



WHPA Compliance Committee Teleconference Summary Notes (DRAFT)

Thursday, August 10, 2017

Scheduled for 8:30am – 9:30am PDT

Call to Order

WHPA Compliance Committee Chair Bob Barks (CALBO) called the meeting to order at 8:35 a.m. PDT. 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 9 voting members or proxies in attendance and the following 26 participants (or proxies) overall based on attendance reporting documentation.

P = Present at meeting A = Absent from meeting; if proxy has been assigned it will be noted below.				
Organization	First Name	Last Name	WHPA Category	Attendance
Voting Members				
ACCA (Air Conditioning Contractors of America)	Todd	Washam	Contractor Association	A (Proxy vote emailed in advance of meeting)
	Don <i>(standing proxy)</i>	Prather	Contractor Association	A
Brody Pennell Heating, Air Conditioning and Electrical Contractors	Michael	Carson	Contractor (Residential)	P
CALBO (California Building Officials)	Bob	Barks	Codes & Standards Official (Association or Jurisdiction)	P (Chair)
CalCERTS, Inc. <i>(standing proxy)</i>	Charlie	Bachand	Certifying Body	A
	Russ <i>(standing proxy)</i>	King	Certifying Body	P
CEC (California Energy Commission)	Lea	Haro	Government (Other than CPUC)	P
CHEERS	Bob	Johnson	Certifying Body	A
	Mike <i>(standing proxy)</i>	Hodgson	Certifying Body	A
CSE (Center for Sustainable Energy)	Lindsey	Hawes	Energy Efficiency Program Consultant	P
Enalaysys	Eric	Taylor	Third Party Quality Assurance Providers	A
Energy CA LLC, The	Eric	Beriault	Third Party Quality Assurance Providers	P
Goodman Manufacturing	Aniruddh	Roy	HVAC Manufacturer	P
HARDI (Heating, Airconditioning & Refrigeration Distributors International)	Jon	Melchi	Distributor Association	P (last 20 min)
HVACRedu.net	Scott	Oakley	Educator, Trainer	A
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
SynergyNexGen	Barbara	Hernesman	Energy Efficiency Program Consultant	P
Non-Voting Members				
Air Conditioning Guys (Becerril Air/dba A/C Systems)	Louis	Fuentes	Contractor (Residential)	P
Benningfield Group	Roy	Eads	Energy Efficiency Program Consultant	P
BMA Mechanical+	Dustin	Lane	Other Stakeholder	P
BPI (Building Performance Institute, Inc.)	Jeremy	O'Brien	Certifying Body	P
CALBO (California Building Officials)	Mark	Meyers	Codes & Standard Official (Association or Jurisdiction)	P
CSLB (Contractor State Licensing Board)	Cynthia	Moore	Government (Other than CPUC)	P
DNV GL-Energy	Amber	Watkins	Energy Efficiency Program Consultant	P
EnerGtech Experts	Brent	Locke	Energy Efficiency Program Consultant	P (last 27 min)
Honeywell Smart Energy (HSE)	Steve	Varnum	Energy Efficiency Program Consultant	P
Indio Cooling & Heating Supply	Tim	Mann	Distributor	P
SCE (Southern California Edison)	Scott	Higa	California IOU	P
SDG&E (San Diego Gas & Electric)	Jeremy	Reefe	California IOU	P (last 18 min)
SoCalGas (Southern California Gas Company)	Hackett	Barney	California IOU	P
SoCalGas (Southern California Gas Company)	Harvey	Bringas	California IOU	P
Guests				
City of Visalia**	Val+	Garcia	Codes & Standards Official (Association or Jurisdiction)	P (Guest of Bob Barks)
DNV-GL (formerly KEMA)	Jarred+	Metoyer	Energy Efficiency Program Consultant	P (Speaker)



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WHPA Staff				
InfoPlast	Wendy	Worrell	Other Stakeholder	P (Scribe/Host)

** 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:

GENERAL REMINDERS

- Adherence to the WHPA **Code of Conduct** is required.
- Disclose any potential conflicts of interest as it relates to meeting content, particularly prior to any votes that may occur.
- Identify yourself prior to speaking, clarifying the organization on whose behalf you are speaking, or if you are making a personal comment.
- Mute yourself when not speaking. (*6 will take you on and off mute.)

