



CEESP Goal 1: Compliance Committee (2015 SMART Goal 6)
Teleconference Summary Minutes
Thursday, November 12, 2015
8:30am – 9:30am PST

Call to Order

Committee Chair Bob Barks (CALBO) called the scheduled 60 minute meeting to order at 8:32 a.m. PDT. The meeting was recorded for note purposes.

Roll Call

There was a quorum (7 or more voting members or proxies) with 11 voting members in attendance. Wendy Worrell (WHPA Staff) captured attendance of the following 39 participants (or proxies) based on attendance report documentation.

P = Present at meeting
A = Absent voting member; if proxy has been assigned it will be noted below.
* = Absent voting member with vote given in advance on selected items—see body of minutes for details

Organization	First Name	Last Name	WHPA Category	Attendance
Voting Members				
Brody Pennell Heating, Air Conditioning and Electrical Contractors	Michael	Carson	Contractor (Residential)	P
CALBO (California Building Officials)	Bob	Barks	Codes & Standards (Association or Jurisdiction)	P (Chair)
CalCERTS, Inc.	Michael	Bachand	Certifying Body	P
CEC (California Energy Commission)	Eurlyne	Geiszler	Government (Other than CPUC)	P
CHEERS (ConSol)	Mike	Hodgson	Certifying Body	P via Proxy (Bob Johnson)
CSE (Center for Sustainable Energy)	Lindsey	Hawes	Energy Efficiency Program Consultant	A
CSE (Center for Sustainable Energy)	Marissa	Spata	Energy Efficiency Program Consultant	P
Enalaysys	Eric	Taylor	Third Party Quality Assurance Providers	P
Energy CA LLC, The	Eric	Berault	Third Party Quality Assurance Providers	P
Goodman Manufacturing	Aniruddh	Roy	HVAC Manufacturer	P
HARDI (Heating, Airconditioning & Refrigeration Distributors International)	Jon	Melchi	Distributor Association	P via Proxy (Talbot Gee)
HVACRedu.net	Chris	Compton	Educator, Trainer	A
HVACRedu.net (It's About Q)	Jeff	Taylor	Educator, Trainer	A
IHACI (Institute of Heating and Air Conditioning Industries)	Bob	Wiseman	Contractor Association	A
JCEEP (Joint Committee on Energy and Environmental Policy) (also with SMWIA #104 and on CSLB Board)	David	Dias	Organized Labor	P (last 30 min)
SMUD (Sacramento Municipal Utility District)	Ravi	Patel	Public Owned Utility	A
Villara Buildings Systems (formerly Beutler Corporation)	Rick	Wylie	Contractor (Residential)	A
Non-Voting Members				
AHRI (Air-Conditioning, Heating, and Refrigeration Institute)	Warren	Lupson	HVAC Manufacturer Association	P
CALBO (California Building Officials)	Mark	Meyers	Codes & Standard Official (Association or Jurisdiction)	P
Carrier Corporation	Richard "Dick"	Lord	HVAC Manufacturer	P
CEC (California Energy Commission)	Heriberto	Rosales	Government (Other than CPUC)	P
CLEARresult (formerly CSG)	Michael	Withers	Energy Efficiency Program Consultant	P
CPUC (California Public Utilities Commission)	Paula	Gruending	California PUC	P
CPUC (California Public Utilities Commission)	Lola	Ogunlami	California PUC	P
Duct Testers	Dave	Hegarty	Other Stakeholder	P
Enalaysys	Brent	Locke	Third Party Quality Assurance Providers	P
Honeywell Smart Grid Systems	Steve	Varnum	Energy Efficiency Program Consultant	P
HARDI (Heating, Airconditioning & Refrigeration Distributors International)	Talbot	Gee	Distributor Association	P
PHCC (Plumbing-Heating-Cooling Contractors National Association)	Charles	White	Contractor Association	P
SCE (Southern California Edison)	Lori	Atwater	California IOU	P
SDG&E (San Diego Gas & Electric)	Collin	Smith	California IOU	P
SoCalGas (Southern California Gas Company)	Harvey	Bringas	California IOU	P
SoCalGas (Southern California Gas Company)	Gary D	Johnson	California IOU	P
USERA (US Energy Raters Association)	Greg	Davis	Third Party Quality Assurance Providers	P
Invited Guests				
CEC (California Energy Commission)	David	Ismailyan +	Government (Other than CPUC)	P
CEC (California Energy Commission)	Thomas	Trimberger +	Government (Other than CPUC)	P
CHEERS	Bob	Johnson +	Certifying Body	P
CSLB (Contractor State Licensing Board)	Marvena	Harris +	Government (Other than CPUC)	P



