

DOCKETED

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On 2016 Lighting Alteration Subchapters of the Nonresidential Compliance Manual and Documents

Additional submitted attachment is included below.

POLITICO GROUP

March 14, 2016

California Energy Commission
Dockets Office, MS-4
Re: Docket No. 16-BSTD-05
1516 Ninth Street
Sacramento, CA 95814-5512
Docket@energy.ca.gov

Re: Docket No. 16-BSTD-05

Dear Commissioners and Staff:

The California Chapters of the National Electrical Contractors Association (NECA) respectfully submit the following comments on the 2016 Lighting Alteration Subchapters of the Nonresidential Compliance Manual and Documents. NECA represents over a 1,000 contractors who hire over 30,000 electricians in California to install lighting systems throughout the State.

After review of the Lighting Alteration Subchapters, we are disappointed to find that the proposed changes to the 2016 Nonresidential Compliance Manual fail to provide a reliable compliance verification mechanism for lighting alterations and modifications and allow building and lighting design professionals, architects, and/or contractors to self-certify that the project meets all compliance requirements.

During the 2016 Title 24 code update, the California Energy Commission (CEC) approved an amendment to the California Energy Code that exempted non-residential lighting alteration or modification projects from the requirement to install advanced lighting controls (i.e. multi-level controls, daylighting controls and automated demand response controls) if the alteration or modification reduced the lighting system's overall power consumption of 50% for retail, commercial or office occupancies, or 35% for all other occupancies (the "35/50% compliance pathway").

NECA and other stakeholders raised objections to the adoption of the new 35/50% compliance pathway because of concerns over enforcement due to its reliance on a comparison with existing conditions that do not fit within current building code enforcements schemes. That is, under the current system inspectors verify that the final product meets the code. In addition, the 35/50% compliance pathway creates inherent enforcement and verification difficulties which is likely to result in widespread fraud and lost energy savings unless reliable verification requirements are imposed. The Commission ultimately approved the new 35/50% compliance pathway over these objections, but committed at the adoption hearing that enforcement concerns would be addressed prior to the effective date of the 2016 Code Update.

Based on this commitment, CEC staff held a workshop on enforcement of the 2016 non-residential alteration and modification standards on February 9, 2016. NECA participated in the workshop and subsequently submitted comments to staff to reinforce the fact that, without reliable verification, we know that there will be widespread

misrepresentation of the power consumption of existing systems in order to claim to have met the 35% or 50% thresholds.

Integral to any enforcement of the new 35/50% compliance pathway is verification of the power consumption of the original lighting system. At the February 9th workshop a number of local building inspectors testified that inspections of lighting systems take place after rough installation has been finished and the original lighting components are already gone, making it impossible to confirm that the new lighting system actually reduced power consumption by 35% or 50%. They further went on to state that reliable verification of the 35/50% pathway requires visual inspection of the existing baseline conditions before the lighting components are altered or modified.

By creating a code requirement that relies on verification of existing conditions, the Commission has created an enforcement gap that is ripe for fraud. NECA strongly believes that the verification of the 35/50% pathway requirements should be conducted by making use of the Commission's existing certified acceptance tester process. Acceptance test technicians should provide pre- and post- installation inspections, verify the manufacturer power consumption specifications, and verify the power savings calculations.

Since a requirement to use certified acceptance testers has already been adopted to verify the compliance of alterations and modifications with Title 24 lighting control requirements, it makes sense to use that same enforcement mechanisms to validate compliance with the reduced power pathway requirements. The use of an acceptance test requirement would be consistent with current compliance and enforcement practices and would provide verification in a form already relied upon and accepted by building departments.

In conclusion, effective and reliable verification is critical to meeting the State's energy efficiency and greenhouse gas reduction goals and is essential to NECA contractors. Without such verification, they will continue to lose jobs to contractors who cheat the system by offering customers lower prices by evading code requirements. We would urge the Commission to adopt a new acceptance test requirement as an addendum related to enforcement of the 2016 Title 24 California Building Standards Code and to include those requirements as part of the Lighting Alterations Subchapters of the 2016 Nonresidential Compliance Manual.

Thank you for the opportunity to comment on the proposed changes to the 2016 Nonresidential Compliance Manual.

Sincerely,



Eddie Bernacchi
Legislative and Regulatory Advocate

cc: Governor Edmund G. "Jerry" Brown Jr.
Senate President pro Tempore Kevin De Leon
Assembly Speaker Anthony Rendon