



Home Energy Rating System Order Instituting Informational Proceeding Webinar

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Efficiency Division

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Purpose of Webinar

- Introduce staff and scope of effort:
 - *Scope of current OII is field verification & diagnostic testing only. *Whole House is expected to begin later this year.*
- Talk about procedural process, timeline, and activities.
- Stakeholder discussion: Issues relating to HERS Field Verification & Diagnostic Testing (FV/DT).
- The process for submitting comments.
- Q & A



Welcome

Staff Introductions:

- Rachel MacDonald, Lead
- Tav Commins, Technical Support
- Courtney Ward, Technical Support

Fundamentals

- Transparency, public participation, expectations





Background: Historical

AUTHORITY: Public Resources Code (PRC) Section 25942 directs the Energy Commission to adopt a statewide California Home Energy Rating System (HERS) Program for residential dwellings.

- HERS regulations for field verification and diagnostic testing (FV/DT) to demonstrate compliance with Title 24, Part 6, Building Energy Efficiency Standards were adopted in 1999, and revised in 2009 to include Whole-House home energy ratings.
- California Code of Regulations Title 20: The HERS Regulations provide the basic program operating framework including:
 - Training and certification procedures
 - Quality assurance procedures
 - Data collection, reporting and maintenance requirements



Intent of HERS FV/DT

- Protect homeowners against poorly constructed and performing HVAC installations.
- Ensure that HVAC installations are operating to meet Title 24 measures via field verification and diagnostic testing.





The Procedural Process

The Energy Commission conducts an Order Instituting Informational Proceeding or “OI” so that stakeholders and the public may participate in the process to collect the information necessary to identify potential procedures and other actions that would lead to improvement or change.





Here and Now: The OII

- All activities within the OII are public and part of developing a robust record. This includes:
 - Meetings & notices
 - Comments
 - Memos & documents developed

The OII helps prepare for formal Order Instituting Rulemaking (OIR).



Next up: The OIR

The OIR “Rulemaking” is designed to provide the public with a meaningful opportunity to participate in the adoption of regulations.

The OIR will:

- be concluded within 12 months.
- be fully transparent and open to public participation including;
 - Public workshop
 - Comment period(s)
 - Creating a record for public and judicial review
- **Result in new regulations!**



HERS OII efforts to date

- HERS OII 12-1114-6 started in 2012 to improve the HERS program:
 - March 2013 Public Workshop held to identify key issues asked/discussed specific topics relating to FV/DT.
 - Public comments were received and docketed to the record.
- ALL OII activities and comments are publicly accessible.

This Webinar is to reinvigorate the OII and begin moving towards Rulemaking.



Oil Moving Forward: Approach

1. From this Webinar: Solicit new comments (written please) for the record.
2. May 12th Public Workshop to prioritize issues.
3. Consider content on the existing record.
4. Use the record to prioritize issues and develop a draft regulations document.





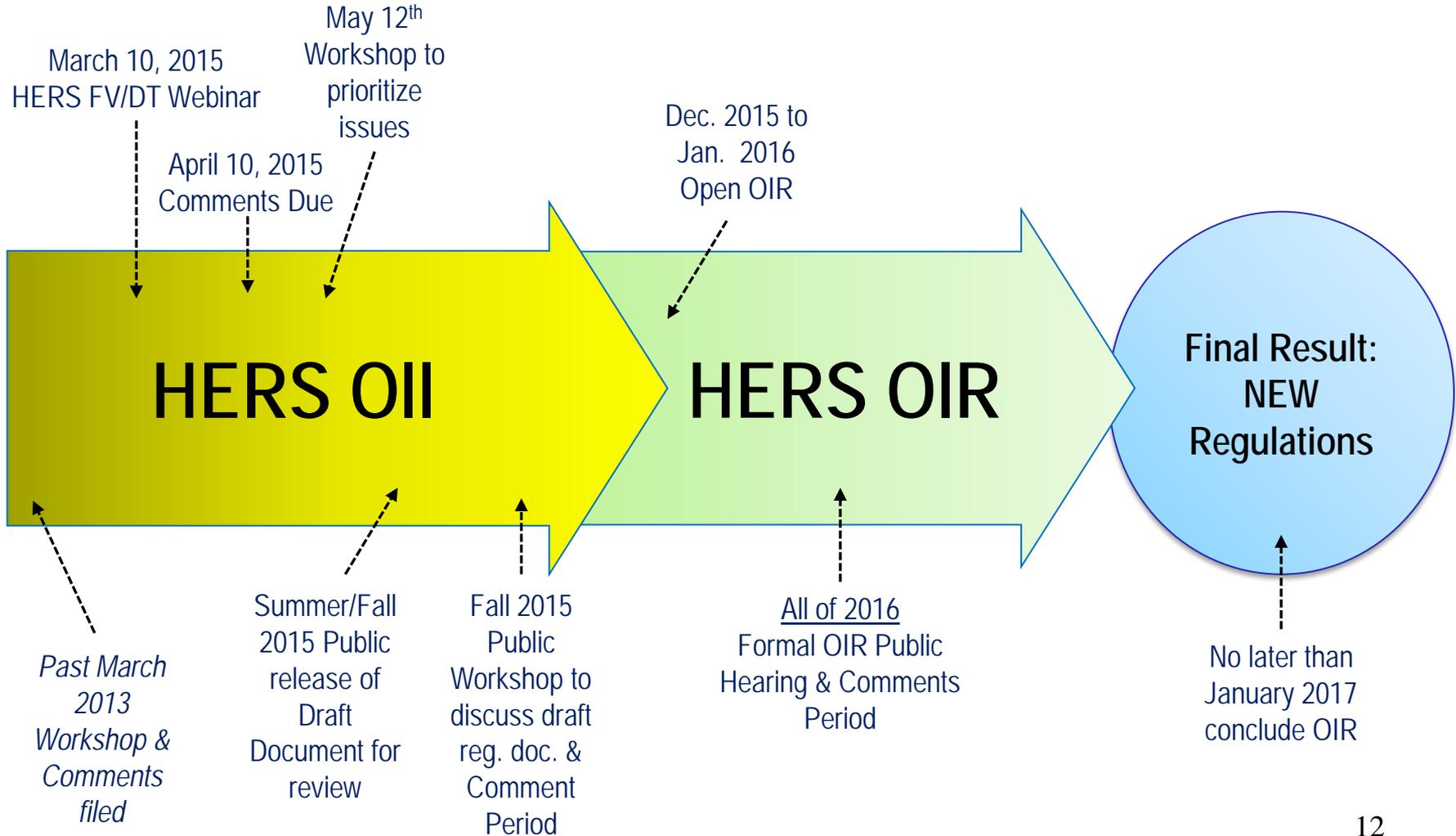
Timeline for Oil Draft Regulation Document

