

CALIFORNIA BUILDING STANDARDS COMMISSION

**CALGREEN ELECTRIC VEHICLE WORKGROUP (CEVW)
CHARTER**

Approved on 6/16/2022?

Purpose and goals

The California Building Standards Commission (BSC) has statutory responsibility and authority for proposing amendments to the California Green Building Standards Code (CALGreen), Part 11, Title 24 California Code of Regulations for nonresidential construction. The Division of the State Architect (DSA) has the statutory authority for proposing amendments to CALGreen for public schools and community colleges. The Department of Housing and Community Development (HCD) has the statutory authority for proposing amendments to CALGreen for residential structures. The goal of the CEVW workgroup is to garner participation from all interested parties and affected stakeholders in the rulemaking process, to inform participants of the roles and responsibilities of the agencies, stakeholders and the public, and to provide informed, balanced input on CALGreen proposals. This CALGreen Electric Vehicle Workgroup charter provides information on the objectives and expectations of the workgroup participants in the development of Electric Vehicle proposals for the 2022 Intervening Code Adoption Cycle.

Role and Authority

It is important for the CALGreen Electric Vehicle Workgroup (CEVW) members to understand what authority BSC, DSA and HCD has and does not have related to CALGreen regulations based on California statutes. This creates appropriate expectations about what BSC, DSA, HCD and the CEVW can accomplish through this initiative.

BSC Role and Authority

- BSC has statutory responsibility and authority for proposing green building standards (in CALGreen) where no other state agency has authority for occupancies within its authority.
- BSC is a regulatory code adopting agency and is not an advocacy group. As such, BSC is required to follow statutorily mandated procedures and propose regulations within their scope of authority and consistent with state law.
- BSC develops regulations based on executive action, legislative mandate, or a demonstrated need identified by BSC or proposed by others.
- BSC consults and may receive input from state agencies with subject matter expertise in green building standards.

- BSC is required by Building Standards Law and the Administrative Procedure Act to evaluate the impact/cost of proposed building standards on, including but not limited to, business, jobs, private persons, benefits to health, safety and welfare, cost of compliance, estimated benefits, mandate on housing, local agencies or school districts.
- BSC is not an enforcement entity and delegates the enforcement of adopted nonresidential CALGreen Codes to local entities (usually local building departments) and for the California State University and University of California to their respective internal enforcing bodies.
- BSC assists many stakeholders and local authorities with technical assistance and training.

DSA Role and Authority

- DSA has the statutory responsibility and authority to write CALGreen regulations for the built environment for non-residential construction including California public schools and community colleges.
- DSA is a rulemaking entity and enforcement entity for public schools and community colleges. Enforcement of nonresidential buildings and facilities, (commercial) is delegated to the local enforcement agency.
- DSA is required to follow statutorily mandated procedures and propose regulations within their scope of authority and consistent with state law. DSA develops regulations based on executive action, legislative mandate, or a demonstrated need identified by DSA or proposed by others consistent with statute regulating rulemaking.
- DSA consults and may receive input from state agencies with subject matter expertise in green building standards.
- DSA is required by Building Standards Law and the Administrative Procedure Act to evaluate the impact/cost of proposed building standards on, including but not limited to, business, jobs, private persons, benefits to health, safety and welfare, cost of compliance, estimated benefits, mandate on housing, local agencies or school districts.
- DSA assists many stakeholders and local authorities with technical assistance and training.

HCD Role and Authority

- HCD's mission is to promote safe, affordable homes and vibrant, inclusive, sustainable communities for all Californians.

- HCD, along with other state agencies, develop CALGreen in order to help protect our environment; and improve the health, safety and general welfare of the public by enhancing the design and construction of residential buildings.
- Health and Safety Code Section 17928 requires HCD to review relevant green building guidelines and propose mandatory green building features for residential structures determined to be cost effective and feasible to promote greener construction. Section 18941.10 requires HCD to propose mandatory building standards for EV charging infrastructure for parking spaces in multifamily buildings.
- HCD is considered as a proposing agency related to adoption of building standards for residential structures and is not an enforcement agency. However, other state agencies with expertise in green building subject matter areas are allowed to provide input to HCD per Administrative Code Section 1-404.

