



May 20, 2022

Re: Response to Request for Information (RFI) on Resilient and Efficient Codes Implementation (RECI)
DE-FOA-0002755

Via email: RECI_RFI@hq.doe.gov

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The Alliance to Save Energy (the Alliance) is a bipartisan, nonprofit coalition of business, government, environmental, and consumer leaders advocating to advance energy efficiency adoption and is a leading voice informing federal and state energy efficiency policies and standards. We thank the U.S. Department of Energy (DOE) for the opportunity to provide a response and comment to the Request for Information on Resilient and Efficient Codes Implementation.

On April 12, 2022, DOE issued a Notice of Request for Information (RFI) on resilient and efficient building energy codes implementation, which is authorized under the Infrastructure Investment Jobs Act (IIJA), Section 40541 (Public Law 117-58). IIJA appropriates \$225 million over the next five years, encompassing fiscal years 2022 through 2026, to be made available to an eligible entity or an organizational partnership through a competitive bid process. The overall goal is to provide support to States that will “enable sustained cost-effective implementation of updated building energy codes.” DOE is seeking to gather input from all stakeholders on the characteristics of that potential RECI FOA. The Alliance to Save Energy provides a response and comments as follows:

Category 1: Technical Requirements

(1.1) How can a potential RECI FOA support a professional workforce that is trained on the latest codes, as well as skilled in advanced technologies, decarbonization, construction practices and building science that can be sustained over time? How should DOE prioritize training a new workforce entering the job market versus training the existing?

The Alliance recommends that a potential RECI FOA support coordination with relevant energy code associations, organizations, and advocates in the development, implementation, and strengthening of

training on the latest energy codes, with a focus on training building officials on enforcement. The Alliance also supports funding availability for the development and implementation of recruiting, education, training, placement, and retention strategies that are consistent with Justice 40 objectives and inclusive of rural, urban, and disadvantaged communities, including strategies that would include payroll sharing for targeted recruits. For this purpose, the Alliance recommends that DOE identify opportunities to leverage other IIJA funding linked to training opportunities, including energy efficiency improvements in K-12 public schools (IIJA section 40541), in addition to non-IIJA available funding.

Additionally, the Alliance recommends that DOE consider the development of pipeline training models, targeting students at the high school level but also inclusive of lower grade levels, for general education curriculum on the importance of energy efficiency and the role of energy codes. An energy efficiency curriculum with an integrated code-specific curriculum could mesh well into existing STEM or STEAM programs within K-12 school districts. An integrated program would provide exposure to the energy profession at a younger age while concurrently clarifying the pathway for an energy efficiency career.

(1.3) How can a potential RECI FOA be designed to foster innovative approaches to code implementation, such as stretch codes, zero net-energy codes, and building performance standards? What key innovative approaches best support building energy code updates? What other applicable example activities should DOE mention for this topic area in a potential FOA?

A purpose of the law is to enable eligible entities to use grant funds to build capacity, as an incentive to forward energy code updates. A purposeful implementation design could include targeting a segment of funding for workforce development to eligible entities where the implementation of a more updated code would achieve an identified threshold of energy savings and reductions in carbon emissions.

DOE could also provide funding to states who form partnerships with identified state, local, regional, or national energy efficiency or energy codes advocates and builders, tied to proposals that demonstrate a plan to identify and develop strategies to reduce or eliminate the end-user cost impact of energy code updates.

Another approach would be to award funding to those states at or below the earliest update (e.g. IECC 2009) that can demonstrate the best plans to study the impact of carbon reductions and energy savings with the adoption of the latest energy code update. Plan development should necessarily include partnerships with energy efficiency, energy code, and builders organizations, with the additional requirement that a study's findings and report are provided to the Secretary for publication.

Additional but different incentives could be provided to states that are planning to update energy codes from 2009 or prior to the most recent or latest update, to assist those states in transition readiness, including training and educating code officials, builders, end-users, and others. That said, a similar approach could be used with those states that do not have a state baseline.

However, to ensure that those states who have already made the investment to adopt the latest energy codes are also incentivized and rewarded, DOE could provide competitive funding to these states for implementation and transition purposes, but also provide bonus funding for the development and consumer marketing of information demonstrating the carbon reductions and end-user energy savings achieved or projected as a result of code adoption.

Category 2: Supporting State Code Adoption

(2.1) How should DOE prioritize code updates? More specifically, should updates to the model energy code be prioritized based on potential energy and/or carbon savings as compared to the current baseline within each state? How should DOE prioritize updating to a code more advanced than the current model code?

