



CAL SMACNA

California Association Sheet Metal and Air Conditioning Contractors National Association

When Will the Energy Commission’s Mechanical Acceptance Test Technician Requirements Begin?

July 11, 2017

SACRAMENTO – Despite several persistent rumors, CAL SMACNA has officially confirmed that the California Energy Commission (CEC) will **NOT** initiate the requirement for mechanical acceptance testing to be performed by certified Acceptance Test Technicians (ATT) beginning in July 2017. In fact, there are quite a few things that still need to be completed prior to the start of the mechanical ATT program. Due to these circumstances, it is becoming far more likely that a delayed implementation date won’t occur until Spring or Summer of 2018 at the earliest.

Since 2012, CAL SMACNA and the members of the HVAC/R industry have been preparing for the CEC to begin statewide implementation of the requirement that only certified ATTs perform mechanical acceptance testing. Despite significant investment by certified training providers and industry employers there has been no official word by the CEC as to when all the elements of the program have been fully satisfied in order to issue a formal start date. Needless to say, this delay has stirred a fair amount of confusion, frustration and anxiety.

What are the indicators for a start date being established by the CEC? According to regulations, the CEC must make findings that: 1) there are no less than 300 certified ATTs to perform all mechanical acceptance tests in Building Energy Efficiency Standards, Section 120.5; and 2) the approved Acceptance Technician Certification Providers (ATTCPs) provide reasonable access to certification for technicians representing a wide category of industry employment groups.

Where are we on the 300 certified techs? To date, the CEC has approved three separate Acceptance Test Technician Certification Providers (ATTCP) to train, certify, and oversee technicians and their employers under the 2013 Standards. These are NEMIC/TABB, California State Pipefitters Council and NEBB. By late 2016 these three ATTCPs had certified 221 mechanical ATTs and 74 mechanical Acceptance Test Employers (ATE). These ATT numbers continued to grow and approached or met the 300 ATT threshold in early 2017.

California SMACNA is an association of SMACNA Chapters, contractors and associate members. Our mission is to provide legislative and regulatory advocacy and program services. Our goal is to provide the unified voice of our industry for the combined benefit of our companies, our employees, and our communities.

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However, it is important to note that each of these ~300 ATT certifications were based upon training and testing under the 2013 Title 24 Code cycle. Beginning on January 1, 2017, the three certified ATTCPs were required to renew their certifications based upon the various changes adopted by the CEC in the 2016 Title 24 Code cycle. While some of these changes may be relatively minor, the new quality assurance requirement was a substantive change for the ATTCPs and the CEC has yet to approve any ATTCP under the 2016 standards. Thus, without CEC approval of any of the ATTCPs, no ATTs can receive updated training or receive re-certification to count towards the 300 threshold.

REQUIRED ACTION ITEM(S):

- CEC formal approval of ATTCP(s) under the 2016 Standards.
- CEC formal finding that 300+ ATTs have completed their training under the 2016 curriculum update and been re-certified by the approved ATTCPs.

Where are we on “reasonable access”? The CEC needs to find that the ATTCPs, in their entirety, provide reasonable access to certification for technicians representing the majority of the following industry groups: Professional engineers, licensed architects, HVAC installers, mechanical contractors, Testing and Balancing (TAB) certified technicians, controls installation and startup contractors and certified commissioning professionals. The Energy Commission will determine reasonable access by considering factors such as certification costs commensurate with the complexity of the training being provided, certification marketing materials, prequalification criteria, class availability and curriculum.

REQUIRED ACTION ITEM(S):

- CEC formal finding that reasonable access for ATT certification exists through existing network of ATTCPs.

What else needs to happen? In practical programmatic terms, a couple of other things also need to happen. These include:

1. **Data base** -- Successful launch by a third party of a statewide acceptance test data base with downloadable MCH forms for use by certified ATTs. The building of such a data base required a significant upfront investment (perhaps >\$1M) by a third party. While currently operable, the third party data base is taking some time to introduce to industry practitioners; and
2. **Q/A Program** -- CEC approval of Quality Assurance and Accountability measures adopted by each of the ATTCPs. The Q/A programs implemented by ATTCPs are required to include a minimum of 1% on-site and 1% paper audits of the work product of each ATT they certify. These on-site physical audits are complicated to perform for a host of reasons (including legal third party access to worksites) and therefore no ATTCP has proposed a QA program that meets the requirements under the 2016 Standards.

Can All of This Happen Quickly? – Perhaps. There are some decisions that need to be made by the CEC leadership that could accelerate the delivery of most or all of the components discussed above before early 2018. The one exception is getting all 300 of the previously certified ATTs through the updated 2016 training and re-certification process between now and the end of the year. This will clearly take some time.

Another factor on timing is that the CEC may want to adopt a start date for the ATT program before they vote to approve the new 2019 Building Energy Efficiency Standards. This is because some of the items in the proposed 2019 Standards further require a functional ATTCP program. The final CEC vote on the 2019 Building Energy Efficiency Standards is scheduled to occur in May 2018.

What's Next? – The CEC staff will eventually provide a “Mechanical ATTCP” report to the CEC at a regularly scheduled Business Meeting for discussion and approval. This staff report could provide answers and direction to each of the issues discussed above. The CEC could then adopt the report, in part or in whole, or reject the report and ask the staff to return with revisions or more information. In any instance, CAL SMACNA believes that the CEC will set a delayed start date that provides at least three to six months after their approval of the staff report for the construction industry to prepare itself for the new requirements.

We are optimistic that a staff report will be presented to the CEC by the end of 2017 with the goal of getting the program up and running in 2018. The questions are: 1) exactly when will this occur?; 2) will the report support practical implementation and address capacity concerns raised by industry?; and, 3) how much of a delayed start will the CEC provide after they approve the report?

Needless to say, CAL SMACNA is keeping a close eye for any “Mechanical ATTCP” staff reports on the agenda for any of the remaining CEC Business Meetings in 2017. These are scheduled on the following dates: August 9, September 13, October 11, November 8 and December 13. CAL SMACNA will provide membership updates as developments occur.

If you should have questions or need additional information, please do not hesitate to contact Chris Walker at (916) 363-7460.