally most important to ensure that buildings meet the Standards. Much of this document could easily be extracted from the next compliance manuals, deleting technical design details and focusing on issues relevant to plan check and inspection.

**State-approved Certification: Energy Plan Reviewers and Energy Analysts.**

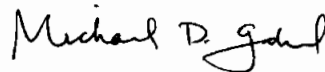
Although the 2005 Standards are very effective when applied correctly by knowledgeable professionals, the complexity of the Standards has increasingly become a major problem for proper implementation and enforcement. We believe that the time has come to reconsider mandatory certification of energy plan reviewers and energy analysts, at least for certain building or occupancy types. We do not know if certification is feasible to study, formulate and implement in the 2008 cycle, or whether it may have to wait until 2011. However, we would like the Commission to start an evaluation of these options now.

We look forward to an ongoing dialogue with the Commission on these issues as we move ahead with the 2008 Standards development.

Sincerely,



Bill Mattinson, Sol\*Data  
Residential Standards Chair



Michael Gabel, Gabel Associates, LLC  
Nonresidential Standards Chair

cc: CABEC Board of Directors  
Bill Pennington, CEC  
Elaine Hebert, CEC