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Energy Cloud Inc./GreenNet **	John	Carrier +	Other Stakeholder	P
Goodman Manufacturing	Don	Dodd	HVAC Manufacturer	P (NEW)
HVAC Excellence	Tom	Meyer +	Certifying Body	P (New)
Trane (represented by Political Solutions)	Margo	Parks +	HVAC Manufacturer	P
USERA (US Energy Raters Association)	Alex	Trochez +	Third Party Quality Assurance Providers	P
WHPA Staff				
CLEARresult	Paul	Kyllo	Other Stakeholder	P (speaker)
InfoPlast	Wendy	Worrell	Other Stakeholder	P (Scribe)

** Organization is Not a Member of the WHPA; + Individual is NOT Registered with the WHPA; (P) = Member Organization is Pending Approval from the WHPA Executive Committee.

AGENDA

The following agenda was distributed to the WHPA Compliance Committee roster prior to the meeting.

- 1) **Roll Call** – WHPA Staff (Wendy Worrell) – 5 min
- 2) **Approval of Prior Meeting Minutes** – Chair (Bob Barks, CALBO) – 1 min
 - a) October 8, 2015
 - b) September 10, 2015
- 3) **WHPA In-Person Leadership Meeting Update** – Chair (Bob Barks, CALBO) - 5 min
- 4) **2015 WHPA Compliance Committee SMART Goal 6 Consolidated Work Review** – Chair (Bob Barks, CALBO)/WHPA Staff (Paul Kyllo) – 40 min
 - a) *Reference Document: “Online Permitting for Residential HVAC Installations - An Industry Roadmap” Draft*
- 5) **SMART Goal 6 Milestone Next Steps** – Chair (Bob Barks, CALBO) – 10 min
 - a) List of Jurisdictions with Permitting Systems
 - b) Costs of Existing Systems and Extrapolation for Statewide Rollout
 - c) List of Possible Financing Methods
 - d) List of Communication and Distribution Channels for Dissemination and Marketing to Stakeholders
- 6) **Meeting Next Steps** – Chair (Bob Barks, CALBO) - 4 min
 - a) Next Meeting Agenda: Finalization of Year End Work Product
 - b) Next Meeting: Thursday, December 10th from 8:30am – 9:30am PST

Approval of Prior Meeting Minutes

The Draft October 8, 2015 and September 10, 2015 meeting minutes were distributed to the roster for review prior to the meeting.

The Chair requested a motion to approve the prior minutes. Mike Carson (Brody Pennell) motioned and Marissa Spata (CSE) seconded the motion. There was no discussion. The motion carried.

ACTION: WHPA Staff to post the October 8, 2015 and September 10, 2015 minutes on the WHPA Compliance Committee web page.

WHPA In-Person Leadership Update

The Chair noted that the WHPA In-Person Leadership meetings held November 4-5, 2015 covered a lot of coming legislation and that there will be workshops in the future related to those. He noted that the CEC will be looking for our guidance on the new laws and to possibly make stakeholder comments at upcoming workshops.

The Chair reported on the following decisions from the November 5, 2015 WHPA Executive Committee Executive Session.

Serial Number Tracking Work Product

The WHPA Executive Committee voted to:

- ▶ Thank “the Compliance Committee that worked so hard on this topic for their time and for the proposed Work Product that was delivered to the EC”; and



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- ▶ “Relate back to the Compliance Committee that Serial Number Tracking is a complex issue that the Compliance Committee and the EC were not able to come to consensus on; therefore, the EC is not adopting the Work Product. No further action is required at this time by the Compliance Committee on the topic of Serial Number Tracking.”

The Chair clarified that Serial Number Tracking has not been tabled and that “we have been asked” not to spend further WHPA resources on that focus.

QUESTION: Eric Taylor (Enalays) questioned how concerned members can continue work if the WHPA Executive Committee cannot come to agreement on something like Serial Number Tracking and the work done.

REPLY: Talbot Gee (HARDI) clarified that the WHPA Executive Committee could not come to agreement as an organization on a next step related to Serial Number Tracking including even publishing the pro – con piece. The EC did appreciate all the time and effort put into the focus, but it was clear that it would not go anywhere outside the EC. That decision does not prevent individual stakeholders from continuing to focus on SNT outside of WHPA.