AGENDA ITEMS

- 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. July 13, 2017
- 3) **Notification of Public Meeting on [2014-16 HVAC Permit and Code Compliance Market Assessment \(HVAC 6\)](#)** – DNV GL – Energy (Jarred Metoyer) – 15 min
 - a. Public Meeting: August 18, 2017
 - b. Public Comment Deadline: August 28, 2017
- 4) **“Understanding the Residential HVAC Compliance Shortfall” DRAFT White Paper Vetting** – Chair (Bob Barks, CALBO) – 35 min
- 5) **Meeting Next Steps Overview** – Chair (Bob Barks, CALBO) - 3 min
 - a. **Next Meeting:** Thursday, September 14, 2017 from 8:30am – 9:30am PDT
 - b. **Next Meeting Agenda (TBD):** Continued White Paper Vetting and Finalization
- 6) **Adjournment** by 9:30am PDT – Chair (Bob Barks, CALBO)

Approval of Prior Meeting Minutes

WHPA Staff email distributed the June 22, 2017 meeting minutes reflective of received comments to the roster prior to the July meeting. As there was no quorum for the July meeting, official vote approval was still pending prior to the current meeting.

WHPA Staff email distributed the draft July 13, 2017 minutes to the roster prior to the current meeting.

It was confirmed that the “Strategic Plan” reference in the June meeting notes summary was for the CPUC’s CEESP. Dave Dias (JCEEP) motioned and Bob Barks (CALBO) seconded the motion to approve the June 13, 2017 meeting minutes with “Strategic Plan” clarification. The minutes were unanimously approved as amended with no further discussion.

Dave Dias (JCEEP) motioned and Bob Barks (CALBO) seconded the motion to approve the July 13, 2017 meeting minutes, as amended. In advance of the meeting, Todd Washam (ACCA) email cast an “aye” vote to approve the July 13, 2017 meeting notes.

ACTION: WHPA Staff to post the June 22, 2017 and the July 13, 2017 meeting minutes in final versions on the WHPA Compliance Committee webpage.

Notification of Public Meeting on 2014-16 HVAC Permit and Code Compliance Market Assessment (HVAC 6)

Jarred Metoyer (DNV GL) provided [notification information about the August 18th public meeting on the 2014-16 HVAC Permit and Code Compliance Market Assessment \(HVAC 6\)](#).

- The report is out for public comments through August 28th and is available online at the [direct link](#).
- There is a public meeting to present the results and answer clarifying questions both in person and via webinar on August 18th.
 - The Agenda will include discussion of the 3 big objectives they tried to address:
 - An estimate of the percentage of HVAC replacement installations that are permitted versus not permitted. Separate from the permitting rate, they looked at how many go through the permitting process out of the total number of installations done.
 - The use of onsite analyses to look at the difference in energy efficiency from permitted to non-permitted change outs that they could assess.



WHPA Compliance Committee Teleconference Summary Notes (DRAFT)

Thursday, August 10, 2017

Scheduled for 8:30am – 9:30am PDT

- An assessment of the effectiveness of the HERS rating process and HERS documentation as it relates to the energy efficiency measures that are verified as part of the residential replacement and change out (not new construction).
- For each of the above areas, they will recap the methodologies used, recap the collected data, and clarify the results of the analyses. They also have recommendations for each of those. As it is a CPUC report, there are separate recommendations for IOUs and their Programs, as well as for other stakeholders including all those involved in the permitting and code setting process. They tried to direct recommendations specifically to the Utilities separately as this was a PG&E study.
- To arrive at the permit rate, the HVAC 6 study included over 1,400 surveys plus secondary data from CIRB on Building Department reporting of permitting, as well as AHRI and other building stock study review for the overall installation and turnover rate for permitting. They also looked up permits directly for over 360 sites.
- To assess onsite energy efficiency, they visited 193 sites. Of those there were 196 replacements. That is roughly evenly divided into those permitted and not permitted. Of those permitted, they also obtained HERS documentation on 54 of 103.
- For the HERS side, in addition to review of HERS documentation, they surveyed 122 HERS raters and conducted in-depth interviews with 57 HERS raters to develop their recommendations and assessment of barriers for the process itself.
- Overall comments about the webinar access or information requests for how to start the comment process, etcetera can be addressed to Jarred Metoyer with DNV GL Energy or to Paula Gruending with CPUC.

