



CEESP Goal 1: WHPA Compliance Committee Teleconference Summary Notes
Thursday, February 9, 2017
8:30am – 9:30am PST

Call to Order

WHPA Compliance Committee Chair Bob Barks (CALBO) called the meeting to order at 8:31 a.m. PST. The meeting was recorded for note purposes.

Roll Call

WHPA Staff (Wendy Worrell) conducted roll call of the voting panel during the meeting. There was a quorum (9 or more voting members or proxies) with 10 voting members or proxies in attendance and 27 participants (or proxies) overall based on attendance reporting documentation.

Organization	First Name	Last Name	WHPA Category	Attendance
Voting Members				
ACCA (Air Conditioning Contractors of America)	Todd	Washam	Contractor Association	A
ACCA (Air Conditioning Contractors of America) <i>(standing proxy)</i>	Don	Prather	Contractor Association	A
Brody Pennell Heating, Air Conditioning and Electrical Contractors	Michael	Carson	Contractor (Residential)	A
CALBO (California Building Officials)	Bob	Barks	Codes & Standards Official (Association or Jurisdiction)	P (Chair)
CalCERTS, Inc.	Charlie	Bachand	Certifying Body	A
CEC (California Energy Commission)	Lea	Haro	Government (Other than CPUC)	P
CHEERS (ConSol)	Mike	Hodgson	Certifying Body	A
CHEERS <i>(standing proxy)</i>	Bob	Johnson	Certifying Body	P
CSE (Center for Sustainable Energy)	Marissa	Spata	Energy Efficiency Program Consultant	A
CSE (Center for Sustainable Energy) <i>(standing proxy)</i>	Lindsey	Hawes	Energy Efficiency Program Consultant	A
Enalasy	Eric	Taylor	Third Party Quality Assurance Providers	A
Energuy 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
HVACRedu.net	Scott	Oakley	Educator, Trainer	P
IHACI (Institute of Heating and Air Conditioning Industries)	Bob	Wiseman	Contractor Association	P
JCEEP (Joint Committee on Energy and Environmental Policy)	David	Dias	Organized Labor	P
SMUD (Sacramento Municipal Utility District)	Ravi	Patel	Public Owned Utility	A
SynergyNexGen	Barbara	Hernesman	Energy Efficiency Program Consultant	P
Non-Voting Members				
BPI (Building Performance Institute, Inc.)	Jeremy	O'Brien	Certifying Body	P
CALBO (California Building Officials)	Mark	Meyers	Codes & Standard Official (Association or Jurisdiction)	P
Charles F. Segerstrom, Energy Efficiency Consultant	Charles	Segerstrom	Energy Efficiency Program Consultant	P
Honeywell Smart Grid Systems	Steve	Varnum	Energy Efficiency Program Consultant	P
JCI (Johnson Controls Inc.)	Bryan	Rocky	HVAC Manufacturer	P
PG&E (Pacific Gas and Electric Company)	Swapna	Nigalye	California IOU	P (last 19 min)
PHCC (Plumbing-Heating-Cooling Contractors National Association)	Charles	White	Contractor Association	P
SCE (Southern California Edison)	Dario	Moreno	Other Stakeholder	P
SCE (Southern California Edison)	Gary	Shushnar	California IOU	P
SoCalGas (Southern California Gas Company)	Harvey	Bringas	California IOU	P
Guests				
CalCERTS, Inc.	Susan	Davison	Certifying Body	P
CSLB (Contractor State Licensing Board)	Cynthia	Moore	Government (Other than CPUC)	P
EnerGtech Experts**	Brent	Locke+	Other Stakeholder	P
SCE (Southern California Edison)	Joe (Dario)	Moreno	Other Stakeholder	P
Locke Air Conditioning**	Mary	Locke+	Contractor (Residential)	P
WHPA Staff				
CLEARresult	Paul	Kyllo	Other Stakeholder	P (Work Product)
InfoPlast	Wendy	Worrell	Other Stakeholder	P (Host/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 by WHPA Staff prior to the meeting:



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- 1) **Roll Call of Voting Members** – WHPA Staff (Wendy Worrell) – 5 min
- 2) **Approval of Prior Meeting Minutes** – Chair (Bob Barks, CALBO) – 2 min
 - a. January 12, 2017
- 3) **HVAC Compliance Definition Matrix Update** – Chair (Bob Barks, CALBO) – 15 min
 - a. Status, Discussion & Q&A
- 4) **EBEE-AP Sub-Strategy 1.5.5 Potential Solutions White Paper Development** – Chair (Bob Barks, CALBO) – 35 min
 - a. Continued [Sub-Strategy 1.5.5 Solutions Worksheet Draft](#) Item Review (Gaps 6, 7 not yet discussed)
- 5) **Meeting Next Steps Overview** – Chair (Bob Barks, CALBO) - 3 min
 - a. Next Meeting: Thursday, March 9, 2017 from 8:30am – 9:30am PST
 - b. Next Meeting Agenda (TBD):
- 6) **Adjournment** by 9:30am PST – Chair (Bob Barks, CALBO)

Approval of Prior Meeting Minutes

WHPA Staff email distributed the draft January 12, 2017 minutes to the roster prior to the meeting.

