

# Docket # 15-BSTD-01

2016 Building Standards Update

## **CAN THE CEC DO ANYTHING RIGHT?**

### **IBEW CANCELLED LIGHT FIXTURE MAINTENANCE CLASSIFICATION IN NORCAL**

August 29, 2015

Greetings

Not only has the CEC decimated the lighting retrofit industry in California, it also has done a terrible job with Prop 39.

If you are not that aware with Prop 39, following is some information on it.

<http://www.energy.ca.gov/efficiency/proposition39/>

<http://www.energy.ca.gov/2014publications/CEC-400-2014-022/CEC-400-2014-022-CMF.pdf>

The following article was published on August 18.

#### **San Francisco Chronicle**

##### **EDITORIAL On State Prop. 39**

### **Where's the money and the oversight?**

Proposition 39, also known as the California Clean Energy Jobs Act, isn't producing many jobs. The initiative, which was passed by voters in 2012, closed a tax loophole on multistate corporations. The idea was to create green jobs by funneling the new tax money to schools for energy-efficiency projects. The state legislature said that the initiative would create more than 11,000 jobs per year.

Three years in, the measure has created ... 1,700 jobs.

A spokesperson for the state energy commission, which oversees Proposition 39 spending, admitted that the job numbers have been disappointing. "But keep in mind that we're still in the early stages of the program," said spokesperson Albert Lundeen.

There are a variety of ideas about why the job numbers have been so tepid, from the fact that many school districts are still doing project planning to the fact that nearly half of the approved projects have been lighting retrofits, which aren't labor-intensive to install.

But excuses aside, there's still a huge difference between 11,000 and 1,700.

There are other problems, too.

The board created to oversee the proposition's progress and submit annual reports to the state Legislature hasn't even met once.

When pressed about the lack of a board meeting, Lundeen said "We would agree that it's important part of the program and they will be meeting sometime in the future." He could not provide us with a date.

The Legislature needs to lean on this board by demanding its annual reports. An accountability board that doesn't meet is more than just an oversight — it's bad governance.

Also of concern? More than half of the money that is coming in from Proposition 39 (and the number, unsurprisingly, is less than anticipated) has gone to consultants and energy auditors. But the voters were promised green jobs and clean energy projects in their local schools.

We understand that voter initiatives often fail to live up to their potential.

But three years into Proposition 39, California deserves better than this.

There's no acceptable excuse for an oversight board that isn't meeting. There's no reason why most of the money that is coming in should be going to middlemen instead of the projects that the voters approved. It's time for the state Legislature to step up and demand answers.

Regarding that article, one main reason that a bunch of the money has been going to energy auditors, is because they do the audits, show the school people how bad the financial returns are doing retrofits with the existing Title 24, and the retrofits are often not done.

It is my understanding that a majority of the school lighting retrofit projects that have been done are with TLEDs using existing ballasts, because that does not trigger Title 24. That is a shame, because there are usually much better lighting retrofit solutions, but they are often not cost effective with the low annual operating hours of most schools and paying for the Title 24 permit process.

Although the CEC attempted to be 'gracious' in the current 15-day language, not requiring occupancy sensors in rooms with less than three lighting fixtures, occupancy sensors are often not cost effective saving energy in offices with four or more fixtures and even in classrooms that have many more fixtures, where teachers and/or energy cop students do a great job manually turning lights off when they leave. As I mentioned numerous times before, annual hours of operation can increase with occupancy sensors, because of the automatic 10 – 15 minute delay. Why is the CEC mandating controls, which can increase energy use? The free market is much better suited to decide when controls are cost effective or not.

The CEC should be listening to Dr. Robert Karlicek at Rensselaer Polytechnic Institute's Smart Lighting Engineering Research Center, real retrofitters and end-customers, such as Stanford University, instead of big labor, regular electric contractors, who do very little retrofitting, dimming and control manufacturers, who want to increase sales, and Jim Benya, who is one of the main reasons the existing Title 24 has so many dimming and control mandates.

Dr. Karlicek, real retrofitters and many end-customers have repeatedly stated that lighting controls are often not cost effective saving energy with LED products. They can back it with real numbers. Maybe controls can be cost effective saving energy with 1.0 WSF, but most projects are getting down below .5 WSF and even below .4 WSF, where there is just not enough energy left for controls to be cost effective.

**With the current Title 24 and even the not very good current 15-day language, and Prop 39, why should anybody give any credence to the CEC?**

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For those not already aware, earlier this month the IBEW cancelled the light fixture maintenance (LFM) labor classification in Northern California. This is so important for both union and prevailing wage lighting retrofit projects. California public sector projects, including K12 schools, colleges, towns, counties and state agencies require prevailing wages, which are based on the local union labor classifications and hourly wages. The bundled hourly rate for LFM was about \$35, which allowed many retrofit projects to be cost effective. But without LFM, the main labor category is inside wireman or journeyman, which the bundled hourly rate is about \$85, which is way too high for the majority of lighting retrofit projects to be cost effective, especially in elementary schools with very low annual hours of operation and projects with diminishing returns, which is fairly efficient existing lighting, so the annual savings and financial return will not be very good from a retrofit.

A high hourly wage is good for workers, only if they are working.

I am working on a county project that I specified the previous lighting retrofit eight years ago, so it is already quite efficient, and the annual hours of operation are only about 3000 in most of the buildings, based on time clocks. With that, Title 24 and no LFM, the main retrofit may have to be TLEDs with existing ballasts, because the parts cost is low and installation time is fast. It is a pity, because there are so many better lighting retrofit solutions.

**With LFM cancelled, Title 24 should not include any costs or restrictions to lighting retrofitters.**

Hopefully the State of California can untie prevailing wages from the union in the future.

On non-union and non-prevailing wage job, retrofitter installers may make \$20 - \$30 per hour, which provides decent jobs, and allows many more lighting retrofit projects to be cost effective, approved and installed, which saves a lot of energy, if Title 24 was much more lighting retrofit friendly.

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Neil Miller, former CEO of American Lighting in San Diego, got so frustrated with Title 24 that he just quit the company he built.

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You can email or call me at 10 AM or later Pacific Time during daylight savings time, which is 7 AM or later here in Hawaii. Thanks for your consideration.

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P.S. With what the CEC has been promoting, it is important to be aware of what Jon Stewart stated on his last Daily Show about three different kinds of bull\*\*\*\* and vigilance.

<http://thedailyshow.cc.com/videos/ss6u07/uncensored---three-different-kinds-of-bulls--t>