Louis Fuentes (Air Conditioning Guys) asked about the percentage of permits pulled at the end of their survey.

- Jarred Metoyer (DNV GL) clarified that he could not go over all the results during this agenda item, but indicated that the document shows that the rates were low.

The Chair asked if someone from DNV GL (with CPUC permission) could provide a more thorough result update after the public meeting.

- Jarred Metoyer (DNV GL) confirmed that they want engagement in the public process at this point, but that they could come back after the public process is complete to clarify final content. At this point, WHPA members and others are asked to pay particular attention to the recommendations that will affect them.

“Understanding the Residential HVAC Compliance Shortfall” DRAFT White Paper Vetting

The following REFERENCE DOCUMENTS were emailed to the roster prior to the meeting:

- [08-10-17 Ref: Res Compliance Shortfall White Paper DRAFT – CLEAN 8.7.17](#)
- [08-10-17 Ref: Res Compliance Shortfall White Paper DRAFT – REDLINE 8.7.17](#)

The Chair facilitated reference document vetting discussion.

BACKGROUND PAGE 3 of 13

ACTION: Update the Draft [White Paper](#) “Background” page 3 of 13, bullet #4 to read, “...*little risk for contractors that do not comply with codes.*”

GAP#1 PAGE 4 of 13

Regarding Gap#1 on page 4 of 13, Mark Meyers (CALBO) **suggested** that the line in the second paragraph that reads, “*However, this information is difficult to collect as it requires multiple parties to share data that is both confidential (e.g. equipment sales data) and sensitive (e.g. identifying customer information)*” should be eliminated because all the information that is needed is already required on a California CF1R form. As such, it is already publicly available information. The sentence in the White Paper “is contrary to the law.”

- Dustin Lane (BMA Mechanical) agreed with Mark Meyers’ view and further **suggested** revising it to say that the information can be identified there and should be used.
- The Chair indicated that the line needed to remain in the White Paper since “there are parties in the market that for no nefarious reason simply do not want their information to be out there in the public domain.”
 - Mark Meyers (CALBO) understood, but felt that the White Paper needs to make it clear that this is the law and that those who do not want to provide the information are a main reason for non-compliance. He noted that the CF1R is a required document that contains the information needed for building departments to complete their



WHPA Compliance Committee Teleconference Summary Notes (DRAFT)

Thursday, August 10, 2017

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task and enforce codes to drastically improve compliance. He **suggested** that if there is a perception that the information is proprietary or confidential, then the CEC and code compliance “folks” need to determine if they believe the information they are requiring on the CF forms is a requirement that needs to move forward. If so, they will have to go back to the involved parties and clarify that the proprietary/confidential argument is not a valid one. If not, the forms and their requirements will need to be amended. While he does not believe that removing the information from the CF1R would improve compliance, Mark believes the option at least needs to be presented.