State Agency Subject Matter Experts (SME)

CARB Role for EV regulations:

California has long held and implemented its authority under state and federal law to reduce emissions from motor vehicles. The federal Clean Air Act provides California an exemption from federal preemption of state motor vehicle emission standards.¹ CARB has been granted both broad and extensive authority under the California Health and Safety Code (HSC) to develop and implement these standards to attain and maintain ambient air quality standards.² CARB is also mandated to "adopt rules and regulations... to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions from sources", and to "ensure that statewide greenhouse gas emissions are reduced to at least 40 percent below the statewide greenhouse gas emissions limit no later than December 31, 2030."³ With this authority, CARB has adopted, and is proposing to aggressively strengthen, the Zero Emission Vehicle (ZEV) Regulation. As such, electric vehicle charging infrastructure is essential to enable ZEV utilization.

Specific to CALGreen regulations, Health and Safety Code, § 18930.5 (b) as amended by Assembly Bill 341 in October 2013 allows BSC and other State agencies that propose building standards to allow for input by State agencies with expertise in green building subject areas. CARB staff has expertise in air quality and climate change, which is related to multiple building standards in the CALGreen Code. Since 2008, CARB staff has provided suggested changes to the CALGreen Code to ensure it is updated to support CARB programs and regulations including, but not limited to,

¹ Clean Air Act, § 209(b), 42 U.S.C. §7543(b).

² HSC 39002 and 39003.

³ HSC 38560 and 38566.

California Global Warming Solutions Act of 2006 (AB 32, Nuñez, Chapter 488, Statutes of 2006 and SB 32, Pavley, Chapter 249, Statutes of 2016), ZEV Regulation, and The Sustainable Communities and Climate Protection Act of 2008 (SB 375, Steinberg, Chapter 728, Statutes of 2006). Beginning with the 2016 triennial Code Cycle, CARB staff provides technical and fiscal analyses along with suggested code changes as required by Health and Safety Code, § 18930.5 (b). Additionally, CARB staff identifies which proposed changes may be considered for adoption as mandatory within the next two code adoption cycles.

CEC Role for EV regulations:

As the state's primary energy policy and planning agency, the California Energy Commission (or CEC) plays a critical role in creating the energy system of the future—one that is clean, modern, and ensures the fifth largest economy in the world continues to thrive. Combating climate change is fundamental to maintaining California's future. The CEC plays a key role in implementing and crafting policies and programs to create a low-carbon economy.

The Energy Commission is helping create the energy system of California's future by establishing policies and conducting rulemaking relating to:

- Energy Efficiency
- Energy Innovation
- Cleaner Transportation
- Responsible Electricity Infrastructure
- Emergency Response

The CEC's building and appliance efficiency programs in particular are well situated with regards to policies and rulemaking for electric vehicle charging equipment.

CEVW Participant Role

The CEVW has been established to work cooperatively with BSC, DSA, HCD, CEC and CARB to support BSC'S rulemaking processes. The CEVW is a consultative or advisory body without formal decision-making authority. CEVW participants agree to work collaboratively with BSC and other CEVW participants to help meet the goals of the CEVW, whose purpose is to:

- Offer input and feedback regarding proposed Electric Vehicle (EV) amendments to the CALGreen Code.
- Help create transparency related to the discussion of proposed EV amendments.
- Assist BSC, DSA and HCD with cost/benefit analysis that support proposed code changes.

- Identify opportunities to strengthen public awareness of proposed CALGreen regulations.

It is the intent of BSC, DSA and HCD that CEVW participants represent the interests of their broader stakeholder group and not solely their own interests or those of any specific organization. The workgroup is encouraged to work with their representative group to identify necessary code changes and provide cost/benefit analysis information to support code changes.