HVAC Equipment and Contractor Licensing

The WHPA Executive Committee voted for the Compliance Committee “to explore the idea of having HVAC equipment suppliers sell only to licensed contractors as one tool to achieve permit compliance”.

The Chair confirmed that this would be handled by a member supported Working Group at this point but that interested parties for that focus are being sought.

COMMENT: Lori Atwater (SCE) felt this is very important and wanted to know what testing is required for licensing, such as testing on QI, ACCA 5, or “ACCA anything”. She definitely wants to be part of the Working Group and would solicit for members of the CSLB to be part of it as well.

COMMENT: Tom Meyer (HVAC Excellence) would like to participate, but questioned why HVAC purchasing is part of the scope for the Working Group if it was “thrown out” by the WHPA Executive Committee. He does not want to waste time going down the same path as was done for SNT.

RESPONSE: The Chair indicated that we need to focus on the motions as the EC made them, noting that it is still being discussed outside our Committee. The EC recognized that this is a contentious item and that consensus on a white paper is not achievable at this point.

REPLY: Tom Meyer (HVAC Excellence) agrees that a “hard look” at contractor qualification needs to be taken. He noted that compliance is “touchy” because any time you start to enforce compliance there will be contention. He is concerned the work done in this Working Group may also be rejected by the EC and does not want to “spin our wheels”.

COMMENT: Mike Carson (Brody Pennell) felt it was important that distributors do not sell HVAC equipment to non-contractors. He did not feel it was that complex.

CLARIFICATION: The Chair clarified that the EC request was not about contractor certification but rather focused on HVAC equipment only being sold to anyone other than licensed contractors as there was a feeling that anyone could walk into Home Depot or a distributor and buy HVAC equipment with no license requirement for purchase. The request is for us to review the requirement for purchasing HVAC equipment and that it only be done to the licensed person involved with installing the commitment. The Chair encouraged others to form member supported Working Groups to bring information to the Committee about other areas they feel is needed, such as the contractor certification issues raised above, but acknowledged that those additional focuses are not currently part of our task.

COMMENT: Lori Atwater (SCE) confirmed understanding of the scope being asked for and offered to do a case study at Home Depot, etc. to see what kind of equipment she could purchase without a contractor license to determine how easy it may be in the field.

RESPONSE: Talbot Gee (HARDI) elaborated that Home Depot is not the best source for it as they are a marketing arrangement in the area for a two-step channel in which the local contractor buys from the local distributor. The concern is more about someone who buys what he needs to do a job for his neighbor. As part of the WHPA Executive Committee, his understanding was that the focus was on trying to pursue legislative avenues to provide “teeth” to the enforcement agencies and the licensure requirements to make it more substantial. If the agencies had more recourse and avenues for enforcement, compliance could be improved and would be something distributors “could get behind”.



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REPLY: Mark Meyers (CALBO) did not see “enforcement teeth” as an issue for the agencies. He felt the real issue is in finding the non-compliant installations and the limited numbers of inspectors in comparison to the number of installations. Talking with distributors in his area where there is a big issue with non-compliance, compressor bearing or refrigerant bearing equipment is not sold to anyone who does not have the appropriate C20 License or an appropriate A or B License “under the right circumstances” to purchase and install the equipment so he did not see a huge issue of non-licensed people doing installations.

RESPONSE: Mike Carson (Brody Pennell) disagreed with Mark Meyers and confirmed that it is a problem. He suggested going to a wholesale house on a Friday afternoon or on a Saturday when there are “plenty of unlicensed contractors buying equipment or sometimes buying it under someone else’s license”.

REPLY: Dave Hegarty (DuctTesters) countered Mike Carson’s comments noting that “you must have a refrigerant license” and that there is a huge fine for “any supplier who is selling under the table to any non B or C20 without a refrigerant license” He has never seen any contractor risk their license over that. When asked, Dave clarified that he is referring to Section 608 certification.

POST-MEETING COMMENT: Post meeting, Talbot Gee with HARDI provided the reference point link for the above cited [Sec. 608 EPA Certification](#) and clarified that it applies only to HCFC refrigerants currently (R-22, so no R-410). He also noted that it is proposed to change in the next few years but that right now it “absolutely doesn’t apply to the majority of refrigerants being used today.”

GUIDANCE: The Chair felt there was good discussion on this topic, but asked those who have made comments to continue their conversation offline in the formation of a Working Group that could present talking points to the Committee at a future date.