The Chair asked for a motion to approve the January 12, 2017 summary meeting notes. Jon Melchi (HARDI) so moved with a second from the Chair. There was unanimous approval based on voiced votes.

ACTION: WHPA Staff to post the January 12, 2017 meeting minutes in final version on the WHPA Compliance Committee webpage.

HVAC Compliance Definition Matrix

*The revised version of [the HVAC Compliance Definition Matrix for Final Review](#) was emailed to the roster prior to the meeting with the following notation: An Ownership Definition tab has been added per Executive Committee request. The Chair requests that all Members/Column Groups review their positions and make specific modifications they feel appropriate for their constituencies. Responses will be consolidated, reviewed and voted on before the Matrix is resent to the Executive Committee. **NOTE:** Some IOU comments have been received but have not yet been incorporated into the attached draft.*

The Chair reported that he presented the HVAC Compliance Definition Matrix to the WHPA Executive Committee. While there were many comments about it being a good product, there were some questions about how the color-coded boxes for “primary ownership”, “shared ownership”, “factor”, and “N/A” were defined. In response, the Chair and WHPA Staff added an “Owner Definition” tab with the following content:

Definitions of Ownership Responsibilities for Components of HVAC Compliance - January 30, 2017

Ownership	Role Definition
Primary Ownership	Primary entity responsible for compliance actions.
Shared Ownership	May be shared responsibility for compliance actions by two or more entities. Level of responsibility by parties may not be equal.
Factor	Entity might have some level of influence over compliance actions, but no direct responsibility for compliance.
N/A	No responsibility or influence over compliance.

The Chair reported that there were also some questions about whether the related market actor ownerships were correct so he is offering one last opportunity for WHPA membership groups to look at their columns to confirm agreement with the listed ownership levels.



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Mark Meyers (CALBO) asked if current State Law is being considered as part of the ownership level review. For example, under the Contractor column, the contractor cannot work without the permit so while ownership can be contracted through the owner, the contractor can't shed their responsibility per CSLB law.

The Chair confirmed that State Law should be factored into the evaluation and that he agreed with Mark Meyers' comments, but noted that some responsibility also falls onto the owner. He clarified that each member should look at the column that applies to their own focus.

That Chair confirmed Paul Kylo's (WHPA Staff) suggestion to notify if a member has no changes as well. The Chair clarified that once the content is received, the Compliance Committee voting panel will reapprove before escalating back to the Executive Committee through an email approval process.

ACTION: WHPA Compliance Committee Members to look at the HVAC Compliance Definition Matrix and review their appropriate Market Actor Column to verify that listed ownership for each component of compliance is accurate.

EBEE-AP SUB-STRATEGY 1.5.5 POTENTIAL SOLUTIONS WHITE PAPER DEVELOPMENT

REFERENCE DOCUMENT: [02-09-17 Ref: Compliance EBEE-AP 1-5-5 Solutions Worksheet 1-12-17 Draft](#)

GAP 5 DISCUSSION

Reference Content: "Value-add not a value for building department. They are about health and safety. No perception of the long-term health and safety impact of not having energy efficient buildings."

The Chair facilitated continued discussion of potential solutions to the reference document's Gap 5 content.

- The Chair's reminder that the prior meeting touched on what value added means and the fact that building departments do not have consistently needed funding for required tasks. The typical building permit for an HVAC change out is "couple hundred-dollar range". In most cases, building departments spend more money than that for gas, labor, and benefits, plus other expenses for processing and inspection. There is not much valued added to encourage a jurisdiction to get higher compliance. They typically have limited staff primarily focused on life safety to prevent injury or death from equipment, etcetera. The primary issues are limited time and focus on higher priority needs first. From a compliance standpoint, what can others in the industry add to the conversation for solutions to the gaps and barriers based on the available time and resources, plus balance with life safety issues?
- Bob Wiseman (IHACI) clarified that not all building departments are the same. Some are extremely aggressive about finding problems and noncompliant contractors and jobs. His understanding of the process is that there is no financial benefit for most departments to be involved. He suggested that a model in which the department shares in fine revenue might work.
- Mark Meyers (CALBO) reminded that per State law, building departments cannot be revenue generators so they are prohibited from charging more than the service. Cities must be revenue neutral. They can charge investigation fees, which most all departments have in place for inspection prior to the issuance or approval of permits. Those funds go directly back to the department to cover costs. Most building departments do not have fines per municipal codes, etcetera. It is not that building departments do not want to do enforcement, but rather a lack of the tools to do it.
- Bob Wiseman (IHACI) responded that building departments are one of the parties in the chain with more people directly involved in the process, but having them as enforcers "really hasn't done too much" so perhaps there is something that can be done to address the issue.
- Dave Dias (JCEEP) assumed that an inspector does look for life and safety issues but most likely would not look for energy efficiency issues. Are we seeking compliance on the life safety issue?
- The Chair clarified that the focus on health and safety was the gap identified in prior meetings. Building Departments do not have the authority to fine those who are noncompliant. There is no "simple ticket book".
- Dave Dias (JCEEP) agreed but confirmed that building departments can cite them to CSLB to handle enforcement.
- Charles Segerstrom (Consultant) asked if building departments will be able to be responsive if all are compliant and pulling permits. Is there something proactive that could be presented to "jump start" that process? Will they hire more people, etcetera?
- Jon Melchi (HARDI) agreed and pointed out that online permitting may be an assistance in helping to reduce bottlenecks at the counter and enable more in field inspections.