- Public Comments are due **April 10, 2015**.
- **May 12, 2015** Public Workshop to prioritize issues.
- Through **Summer 2015** Staff will work with legal to develop *draft* regulations based on the OII record.
- **Summer/Fall 2015** Publicly post *draft* regulation document.
- **Fall 2015** – Hold public workshop to discuss *draft* regulations document & solicit comments.





Visual of Planned Process





Past Oil Issues Identified

- Provider Quality Assurance (QA) Programs
- HERS Rater Disciplinary Process
- HERS Rater Companies
- Conflict of Interest
- Permissible HERS Provider Certification Categories
- ***NEW ISSUE*** Energy Commission Oversight of Providers





Before we continue...

The following slides cover questions posed during the March 2013 Workshop along with a few new questions.

Staff is looking to:

- Identify if these questions are still relevant or have they changed?
 - If they have changed, how?
- What additional questions/issues do you have relating to FV/DT?

We need participants to provide written comments for the record:

- Participants are not required to comment on all of the issues, please provide comments on how you envision improving HERS in relation to FV/DT.
- Select questions that you would like to comment on or pose new questions/identify issues.



Provider QA Programs

March 2013 Workshop Questions posed:

- How do the QA requirements impact the Providers business model?
- What changes should be made to the current QA requirements?
- How should QA be used in the development and training of Raters?
- Would requiring Continuing Education Credits keep Raters informed as to the latest techniques and requirements?
- How can the QA program be leveraged so that a Rater's re-certification depends on meeting QA requirements?
- How would an independent third-party Quality Assurance company help HERS Providers meet the required QA goals and allow Providers to focus on their core business?

Further statements/questions identified by staff:

- Communication to the Rating community needs to improve.
- Should home owners be notified of QA failure?
- QA potential as an educational tool benefits rater and homeowner.



HERS Rater Disciplinary Process

March 2013 Workshop Questions posed:

- What is the Providers' current progressive disciplinary process?
 - If any, what are the consequences for each violation?
- Should decertification of a Rater by one provider limit that Rater's ability to become certified with another HERS Provider?
- Should a HERS Rater decertification by one HERS Provider result in their decertification by all other HERS Providers where they may already have a certification?
- Should the disciplinary decision be overseen by an independent group?
 - If so, how should this group be constituted and how should it function?

Further statements/questions identified by staff:

- Disciplinary process should be more clearly defined by Energy Commission.
- Should the Energy Commission seek to develop Rater disciplinary processes for Providers to adhere to?
- What steps or processes occur by providers for decertification?



HERS Rater Companies

March 2013 Workshop Questions posed:

- Should the owner/operator of a Rater Company be required to be a certified HERS Rater in good standing?
 - If so, should the regulations require the owner/operator to have additional certification and training?
 - If so, what should that training consist of?
- Should corrective action taken against one Rater be applied to all Raters of a Rater Company?
- Should individuals (not Raters) entering compliance document data into a HERS Registry need to be certified to do so?

Further statements/issues identified by staff:

- Need for better Rater company oversight.



Conflict of Interest

March 2013 Workshop Questions posed:

- Should the Regulations prohibit Raters from performing HERS verification on homes for which they were the energy consultant?
- Should Providers be prohibited from accepting compliance documentation or rating data for work performed on homes where the Provider manages the above-code rating system?
- Should Providers be prohibited from accepting compliance documentation or rating data for work in which an affiliate company has prepared or conducted the analyses for the compliance documentation?
- Should Contractors or their affiliates be prohibited from performing ratings on projects where they have installed energy efficiency measures?

