

From: Martin Kleinbard [<mailto:martin@mammothsierreelectric.com>]
Sent: Monday, December 09, 2013 9:50 AM
To: Energy - Public Adviser's Office
Subject: December 11 Business Meeting CEC

December 9 2013
Re: December 11 2013 Meeting.
To: California Energy Commission

I am writing today to the California Energy Commission because of the upcoming Title 24 Energy code January 1 adoption and possible implementation Delay.

I am a licensed Electrical contractor and also a Board member of the High Sierra Energy Foundation (HSEF). The HSEF provides community benefit in energy saving outreach and programs. I can say I promote energy savings.

First off I feel as a industry professional that this code cycle has some of the most stringent codes yet to date. Some of which I ,as well as my colleagues feel are draconian and just too far reaching rules for enforcement. I want to express my concerns and my issues. Also I realize how we got here today. I believe a lot has to do with the lack of compliance and enforcement at the local level. What I have issue here is that enforcement continues to be held against the Installing licensed contractor and not Building officials , Architects , Engineers or Owners of the project.

I would hope the CEC realize that the Owners pay us as contractors to do a job. The Owners want what they want. If the contractor wants the job he has to do what he is told by the owner or face not working. The owners do not look at violating the energy code as some must do safety item but as a who cares I want what I want issue.

Local Building dept's across the State have refused to enforce the laws as they don't want to upset the owner and stifle construction. This mindset perpetuates the lack of compliance. I know this to be true as I live it every day. I have personally complained to the local and State agencies in order to get the Authority Having Jurisdiction (AHJ) to enforce the codes which they would not. I have gotten nowhere, although now we now have much more strict laws against the Contractor who fail to comply.

What is really needed is equal enforcement against all those involved in the project. If the CEC is going to hold the Contractor to the fire, The CEC needs to do the same with the local building inspectors , owners and Architects as well. The Local Building inspector should be in fear loosing his job or certification just as the Contractor who face's disciplinary action for not following the code. Contractors don't just go out an violate the energy code because they choose to do so. They do so because of the person holding the purse strings. I myself turned down about 18 kitchen remodel projects last year because the owners did not want to comply with the energy codes The local AHJ refused to even look at the filled out CFRLTG forms at the time of Final inspection. I suffered great financial harm over the years because of this lack of enforcement. Why should a Owner hire me and have to install all the mandatory measure when another contractor will not comply and the Building department AHJ will approve what ever the customer wants. This year was similar. This is not sustainable. As in all those instances someone

else performed the non-compliant work. As long as the CEC does not enforce compliance at the Local level AHJ compliance will remain a problem and the playfield will not be level against competitors.

Now to the point of the Delay of the implementation of the Code.

It is my understanding that the CEC has authorized the CALTCP to handle training and certification of Acceptance Training Contractors and Technicians. At this time there are few opportunities for classes and training for the non-Union contractor -worker. This will make it very difficult to comply by the Jan. 1 deadline. I am for training and education but it needs to be accessible and at a reasonable cost.

Secondly it is my understanding that CALTCP or any other similar entity must provide for Quality Assurance (QA). This policy is not yet written although I have heard of some proposals. One proposal that I have heard is " every job will be placed into a hat and those randomly chosen will be subject to either a paper Audit of about \$200.000 or a physical site Audit of about \$400.00 minimum. This can be very disparaging to the contractor. I have spoken What does not seem to be considered is the following.

- Who is to pay for this Audit as the job has been completed many months ago. Good luck trying to collect from the owner of the Project.
- Once a contractor leaves the jobsite they have no control as to what the owner will do or what the owner may break and not repair.
- What if the owner refuses to submit to the Audit, The contractor cannot force his way onto the site for the inspection. Nor can the CALTCP do so. Once a project has been finald that inspection is over.
- If the contractor refuses to pay for the Audit because the owner will not reimburse the contractor what next? Why should the contractor have to absorb the cost.
- What happens if the project fails the Audit. Who is to blame. The contractor will say it complied when he last worked the project. The contractor has no control once the project gets a Final inspection and leaves the premises.
- So once again A State agency wishes to penalize the contractor that has little control over the project when looking at the project as a whole.

I Respectfully submit the preceding for your consideration.

Best Regards

Martin Kleinbard

Mammoth Sierra Electric Ca. Lic # 783049

Ph/fax 760-934-6977 Cell 760-709-1830