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- The Chair **suggested** that the White Paper might have the two viewpoints on this subject set against each other to clarify that there is a reasonable desire by some parties to not want their information to be divulged, but that there are also certain legal requirements that information be provide on the CF documents. He asked about an alternate sentence to the one Mark Meyers’ (CALBO) referenced above for clarification
 - Eric Beriault (EnerGuy) **suggested** clarifying that the information is difficult to “acquire” rather than collect, since it is already required for collection, while also clarifying that “it is required by law”. He countered against assuming that it is hard to collect since it is already collected. Acquiring the collected information is the issue.
 - **Suggestion** was made to say, “difficult to access”.
- Aniruddh Roy (Goodman Manufacturing) asked for clarification on which party completes the CF1R form: the HERS rater, the contractor, or the homeowner.
 - Mark Meyers (CALBO) clarified that the homeowner has nothing to do with it and that the contractor is required to complete the form.
 - The Chair clarified the process as follows:
 1. The CF1 form is for registered residential projects. The form is filled out and registered with one of the Registries prior to permitting.
 2. At the time of installation, the contractor is required to complete the CF2 document, which basically confirmed the installed equipment was the equipment that was indicated on the CF1 document prior to the permit.
 3. The HERS rater then comes in and does the HERS test at the end of installation but prior to final inspection. They will produce the CF3 document which confirms that the contractor has installed the equipment per the CF1 and CF2 documents, and confirms that other requirements are met, such as air for ducts, etcetera.
 - Aniruddh Roy (Goodman Manufacturing) **suggested** that the above clarification of the CF form requirements be included in the document as a starting point so that the legal requirements are referenced with recommendation that the steps be enforced.
 - Mark Meyers (CALBO) agreed with Aniruddh Roy’s (Goodman Manufacturing) suggestion to ensure all understand that the data is required. He added that **recommendation** should also be made for the data to be collected earlier in the supply chain so it enables Building Departments to enforce the code.
- Roy Eads (Benningfield) **suggested** that for the White Paper sentence being discussed that starts, “However, this information is difficult to collect...”, wording should read, “This information can be safely and effectively utilized providing that the confidential and sensitive information is properly guarded, such as equipment sales data and customer privacy concerns.”
- Mark Meyers (CALBO) agreed that those who already have a CF1R are compliant, but noted that he sees all the problems being solved if the CF1R is moved up earlier in the supply Chain.
 - Aniruddh Roy (Goodman Manufacturing) asked for elaboration on the “moving up the supply chain” comment, noting that he felt that had already been discussed in this Committee and then addressed by the WHPA Executive Committee.
 - Mark Meyers (CALBO) clarified that since the data is required by the CF1R, if it were required earlier that when equipment came into the state of California and then each time it was transferred, the CF1R form were updated (which the Registries are capable of doing), it would give the Building Departments a tool to enforce the energy requirements. There would be no data collected that is not already required to be collected.
- Russ King (CALCERTS) clarified that the CF1R is project specific. He suggested that the CF2R would be the more appropriate form to use as it is more detailed and can be used for more than one piece of equipment. The CF1R is more generic. He noted that he is not sure of the specifics, but that he agrees in concept.



WHPA Compliance Committee Teleconference Summary Notes (DRAFT)

Thursday, August 10, 2017

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- Eric Beriault (EnerGy) agrees that the CF2R would be an option, but suggested that the CF1R would simplify the process as it is created at the process onset.
- Mark Meyers (CALBO) added that it does not require any new software or processes. It just requires that the equipment be tracked earlier in the supply chain.
- Aniruddh Roy (Goodman Manufacturing) commented that the conversation is going into very challenging territory. He noted that current law requires the serial number on the form, but that the Committee's discussion should be focused on why more are not doing the due diligence in the law, and on encouraging how to change that behavior, rather than adding more burden on the entire supply chain which could potentially compromise confidential data and leads to a conversation the WHPA Executive Committee already clarified is not a topic for further discussion.
- The Chair agreed that the conversation needed to move away from the "conversation that has been circulating for three years now". He suggested addressing the referenced sentence as discussed earlier in the meeting by clarifying that there are parties who have sensitive information or other reasons for not wanting to distribute some of the information that might be valuable, but that as a counter condition, there are already existing documents that require much of the information being sought. This needs to be an area of further research or additional discussion to determine where the legal requirements are going to conflict with the level of control that some parties want to have over their information. "We cannot solve that in this particular discussion, but there is an existing condition that needs to be resolved at some point." The Chair asked if there were any objections.
 - Roy Eads (Benningfield) commented on the need to close the gap for those who are unwilling to comply. SNT comes into play at that point. While it is obvious that there are significant objections to this, he felt that all concerns raised should be included and addressed.
 - The Chair reported that the Compliance Committee "won't answer that question today, we should setup the question and leave it to be analyzed and researched further" by others going forward.

