

DOCKET

10-BSTD-01

DATE Feb. 29 2012

RECD. March 1 2012

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Commissioner Karen Douglas
Lead Commissioner for Energy Efficiency
California Energy Commission
1516 9th St., MS-31
Sacramento, CA 95814

RE: Comments on Docket 10-BSTD-01, "Proposals for Certification of Acceptance Testing Field Technicians for Mechanical Systems and Lighting Controls"

Dear Commissioner Douglas,

I encourage you to oppose further consideration of Docket 10-BSTD-01, "Proposals For Certification of Acceptance of Field Technicians For Mechanical Systems and Lighting Controls," as drafted at present; we believe that this proposal is not in the best interest of achieving the goal of improving compliance with the California Energy Code requirements for Acceptance Testing.

I am a building industry professional with 18 years of experience. I have completed a UA apprenticeship of 5 years, 4 years as a HVAC service mechanic, 11 years of MEP building startup, test & balance, systems integration, building commissioning, HERS rater for 7 years with all certifications and as a senior commissioning engineer for 3 years. I also have performed the CEC required Title 24 acceptance testing documentation.

I would consider myself the select few individuals that are capable of operating, TAB procedures and the commissioning building systems operations. My experience with these types of projects brings a high level of confidence and concerns of acceptance testing documentation.

While I strongly believe in raising the minimum standards required of individuals or firms performing the types of work anticipated under the Energy Code's Acceptance Testing requirements, it is extremely inappropriate for the State of California to favor one type of certification or license over others when this does not serve the end goals of improved Code compliance.

As currently written, the proposal would allow only licensed testing, adjusting, and balancing (TAB) and electrical contractors to perform acceptance tests, as required by Title 24, the state's non-residential energy code.

Licensed engineers, commissioning agents, control contractors, general contractors, and other parties uniquely qualified to gather and analyze test results would be prohibited from conducting these assessments. As a result, the number of individuals permitted to perform these tests would be dramatically restricted. Moreover, the proposal would unreasonably prohibit engineers and other individuals from performing duties that they are equally qualified to do. Adopting the provisions outlined by this proposal would impose a restraint-of-trade restriction upon engineers and commissioning agents to the benefit of TAB and electrical contractors – the very individuals installing the equipment the effectiveness of which they would be sanctioned to guarantee.

The initial (2005) mechanical testing requirements were collaboratively drafted by a broad group of stakeholders. As I understand it, TAB contractors declined to participate in the process. I find it inappropriate their representative organizations are now aggressively pursuing revisions solely to their constituencies' narrow commercial advantage.

Acceptance testing was created to show the installation was operating to the minimum operating efficiency as per the title 24 requirements. It is the installing contractor's responsibility to insure the building operations are operating as intended. This would follow the responsibility of MEP systems. I see this as a conflict of interest, since the installing contractor is also signing off their own installation.

During the February 27 2012, there was a discussion of the HERS rater program and how it is incorporated into the residential building trades. This is a well established process that is truly a third party verification. Taking into consideration that some HERS raters may not be adapted to perform non-residential acceptance testing, the process of acceptance certification via third party group would be in the best industry practices. During the verification process there is an online entry depicting the responsibility of document author, contractor responsibility and the HERS rater responsibility. Currently the non-residential process is lacking this type of means and methods.

All building departments are aware of HERS rater documentation, as for Non-residential acceptance testing documentation, I see that this as a disconnect at time of project completion due to the fact of out sourcing plan reviews and the limited resources of document paper trail.

To sum up, I recommend that the proposal put forward speaking to these issues be rejected on the following grounds:

- restraint of trade
- possible increased costs of compliance with state standards
- exclusion of qualified individuals from performing the work
- potential reductions in independent, third-party testing of "systems"

I see the potential of a joint task force to verify operating procedures and the requirements to perform acceptance testing verifications. This type of task force was proven successful during the establishment of the CALGreen commissioning requirements. I was part of the commissioning task force with DGS, DSA and CBSC.

I stand ready to aid you in efforts to oppose Docket 10-BSTD-01. Should you need further clarification of my position or assistance, please feel free to contact me for additional information.

I have also attached some of my responses to the questions that were discussed at the Monday workshop, which I unfortunately cannot attend in person.

