

**NINE-POINT CRITERIA ANALYSIS
OF
PROPOSED BUILDING STANDARDS
OF THE
CALIFORNIA ENERGY COMMISSION**

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**REGARDING THE BUILDING ENERGY EFFICIENCY STANDARDS
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 6**

Building standards submitted to the California Building Standards Commission (CBSC) for approval are required, by Health and Safety Code Subsection 18930(a), to be accompanied by an analysis which will, to the satisfaction of the CBSC, justify their approval. The approval of these proposed building standards is justified as follows:

1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.

There are no other standards, including federal standards, that conflict with, duplicate, or overlap the proposed revisions to the California Energy Commission's Building Energy Efficiency Standards.

2) The proposed building standards are within the parameters established by enabling legislation, and are not expressly within the exclusive jurisdiction of another agency.

The California Energy Commission has statutory authority under Public Resources Code Sections 25402, 25402.1, 25402.5, 25213, 25910 and 25553 to promulgate and update energy efficiency standards for residential and nonresidential buildings.

3) The public interest requires the adoption of the building standards.

This proceeding resulted from a petition from a consortium of 23 stakeholder companies who stated that the current energy standards inappropriately excluded a number of cool roof coating products that had long track records for durability but did not meet the current standards' requirements. They claimed that such exclusion was not in the public interest. The proposed revisions address this concern. Discussions with other stakeholders revealed that the current minimum required dry mil thickness for roof coating products was unreasonable for some classes (chemistries) of products. The Energy Commission believes that the proposed revisions for dry mil thickness and for physical requirements testing are in the public interest. These changes result in less restrictive standards.

4) The proposed building standards are not unreasonable, arbitrary, unfair, or capricious, in whole or in part.

The adopted 45- and 15-day language submitted with this package has been developed with extensive external stakeholder input. The Commission has responded to every comment and suggestion related to reasonableness and fairness.

5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.

The Energy Commission expects that costs to the public will stay the same or decrease for roofing materials affected by this proposal. A number of products not qualifying for cool roof energy credit under the current energy standards become qualified under these proposed changes, increasing the range of choices to consumers, increasing competition, and possibly lowering prices. These changes result in less restrictive standards.

6) The proposed building standards are not unnecessarily ambiguous or vague, in whole or in part.

The Energy Commission is proposing very limited changes to one section, Section 118(i)3, of Title 24, Part 6, regarding roof coatings applied as liquids in the field. No persons from the public have commented that the proposed or final language was ambiguous or vague. The final express terms have been extensively reviewed by stakeholders.

7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.

The Energy Commission is proposing to reference a number of national published standards from the American Society for Testing and Materials that are not already referenced in the energy standards.

8) The format of the proposed building standards is consistent with that adopted by the Commission.

The format of the Express Terms developed for these regulations follows that prescribed by the California Building Standards Commission and conforms to Government Code 11346.2(a).

9) The proposed building standards, if they promote fire and panic safety as determined by the State Fire Marshal, have the written approval of the State Fire Marshal.

The proposed revisions to the Standards do not affect fire or panic safety.