ACTION: With reference to CF tracking discussion raised in the Compliance Committee meeting under "Gap #1" page 4 of 13, the Chair **directed** that the Compliance Committee remain at the point of noting that there are differing opinions and that the conflict in the market needs to somehow be addressed with additional discussion for how to accomplish better compliance and more complete compliance with the reporting and permitting requirements.

- Mark Meyers (CALBO) agreed with the Chair's direction, but wants to ensure it is also stated that under current law, all needed information for building departments to enforce the code is collected.
 - The Chair agreed that there are existing requirements in the code that are being ignored and that it is a mechanism that will help.
 - Aniruddh Roy (Goodman Manufacturing) agrees with the statement Mark Meyers made. He **suggested** touching on how to better enforce the existing law.

Dave Dias (JCEEP) reminded that WHPA is funded through rate payer funds. He noted that whatever is best to increase compliance should be included in the White Paper and that "nothing should be left out if we are trying to make it better."

In response to Louis Fuentes' inquiry about if it is law that distributors can only sell to licensed contractors, Mark Meyers (CALBO) clarified that there are laws in place for refrigerant carrying equipment requiring the person making the purchase to have proper licensing and credentials for refrigerant handling. California has added on to that, but with notation that a contractor does not specifically have to have a license for that so a repair organization, who can buy compressors, refrigerant, evaporators, etcetera as needed for repairs, can purchase all those items if they are licensed for refrigerant handling. Distributors may choose to do so, but if pressed by law, they "would not have a law to fall back on saying they cannot sell to unlicensed individuals". In reality, that is a very small part of the problem at about 1-2%. The biggest issue is the licensed contractor who does not pull permits because they want to remain competitive in the market against the other contractors who are not pulling permits.

Eric Beriault (EnerGy) commented about "insufficient data" noting that last year (July 14, 2016) a final ruling was made by the DOE that required all installing contractors to keep four years of records of all equipment purchased, including where it was sold, who it was sold to, and where it was distributed. He asked if some of that information might be used to help Building Departments in their enforcement process.

- Aniruddh Roy (Goodman Manufacturing) reported that the Compliance Definition Matrix did cover notation of the Regional Standards Rule Making finalization to some degree.
- Jon Melchi (HARDI) commented that the DOE did not care if the records were kept by paper or online, but rather only cared about the ability for documentation to be provided within 30 days if they thought a violation was occurring.



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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 September 14, 2017 from 8:30am – 9:30am PDT. The agenda will be distributed prior to the meeting, but is expected to include continued vetting of the draft “Understanding the Residential HVAC Compliance Shortfall” White Paper.

Closing Comments/Adjournment

Mark Meyers (CALBO) and Mike Carson (Brody Pennell) seconded the motion to adjourn the meeting. The Chair adjourned the meeting at 9:30 a.m. PDT based on unanimous approval with no discussion.

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Summary of Action Items and Key Decisions (from above)

ACTION ITEMS

1. **ACTION:** WHPA Staff to post the June 22, 2017 and the July 13, 2017 meeting minutes in final versions on the WHPA Compliance Committee webpage.
2. **ACTION:** Update the Draft [White Paper](#) “Background” page 3 of 13, bullet #4 to read, “...*little risk for contractors that do not comply with codes.*”
3. **ACTION:** With reference to CF tracking discussion raised in the Compliance Committee meeting under “Gap #1” page 4 of 13, the Chair **directed** that the Compliance Committee remain at the point of noting that there are differing opinions and that the conflict in the market needs to somehow be addressed with additional discussion for how to accomplish better compliance and more complete compliance with the reporting and permitting requirements. This should also state that under current law, all needed information for building departments to enforce the code is collected, and touch on how to better enforce the existing law. (Further Committee development may be required for the latter.)

FROM PRIOR MEETINGS

1. **ACTION:** The Compliance Committee Chair and WHPA Staff to further discuss when/if representatives from the: (1) WHPA Residential Quality Installation Committee should provide clarification on possibly aligning discussion focused on energy savings impacts, and (2) if CPUC could provide updates on their research on the effects of compliant and noncompliant installations. (IN PROCESS)