Further statements/issues identified by staff:

- Need for uniformity of conflict of interest practice amongst providers.
- May Raters provide other services? Example Permit Pulling.
- May Raters sell products separately that potentially could have been used in projects they perform FV/DT on?



Permissible HERS Provider Certification Categories

March 2013 Workshop Questions posed:

- Should HERS Providers be required to get certifications for all of the categories of Field Verification and Diagnostic Testing?
- Should Providers be approved for only one segment of the market? (Alterations, Newly-constructed Buildings, Whole-House HERS, BPC, NSHP, etc.)
- How does segmenting the HERS industry impact consumers?
- Should it be ensured that all aspects of Title 24 compliance are being offered by one or more providers?



Energy Commission Oversight of Providers

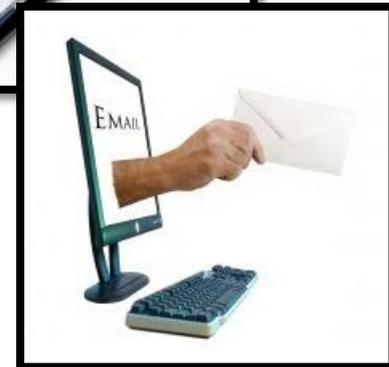
- **Further statements/issues identified by staff:**
 - Should Energy Commission develop uniform language for Provider training material, processes, etc.?
 - What types of penalties or reprimands might Providers receive for failure to comply with stated regulations?
 - Other? What other measures should be considered to improve consistency and uniformity between Providers?
 - Should the Energy Commission lower QA? To what level?
 - Should Providers be required to provide QA within a certain timeframe i.e. 30, 45, or 60 days?
 - Should Rater certification numbers/information be publicly available? i.e. a business license or similar?



Comments Due April 10, 2015

- Please keep comments within scope:
 - Issues relating to FV/DT
- Please include “12-HERS-1 and include HERS OII” Send via:
 - Email docket@energy.ca.gov
 - Paper copy

Energy Commission
Dockets Office, MS-4
RE: Docket No. 12-HERS-1
1516 Ninth Street
Sacramento, CA 95814-5512





A comment about comments

Helpful Hints for submitting comments:

- **Who:** Who does this impact? *Rater, provider, the homeowner?*
- **What:** What exactly do you want to change? *Be specific please.*
- **When:** When should these changes occur (timing)?
- **Where:** Are these statewide or regional? *Specify if applicable.*
- **Why:** Why should the regulation be changed? *Reasoning, examples.*
- **How:** How do we implement the changes? How might the changes look? *Feel free to include proposed language.*





More tips for helpful comments

- Point towards other programs, regulations/rules, studies or facts to support your position.
- Identify pro's and con's.
- Fees/Costs:
 - Indicate if there are fees or costs incurred as a result of the proposed change
 - Increased/decreased cost for new equipment/process?
 - Cost passed to others, i.e. home owner, builder?
 - Is there an alternative to avoid or save cost?



Next Steps for Stakeholders

- 30 days comment period. Comments Due April 10.
 - Contact staff if you have questions. We are here to help you!
- Staff Workshop May 12th, 2015.
- All future activities, including workshops and webinars, will be noticed through the Building Standards listserv.
- Be sure to be subscribed to the Building Standards listserv for latest announcements & activities.





Future Planning

- Ongoing Maintenance of HERS program including:
 - Consideration of more frequent Rulemaking/coordination with other Rulemakings.
 - Better communication with Providers and Raters.
 - Better communication with the public i.e. outreach and education.





Questions & Comments

Questions? Note to commenting participants:

- Please keep your comments under three minutes.
- Please submit your comments in writing too!





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Links to webpages & docs

- **Official OII 12-1114-6 notice:** http://www.energy.ca.gov/HERS/12-HERS-01/documents/2012-10-31_OII_12-HERS-01.pdf
- **Notices, Orders, and Documents for the OII (scroll down for filed Public Comments):** <http://www.energy.ca.gov/HERS/12-HERS-01/documents/>
- **March 6, 2013 Workshop Notice with Questions (PDF):** http://www.energy.ca.gov/HERS/12-HERS-01/documents/2013-03-06_workshop/2013-03-06_workshop_notice.pdf
- **Transcript from March 6, 2013 Workshop:** http://www.energy.ca.gov/HERS/12-HERS-01/documents/2013-03-06_workshop/2013-03-06_transcript.pdf
- **2008 Regulations:** <http://www.energy.ca.gov/HERS/documents/regulations.html>



Listserv & other info

- **Subscribe to listserv to receive HERS announcements:**
<http://www.energy.ca.gov/listservers/> select
“BuildingStandards” Building Energy Efficiency Standards.
Note: You will receive an email back within 24 hours and you must confirm by clicking on the link within, or you will not be subscribed.
- **March 10, 2015 Webinar Notice: Includes instructions for written comments:** http://www.energy.ca.gov/HERS/12-HERS-01/documents/2015-03-10_meeting/2015-03-10_meeting_notice.pdf