Comments of EnerNOC, Inc. on "Proposals for Certification of Acceptance Testing Field Technicians for Mechanical Systems and Lighting Controls
Docket 10-BSTD-01
March 5, 2012

EnerNOC, Inc. (EnerNOC) appreciates the opportunity to provide brief comments in response to Appendix A of the February 27, 2012 Lead Commissioner Workshop on Proposals for Certification of Acceptance Testing Field Technicians for Mechanical Systems and Lighting Controls. As currently drafted the proposal under consideration in Docket 10-BSTD-01 raises some very serious concerns, and we encourage you to oppose further consideration of a proposal that 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. We highlight our concerns below and briefly respond to the questions included in Appendix A on the following pages.

Licensed engineers, commissioning agents, control contractors, general contractors, and other parties uniquely qualified to analyze test results relative to the building envelope would be prohibited from conducting these assessments. As a result, the number of individuals permitted to perform these tests would be restricted dramatically, which, consequently, might raise the costs of compliance while, coincidentally, diminishing the effectiveness of these tests. Moreover, the proposal would unreasonably prohibit engineers and other individuals from performing duties that they are indeed well-qualified to perform. In short, adopting the provisions outlined by this proposal would impose a restraint-of-trade restriction upon engineers and commissioning agents to the benefit of TAB contractors, air balance agents, and electrical contractors.

The initial (2005) mechanical testing requirements were collaboratively drafted by a broad group of stakeholders, including engineers and commissioning agents. As far as we can establish, the TAB contractors and balancing agents declined to participate in the process. We find it inappropriate that their representative organizations are now aggressively pursuing revisions solely to their constituencies' narrow commercial advantage.

To sum up, we recommend that the proposal to allow only TAB and electrical contractors to perform acceptance tests be rejected on the grounds that it increases the costs of compliance with state standards while decreasing the efficacy of acceptance testing due to a lack of expertise and experience; excludes qualified individuals from performing the work; prohibits third-party independent testing of "systems"; and imposes a restraint-of-trade restriction.

Responses to Appendix A Workshop Questions

1. Is it appropriate for the Standards to require Field Technicians who perform acceptance testing to meet specific training and certification requirements?
Yes, unless the testing is being performed under the direction of either a licensed engineer or a certified Commissioning Authority. That is, the Standard should require tests to be performed by either Field Technicians that meet specific training and certification requirements, or are working under the direction of a licensed engineer or a certified Commissioning Authority.

2. Would current Field Technicians who perform acceptance testing be disadvantaged by training and certification requirements? If yes, how should training and certification requirements be designed to provide a reasonable path for these persons to become qualified?
Yes, current Field Technicians who perform acceptance testing would be disadvantaged if these training requirements specifically allow only certain trade organizations to provide the training. For example, on large projects where a third party Commissioning Authority is being utilized, an Engineer-In-Training (EIT) may be fully qualified to perform the work/ However, since their organization is not a licensed contracting company, they would be precluded from performing this work.

3. How would training and certification requirements for Field Technicians who perform acceptance testing help to address concerns related to any lack of enforcement by building departments of the acceptance requirements?
No comment at this time.

4. Are certified general electricians, who are also certified by the California Advanced Lighting Controls Training Program (CALCTP) and who are performing work while employed by a California contractor who holds a CALCTP contractor certification, uniquely qualified to serve as acceptance testing Field Technicians for lighting controls?
No, Many engineers and commissioning professionals are fully qualified to perform this work.

5. Should 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?
Yes but field technicians working under the direction of either a licensed engineer or a certified Commissioning Authority should be allowed as well.

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

7. Should CALCTP certified general electricians, who are not employed by CALCTP certified-lighting contractors, be allowed to serve as acceptance testing Field Technicians for lighting controls?
No response at this time.

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, Many engineers and commissioning professionals are fully qualified to perform this work.

9. Should licensed mechanical contractors, who are installing contractors, start-up contractors, or service contractors, that are not certified TAB contractors be allowed to serve as acceptance testing Field Technicians for HVAC equipment and controls?
Yes, but field technicians working under the direction of either a licensed engineer or a certified Commissioning Authority should be allowed as well.

10. Should licensed mechanical engineers be allowed to serve as acceptance testing Field Technicians for HVAC equipment and controls?
Yes.

11. Should building commissioning providers be allowed to serve as acceptance testing Field Technicians for HVAC equipment and controls and for lighting controls?
Yes.

12. If additional persons other than those that are proposed by IBEW or the Sheet Metal Workers are allowed to serve as acceptance testing Field Technicians, should they be certified for professional qualifications? If so, what certifications would be appropriate for the additional persons (e.g. licensed contractors, engineers, or building commissioning providers)?
No response at this time.

15. If TAB certification is required for acceptance testing by a Field Technician, should that be limited to acceptance testing related to airflow?

No – if they are qualified they should be able to perform all mechanical acceptance tests.

Thank you.

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