

**DOCKET**  
05-BSTD-1  
DATE APR 26 2006  
RECD. MAY 15 2006

## ORDER ADOPTING REGULATIONS

On March 22, 2006, the Energy Commission published draft amendments to the 45-day Express Terms. On April 3, 2006, the Efficiency Committee held a public hearing to take

comments on these draft amendments. No stakeholders provided persuasive negative comments either at the meeting or by the deadline stated in the Notice of the hearing. Following the April 3, 2006 hearing, the Committee issued new 15-day language for proposed adoption at the April 26, 2006 public hearing.

On April 26, 2006 the Energy Commission held a public hearing to consider comments concerning amendments in the proposed 15-day Language and proceeded to adopt the express terms amending 2005 Building Energy Efficiency Standards, Section 118(i)3 and Table 118-C.

## **II. COMMISSION FINDINGS**

Based on the rulemaking record (Docket No. 05-BSTD-1), including public comment, the Commission makes the following findings and conclusions:

### **A. The adopted regulations:**

- (1) will not result in a significant statewide adverse impact directly affecting business, including the ability of California businesses to compete with businesses in other states;
- (2) will not create or eliminate a significant number of jobs in California;
- (3) will not create new businesses, eliminate existing businesses, or have an effect on the expansion of businesses in California;
- (4) will not impose costs on private persons;
- (5) will impose no direct costs or direct or indirect requirements on state agencies, local agencies, or school districts, including but not limited to costs that are required to be reimbursed under Part 7 (commencing with Section 17500) of the Government Code;
- (6) will result in no costs or savings in federal funding to the State;
- (7) will not affect housing costs;
- (8) will have no significant adverse effect on businesses in general or small businesses in particular;
- (9) will have no significant costs that a representative person or business would incur in compliance (\$360 per year per appliance for appliance manufacturers);
- (10) have no alternatives that would be more effective in carrying out the purposes of the Warren-Alquist Act without increasing burdens, or that would be as effective and less burdensome in carrying out the purposes; and

(11) are less restrictive than current regulations.

**B. The Energy Commission considered alternatives to the proposed amendments.** The Commission has considered two possible alternatives to the proposed changes: 1) eliminate the physical performance requirements for liquid-applied coatings in their entirety, and 2) make no changes to the current Standards. The Commission believes it is critically important to have physical performance requirements for coatings to insure that the coatings are durable and reliably achieve the energy savings expected for cool roofs. Based on information received to date the Commission believes that the recommendations for adding an alternate testing approach in the proposed changes are reasonable.

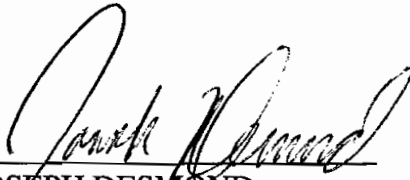
**C. The California Environmental Quality Act (CEQA).** The adopted regulations amends the physical performance requirements for the existing regulations relating to liquid-applied roof coatings installed in the field. The Commission finds that it can be seen with certainty that there is no possibility that the adopted amendments may have a significant effect on the environment and is therefore not subject to CEQA.

### III. ADOPTION OF PROPOSED AMENDMENTS


The Commission adopts the attached amendments to the performance requirements in the 2005 Building Energy Efficiency Standards, Section 118(i) 3 and Table 118-C.

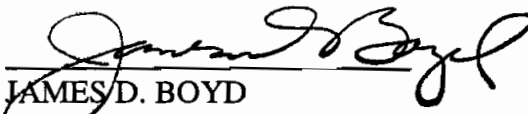
April 26, 2006

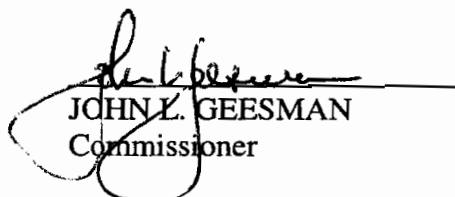
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