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Commissioner Jackalyne Pfannenstiel
Commissioner Arthur H. Rosenfeld, Ph.D.
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

Re: 2008 Energy Standards 45-day Language

Dear Commissioners Pfannenstiel and Rosenfeld,

The California Building Officials (CALBO) Energy Committee reviewed the 45-day language for the 2008 energy standards and has the following comments:

CALBO Comment #1

Within the proposed 45-day language portions of §10-103 have been substantially rewritten. The initial rewrite on several sections appeared to focus on requiring the building department to collect all of the installation and acceptance forms. The current rewrite still specifies that the building department collect forms with an option that the building department verifies that the forms have been submitted to a HERS provider. The cost of setting up a database for several different HERS providers will be costly and possibly cumbersome. CALBO believes that mandatory collection of forms by the building department is not necessary and that the money that will be necessary to support a database will be better spent on training for construction and inspection personnel. CALBO proposes the following language for the Installation Certificate, Certificate of Acceptance, and Certificates of Field Verification and Diagnostic Testing.

§10-103(a)3.A. should be rewritten as follows:

Installation Certificate. For all low-rise residential buildings, The person with overall responsibility for construction or the person or persons responsible for the installation of regulated manufactured devices shall post, or make available with the building permit(s) issued for the building, the Installation Certificate(s) for manufactured devices regulated by the Appliance Efficiency Regulations or Part 6.

Such Installation Certificate(s) shall be made available to the enforcement agency for all appropriate inspections. If construction on any portion of the building subject to Part 6 will be impossible to inspect because of subsequent construction, the enforcement agency may require the Installation Certificate(s) to be posted upon completion of that portion. A copy of the Installation Certificate(s) shall be included with the documentation the builder provides to the building owner at occupancy as specified in section 10-103(b).

§10-103(a)3.B. should be rewritten as follows:

Certificate of Acceptance. For all new nonresidential buildings, high-rise residential buildings and hotels and motels designated to allow use of an occupancy group or type regulated by Part 6, the applicant shall make available to the enforcement agency, prior to final inspection, a copy of the Certificate(s) of Acceptance. A copy of the Certificate(s) of Acceptance shall be posted, or made available with the building permit(s) issued for the building. If construction on any portion of the building subject to Part 6 will be impossible to inspect because of subsequent construction, the enforcement agency may require the Certificate(s) of Acceptance to be posted upon completion of that portion. A copy of Certificate(s) of Acceptance shall be included with the documentation the builder provides to the building owner at occupancy as specified in section 10-103(b).

§10-103(a)5. should be rewritten as follows:

Certificate of Field Verification and Diagnostic Testing. For buildings that have used a compliance option that requires field verification and diagnostic testing, the building department shall not approve the final inspection until the building department has reviewed the Certificate of Field Verification and Diagnostic Testing that has been signed by an approved agency. A copy of the Certificate(s) of Field Verification and Diagnostic Testing shall be posted, or made available with the building permit(s) issued for the building, and shall be made available to the enforcement agency for all appropriate inspections. If construction on any portion of the building subject to Part 6 will be impossible to inspect because of subsequent construction, the enforcement agency may require the Certificate(s) of Field Verification and Diagnostic Testing to be posted upon completion of that portion. A copy of the Certificate(s) of Field Verification and Diagnostic Testing shall be included with the documentation the builder provides to the building owner at occupancy as specified in section 10-103(b).

§10-103(d)2. should be rewritten as follows:

Inspection. The enforcement agency shall inspect new construction to determine whether it is consistent with the agency's approved plans and specifications, and complies with Part 6. Final occupancy permits shall not be issued until such consistency is verified. For Occupancy Group R-3, final inspection shall not be complete until such consistency is verified.

Such verification shall include determining that all installed manufactured devices, regulated by the Appliance Efficiency Regulations or Part 6, are indicated on the Installation Certificate(s) and Certificate(s) of Acceptance, and are consistent with approved plans. The certificate(s) shall include information specified in Section 10-103 (a) (3) (A).

For buildings that have used a compliance option that requires field verification and diagnostic testing, the building department shall not approve the building until the building department has received a Certificate of Field Verification and Diagnostic Testing that has been signed and dated by the HERS Rater

EXCEPTION to Section 10-103(d): For newly constructed buildings that meet the requirements of the New Solar Homes Partnership (NSHP) as specified in the NSHP Guidebook, the enforcement agency may waive the plan check and inspection of all measures other than the mandatory measures in the building.

CALBO Comment #2

§10-103(b) 2.states in part; “The instructions shall be consistent with specifications set forth by the Executive Director. Where in the standards will these specifications be found?

CALBO Comment #3

§10-150(o): Mandatory mechanical ventilation requirements for new single family homes should not be included in the 2008 standards because residential HVAC systems that can effectively incorporate outside air are not available. Specific design and installation guidelines must be provided before this requirement is added to the standards.

CALBO Comment #4

A searchable/downloadable/hyperlinked Web version of the manuals (with optional CD version) must be developed to help construction and enforcement personnel find specific energy standard provisions.

CALBO Comment #5

All Enforcement Agency Requirements must be placed in §10-103(d). If a contractor or building official wants to know specific code requirements they will look in this section, nowhere else.

CALBO Comment #6

In general an effort must be made to simplify the standards. Wherever possible contractors, developers, and installers should be provided with a “cookbook” method for energy standard compliance.

CALBO supports CEC efforts to reducing energy use in California. Clear and concise energy standards will allow building officials throughout the state to help the CEC achieve mandated energy savings. If you have any questions please contact Tom Garcia, CALBO Energy Committee Chair, at 707-428-7444, tgarcia@ci.fairfield.ca.us.

Thank you for considering CALBO's comments.

A handwritten signature in cursive script that reads "Gene Paolini". The signature is written in black ink and extends across the width of the page.

Gene Paolini, CBO