RESPONSE: Tom Trimberger (CEC), Marissa Spata (CSE), Warren Lupson (AHRI), and Bob Johnson (CHEERS) expressed interest in joining the referenced Working Group.

ACTION: WHPA Staff to send contact information to those who spoke or expressed interest in the new HVAC Equipment and Contractor Licensing WG. This includes Lori Atwater (SCE), Tom Meyer (HVAC Excellence), Mike Carson (Brody Pennell), Talbot Gee or Jon Melchi (HARDI), Mark Meyers (CALBO), Dave Hegarty (DuctTesters), Tom Trimberger (CEC), Marissa Spata (CSE) and Warren Lupson (AHRI) and Bob Johnson (CHEERS). It was suggested that either Marvena Harris or David Dias should also be included as the CSLB Advisor.

POTENTIAL SMART GOALS for 2016

The Chair reported that there were a lot of topics to discuss at the In-Person meeting and that a Compliance focused breakout session was tasked with developing 3 potential SMART Goals for 2016. He noted that the suggested goals are going through the proper WHPA channels for the WHPA Executive Committee (EC) to finalize and determine what goals will be sent to our Committee for focus next year. The 3 suggested SMART Goals developed in the breakout session follow:

SMART Goal 1: Develop a compliance definition matrix detailing the meanings to each market actor and the factors affecting understanding of compliance. The ultimate deliverable is to determine the commonalities for a universal definition of compliance with the understanding that compliance must be a repeatable process.

- **Why is this goal important to address?** Each stakeholder in the HVAC process needs to understand the working definition of compliance for each market actor.
- **What does the WHPA (Committee) need to be educated on, if anything, to be able to effectively address this SMART goal?** What is the definition of compliance for each market actor? What are the energy standards that affect compliance?
- **ETA:** 3-6 months

SMART Goal 2: Compile a Clearinghouse of existing resource links focused on improving compliance in terms of Programs, Tools, etc. Examples include the CEC Compliance Manual, CSLB Outreach Information, and EnergyCodeAce). Clearinghouse contents would be evaluated to clarify instances of contradictory information. To ensure proper evaluation, appropriate stakeholder feedback will be sought for each market actor’s official interpretation of their resource. The Clearinghouse will be housed on the WHPA website as a dynamic resource updated and reviewed as needed based on Code Cycle Changes.

- **Why is this goal important to address?** This information is needed to identify gaps and as an educational source for all market actors. Compliance provides definition and consistency.
- **What does the WHPA (Committee) need to be educated on, if anything, to be able to effectively address this SMART goal?** Identification of the appropriate stakeholders to target for this goal.
- **ETA:** 3-6 months



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SMART Goal 3: Ongoing throughout 2016, The WHPA Compliance Committee working in collaboration with the CEC, the WHPA Existing Buildings Education Action Plan Committee, and other aligned WHPA Committees, will be a white boarding and educational resource for WHPA stakeholders to provide input into the compliance components of SB 350. This goal will include feedback on specific section prioritization focuses requested by the CEC, timely communication of related CEC and IOU Workshops and Comment Periods, and the assignment of a WHPA Compliance Committee liaison to each related WHPA Committee to ensure aligned activities and communications. Key deliverables will include meeting notes and a methodology for delivering cross communication to other committees about SB 350 related input opportunities.

- **Why is this goal important to address?** Provided needed stakeholder input into the SB 350 implementation development.
- **What does the WHPA (Committee) need to be educated on, if anything, to be able to effectively address this SMART goal?** Content of SB 350, timely notification from CEC and IOUs on related workshops and comment periods, CEC SB 350 priorities, clarification on which WHPA Committees and Working Groups are aligned with this activity.
- **ETA:** Ongoing throughout 2016

Work Product Guidelines

The Draft Online Permitting for Residential HVAC Installations – An Industry Roadmap document was email distributed to the roster for review prior to the meeting.

The Chair clarified that Paul Kylo (WHPA Staff) consolidated the Committee’s prior 6+ months of work into a concise paper that the Chair felt captured the meeting point highlights. He turned the meeting over to Paul to present the work product for review in preparation for planned escalation to the WHPA Executive Committee in December, 2015 or early in 2016.