Very truly yours,

Guttman & Blaevoet

A handwritten signature in black ink, appearing to read "Tim Fryxell". The signature is fluid and cursive, with the first name "Tim" being particularly prominent.

Tim Fryxell Senior Commissioning Engineer

925.210.2840 ext 118

Enclosure: 3 pages

KEY ISSUES AND QUESTIONS FOR THE WORKSHOP

1. *Is it appropriate for the Standards to limit who can serve as an acceptance testing Field Technician to only persons who meet specific training and certification requirements?*

No. The State should not be in the business of favoring one industry certification over another. The primary issue facing the State is compliance with the requirements, not poor results due to unqualified individuals or firms performing testing. This proposal does nothing to address the compliance issue.

2. *Would persons who currently are allowed to serve as acceptance testing Field Technicians be disadvantaged by training and certification requirements? How should training and certification requirements be designed to provide a reasonable path for these persons to become qualified?*

I see this as a disadvantage for all individuals with regards to training or certifications. Since there are currently no specific training or third party requirements, this item is considered to be an open event. Training can be provided by a non biased training facility to show the fundamental requirements of building systems and how to properly enter the correct documentation for the project. I would suggest the CEC discuss with CALCerts the success rate of their training program.

3. *How would training and certification requirements for acceptance testing Field Technicians help to address concerns related to any lack of enforcement by building departments of the acceptance requirements?*

It would not address this issue at all. The firms that are benefited by this proposal could be working to improve compliance without the limitations on who is "qualified". This proposal has nothing to do with improving compliance, and everything to do with market advantage.

Third party verification would elevate the issue of qualifications thru a state certified program as typical of the HERS verification process.

4. *Are certified general electricians who are also certified by the California Advanced Lighting Controls Training Program (CALCTP) uniquely qualified to serve as acceptance testing Field Technicians for lighting controls? Are those CALCTP certified general electricians only uniquely qualified for this service if they are employed by lighting contractors who are also CALCTP certified? **Since this program is designated for installing contractors and not for verification agencies, I do not see the advantages for this type of training.***
5. *Should any electricians who are not certified general electricians (e.g., C-10 licensed electrical contractors, or electricians working for school districts or plants, which are not required by state law to be certified general electricians), be allowed to serve as acceptance testing Field Technicians for lighting controls?*

I think this is the wrong question. The question should be: "Are there minimum qualifications required to ensure that individuals are competent to perform Acceptance Tests, and, if yes, what are they?" I think the answer is yes, but certification as an electrician has no relationship to these qualifications. Lighting controls are primarily computer systems, and electricians – from my experience – have no software training that is relevant to the testing requirements for lighting controls.

6. *Should other licensed engineers or contractors who are not CALCTP certified be allowed to serve as acceptance testing Field Technicians for lighting controls?*

Absolutely.

7. *Should CALCTP certified general electricians, who are not employed by lighting contractors who also are CALCTP certified, be allowed to serve as acceptance testing Field Technicians for lighting controls?*

I assume that this program would serve to improve the expertise of individuals in installation of lighting control components and devices. The training should also be open to acceptance verification personnel such as commissioning agents and building officials, certification should be split into 2 different categories: 1) installing contractors and (2) third party acceptance testing agents or qualifiers. The need to have this individual working for a CALTCP certified contractor seems unnecessary.

8. *Are testing, adjusting and balancing (TAB) contractors, who meet all of the apprenticeship, experience and testing requirements of the Associated Air Balance Council (AABC), National Environmental Balancing Bureau (NEBB) or the Testing Adjusting and Balancing Bureau (TABB), uniquely qualified to serve as acceptance testing Field Technicians for HVAC equipment and controls?*

No. In fact, there are very few TAB contractors who really understand "systems", and can do anything but "measure" performance. Acceptance testing, done right, requires analysis of the measurements, and recommendations for corrective action, which requires skills that are not in any way related to TAB certification. During my 15 years of start test and balance with working for one of the largest mechanical contractors in California. I have yet to see a TAB contractor verify the operations of refrigeration equipment and chillers. Air and water flow testing is definitely verified and checked but understanding refrigeration operations and how they interact with system operations is the least of their abilities.

End of comments