CEVW Members

State Agencies

The California Building Standards Commission (BSC)
The Division of the State Architect (DSA)
The Department of Housing and Community Development (HCD)
The California Energy Commission (CEC)
The California Air Resources Board (CARB)
California Public Utilities Commission (CPUC)
The Department of General Services/ RESD/Office of Sustainability

Non-state organizations

The American Institute of Architects (AIA)
California Building Officials (CALBO)
California Building Industry Association (CBIA)
Building Owners and Managers Association (BOMA)
National Electrical Manufacturers Association (NEMA)
California Statewide Utility Codes and Standards Team
Underwriters Laboratory (UL)
Southern California Edison
SMUD
PG&E
SCE
Energy Solutions
TESLA
Electric Vehicle Charging Association
California Electric Transportation Coalition
CALSTART
Alliance for Automotive Innovation
EV Access for All coalition (EVAA)
Project Green Home

Peninsula Clean Energy (PCE)
Silicon Valley Clean Energy (SVCE)
MCE
Clean Power Alliance
Redwood Coast Energy Authority
East Bay Community Energy
Sustainable Energy Inc
Sacramento Electric Vehicle Association
Electric Auto Association
Plug in America
Chargepoint
Powerflex
EV Charging Pros
Stopwaste.org
EBTRON Inc
Qualcomm Technologies Inc
Carbon-Free Mobility
Powertree Services Inc
Electrify America
Others added
Acterra
EV Charging for All Coalition
Autos 2050
Alliance for Automotive Innovation
ICC-International Code Council
Vehicle Grid Integration
Auto Innovators
Larson Electronics
EV Nirvana
LAUSD
Others

Length of Service

All participation will be on a volunteer basis. The CEVW collaborative will convene over the next two code cycles to assist BSC/DSA/HCD with providing input on future EV regulations. This group will meet during the 2022 Intervening Code Cycle between Mid-April and Late September 2022. BSC, DSA and HCD will continue to utilize this group after September to review and comment on propose building standards.

Meetings

- Meeting notices and meeting materials will be made available at least 10-days prior to the meeting date.

- BSC/DSA/HCD will email notices out to stakeholders and post material on their respective websites.
- All meetings will be virtual, broadcasted live on YouTube. The recorded meeting can be viewed on the [CBSC YouTube channel](#).
- Full participation by all members is critical. If a member will not be available for a meeting the organization may assign a proxy. It is encouraged for the proxy to view the previous meetings on the YouTube channel and be apprised of current and ongoing topics of discussion.

Tentative meeting dates have been scheduled early for the pre-cycle activities for the upcoming 2022 intervening cycle to optimize opportunities for stakeholder participation.

CEVW workshop dates are as follows:

1st Kick-off meeting April 14, 2022

2nd CEVW meeting June 16, 2022

3rd CEVW meeting August 18, 202 (tentative)

4th CEVW meeting September 22, 2022 (tentative)

Rules of Engagement

The rule of engagement ensures an opportunity for all CEVW members to have an opportunity to engage effectively and collaboratively in the process and reinforce the collaborative nature of the process. The following ground rules, once adopted by the CEVW, will be the responsibility of the facilitator to administer.

- Listen intently and understand accurately the views of others.
- Be respectful of each other and the right of each individual to openly express their point of view, even if different from or in opposition to your own.
- Seek to understand the interests of others.
- Allow room for each person to have an opportunity to contribute to discussions.
- Ask for a brief break rather than engage in “sidebar” conversations if you need to speak to another member of the CEVW during discussions
- Silence or turn off your cell phones, and refrain from texting or other communications during meetings.
- Ask any and all questions and be respectful of the different levels of code knowledge of members.
- Member are encouraged to attend all meetings; consistency of involvement will assist the productivity of the discussions and avoid revisiting past discussions.

Consensus Seeking Procedure

The CEVW participants will operate using a collaborative approach to decision making and will strive to reach majority support on proposals and recommendations. Every effort will be made to address the concerns of all participants. The clearest and strongest power of this workgroup exists when consensus can be achieved. However, there is a range and different degrees to which participants can agree. Articulating the degree of support for a decision will be important for participants, as this will allow the process to move forward, even when complete consensus cannot be reached.

Public Comments

During Title 24 Code Cycles there are several formal opportunities for the public to comment on proposed code amendments. These opportunities include Pre-cycle Activity; the BSC Code Advisory Committee meeting; the 45-Day Public Comment Period; and the BSC Commission meeting scheduled for review and approval of proposed code amendments.