OVERVIEW

Paul Kylo (WHPA Staff) clarified that the document format was based on a roadmap created by the WHPA FDD Committee early on in WHPA history. The draft “Online Permitting for Residential HVAC Installations – An Industry Roadmap” explains the Compliance Committee’s focus in relation to the California Energy Efficiency Strategic Plan and the assigned SMART Goal task focused on the issue of online permitting as a means to streamline the manual process typically used today. The document then moves into clarification of the key stakeholders involved in putting together and evaluating such a system. It also includes information for the “task at hand” and what would be required for it to be viable statewide. The next section for Action Items was developed from the standpoint of WHPA not doing the actual development of a robust permitting system and writing code, but rather in terms of WHPA providing input and guidance to others on what would be needed for those who would develop and test the system, as well as in helping Building Departments and others understand the benefits for adoption. The end of the draft Roadmap details a suggested timeline for the action steps in the development process for statewide adoption in terms of planning, defining, piloting, and deployment.

DISCUSSION

COMMENT: The Chair felt the draft Roadmap was a concise document and in alignment with our task to illuminate some of the roadblocks, barriers and steps needed to accomplish a goal of this type.

COMMENT: Tom Trimberger (CEC) noted that there is a similar effort from the Center for Sustainable Energy (CSE) who has developed a draft that “needs a whole lot of improvement”. He reported that the State of Oregon already has an online permitting system but that there are no measures yet on if more permits are being sold or if it is increasing compliance. There is at least one company that builds an application that will do a one stop permitting system (GreenNet). Per his reference about 20% have online permitting of some kind. He believes that there are things in the works.

RESPONSE: John Carrieri with GreenNet clarified that there are jurisdictions from the CSE study that reported having permitting systems where they only posted after a permit was pulled rather than it being a system where permits are actually pulled online.

COMMENT: Talbot Gee (HARDI) felt this was a good draft document and a good start. Speaking on behalf of contractors, he conveyed the importance of this focus since larger contractors who want to do the right thing but don’t have the time or resources, do not have a way to pull permits across jurisdictions.

RESPONSE: John Carrieri with GreenNet noted that contractors like their system because it does allow for that.

ACTION: The Chair asked for markups to the draft Roadmap document before the next meeting so it can be reviewed and moved to the next step.



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Next Steps/SMART Goal 6 and Committee Focus

The Chair clarified that the Roadmap included some suggested next steps. The list of potential SMART Goal 6 next steps requires a lot of work that would need Working Group focus, but that those Implementation Plan Milestone next steps will be worked on after the Committee has better feedback on the draft Online Permitting Roadmap and an idea of the Goals the Committee is being tasked with for 2016 focus.

COMMENT: Mark Meyers (CALBO) commented that future discussion should focus on improved compliance. He strongly suggested that there is not as much of an issue with unlicensed people getting equipment, but rather with licensed people not doing compliance work.

RESPONSE: The Chair agreed that the purpose of the Compliance Committee is to focus on methods of improving compliance. He noted that Working Groups can be formed to discuss additional topics as needed and that updates from those Working Groups to the main Committee would be a more productive and powerful way to work toward important discussions needed with a broader audience.

Next Steps/Adjournment

The next Compliance Committee meeting agenda will focus on Work Product Finalization.

Per the recurring schedule (the second Thursday of each month), the next Compliance Committee meeting is scheduled for Thursday, December 10, 2015 from 8:30am – 9:30am PST.

Adjournment

Eric Taylor (Enalasy) motioned to adjourn. Lori Atwater (SCE) seconded the motion, although SCE is not an appointed voting member. The Chair adjourned the meeting at 9:32a.m. PDT.

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Summary of Action Items and Key Decisions (from above)

ACTION: WHPA Staff to post the [October 8, 2015](#) and [September 10, 2015](#) minutes on the WHPA Compliance Committee web page. (DONE)

ACTION: WHPA Staff to send contact information to those who spoke or expressed interest in the new HVAC Equipment and Contractor Licensing Working Group (member supported at this point). This includes Lori Atwater (SCE), Tom Meyer (HVAC Excellence), Mike Carson (Brody Pennell), Talbot Gee or Jon Melchi (HARDI), Mark Meyers (CALBO), Dave Hegarty (DuctTesters), Tom Trimberger (CEC), Marissa Spata (CSE), Warren Lupson (AHRI), and Bob Johnson (CHEERS). It was suggested that either Marvena Harris or David Dias should also be included as the CSLB Advisor. (DRAFT ROSTER CREATED)

ACTION: The Chair asked for markups to the draft Roadmap document before the next meeting so we can review and move it to the next step. (Received from CEC only)