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- Mark Meyers (CALBO) reported that as long as the demand is there and funds can be collected for the work done, building departments can adjust staff accordingly. There will be some lag with more demand while ramping up but they will catch up. He also clarified that fees are for permits, plus documentation fees as well as inspection fees
- Eric Beriault (EnerGuy) asked if a building department “would do it” if they were guaranteed a fee on pursuing a complaint for a noncompliant system.
- Mark Meyers (CALBO) confirmed that they do that now. The problem is that they do not know about violations most of the time. They also cannot follow up on splits or anonymous tips.
- The Chair commented that with regard to the gap language that there is “no perception of the long-term health and safety impact of not having energy efficiency buildings”, there are health and safety issues surrounding inefficiently or badly installed buildings, but there is no real demand from the consumer for a compliant system. Discussion should also focus on how to educate consumers about the life safety issues related to energy efficiency as well as on how to educate those who want to have better installed systems.
- Eric Beriault (EnerGuy) commented that there was reference to an industry based solution that worked well for a specific area. He suggested that compliant contractors would like a solution in which they could be a part. He suggested having a place where contractors could go to report an unpermitted install to have a building department investigate. While it will not work to have “all complaining about each other”, there is a need for a place where a contractor who lost a bid to someone who did not pull one could report that activity. If proven that the contractor did not pull a permit, the contractor would be required to pay for the inspection and the permit.
- Mark Meyers (CALBO) reported that building departments already have a list of permits pulled, but that they need the information about where the systems are that are non-permitted.
- Eric Beriault (EnerGuy) clarified that contractor education is needed about where they can go to report those in violation.
- Cynthia Moore (CSLB) confirmed that there is a permit complaint form that can be completed so CSLB can act. Once reported, CSLB contacts the contractor who did the install and 95% of the time the contractor admits they did the install. CSLB hired a new investigator in the north and in the south to handle the reports. They can also make anonymous calls.
- Bob Johnson (CHEERS) confirmed that Visalia and other areas do have an anonymous line and charge increasing fines with each expense. He also informed that nowhere in the contractors’ law does it clarify that pulling permit is a requirement. **SOLUTION:** Adjust the law to clarify that permit pulling as a requirement must be included in the contract.
- Cynthia Moore (CSLB) clarified that noncompliance is continuing because “they are not being caught”.
- Lea Haro (CEC) commented that they found that homeowners do not understand the benefit of pulling permits and that if they are presented a lower bid without the permit, they will go with that without understanding the potential future impacts of that decision. **SOLUTION:** Better enforcement is needed. Explore resources available to get decision makers actively engaged in being informed.
- Charles Segerstrom (Consultant) believes proper installation per code is a safety issue.
- The Chair hopes for more solutions. There are issues with consumers, contractors, and the community at large not understanding the issues having to do with life safety and the energy efficiency issues with that. He hopes review of our meeting recordings will help us narrow it down to useful suggestions.

Meeting Next Steps

The Chair confirmed that per the recurring schedule (the second Thursday of each month), the next Compliance Committee meeting is planned for March 9, 2017 from 8:30am – 9:30am PST. The agenda will be distributed prior to the meeting but is expected to include an update on the HVAC Compliance Definition Matrix status and continued discussion of potential solutions for the EBEE-AP Sub-Strategy 1.5.5 identified gaps (primarily gaps #6 and #7).

Closing Comments/Adjournment

Eric Beriault (EnerGuy) motioned to adjourn with a second from Susan Davison (CalCERTS). The Chair adjourned the meeting at 9:31a.m. PST based in unanimous approval.

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Summary of Action Items and Key Decisions (from above)

1. **ACTION:** WHPA Staff to post the January 12, 2017 meeting minutes in final version on the WHPA Compliance Committee webpage. (Done)
2. **ACTION:** WHPA Compliance Committee Members to look at the HVAC Compliance Definition Matrix and review their appropriate Market Actor Column to verify that listed ownership for each component of compliance is accurate. (Done)