Linking competitive funds to reductions in carbon emissions or energy savings has the potential to punish those states that have already adopted the latest update, and could potentially disincentivize faster action later. The Alliance recommends that DOE take a balanced approach, and thoroughly engage all jurisdictions in the code adoption process, with focus on adoption of most recent codes.

(2.3) Since each funded project is intended to enable updated building energy codes, what should DOE consider to be “updated” codes? Should it include ongoing code updates and/or planned future code updates? How far in the future is it reasonable to consider code updates? Should in-process code updates be prioritized higher than planned updates?

DOE should consider awarding competitive funds in a balanced approach and award competitive grants based on the year of the state’s most recent adoption. For example, this would allow all IECC 2009 states to compete in the 2009 pool. Those states within a given pool demonstrating the greatest energy savings and carbon emission reductions in their plan for an updated adoption could be identified as more competitive and could be eligible for higher funding levels.

Category 3: Partnerships, Eligible Entities, and Evaluation Criteria

(3.1) What types of strategic partnerships should DOE emphasize that can help best address challenges facing states, local governments, and the broader industry in energy code implementation (e.g., network of states and local governments to enhance implementation, national energy codes collaborative to provide thought leadership on codes activities, etc.)?

Industry partnerships are essential for advancements in code adoption. The Alliance proposes that DOE encourage and incentivize competitive proposals that include builders organizations, manufacturers, trade associations, consumer advocates, energy code experts and proponents, energy efficiency advocates, and others identified as relevant to the adoption of updated energy codes. That said, DOE

should also consider support for a national energy codes collaborative, similar to the National Building Performance Standards Coalition.¹

(3.4) What other considerations should be given to applicants (e.g., geographic distribution, rural vs. urban, traditional vs. new activities)? How can DOE ensure fair and representative distribution across key U.S. demographic areas?

Because available funds are competitive, the geographical distribution could be uneven across states or regions— also considering that some states may have greater capacity than others, making these states more competitive. DOE could consider awarding states that demonstrate capacity needs with additional funding as capacity grants, when linked directly to a plan to submit a competitive request for funding tied to an incentive to actually update codes, train workers, educate students, or some other purpose authorized by IIJA.

Category 4: Funding and Period of Performance

(4.1) Is a period of performance of 3-5 years reasonable? If not, what is appropriate and why?

The Alliance believes that due to the nature of state level cycles for code development, adoption, and compliance, a three-year cycle for performance is likely insufficient to accomplish the goals of many states. The Alliance believes a 5-year cycle is more reasonable. A 5-year cycle will include both the finalization of the 2024 and 2027 IECC for consideration within the states.

Category 5: Energy and Environmental Justice (EEJ) Priorities

(5.1) What EEJ concerns or priorities are most relevant for this Resilient and Efficient Codes potential RECI FOA?

There are a number of ways in which DOE could consider application of Justice 40 principles. Application is more easily achieved when considering how funds are used for recruiting and training workers, and providing education curriculum in the K-12 environment. Here, DOE could require states and partnerships to demonstrate that funds used for such purposes achieve Justice 40 outcomes. For example, K-12 curriculum could be directed to schools that have high percentages of students who qualify for free or reduced-price lunch.

When incentives that are directly tied to code upgrades are at issue, DOE should consider requiring applicants to demonstrate how the adoption of updated energy codes impact energy burden for rural, urban, and disadvantaged and tribal communities. DOE could also consider applying metrics that provide extra weight to proposals demonstrating the greatest positive impact on energy burden.

¹ <https://nationalbpscoalition.org/>

Populations such as those living in rural communities often have higher percentages of their monthly income going toward energy expenses. This is also seen in many African American, Hispanic, and Native American communities, where Blacks spend 43% more of their income on energy costs, Hispanics, 20%, and Native American households 45% more, when compared to white households.²

Category 7: Draft Application Requirements

(7.4) Should DOE prioritize energy codes and building measures that provide long-term energy savings?

Yes, the Alliance recommends that DOE prioritize energy codes and building measures that provide the greatest energy reduction and long-term energy savings. However, priority should be given to implement and enforce codes effectiveness, to ensure their long-term success in maintaining building decarbonization and energy cost savings. Once occupied, new construction becomes an existing building, and ensuring that existing buildings are efficiently operated and consistently maintained should be a key priority of the award making.

(7.8) What types of buildings should applicants focus on, including new and/or existing residential, multifamily, and/or commercial buildings?

The Alliance recommends that DOE encourage applicants to focus on all building types, including existing buildings undergoing substantial rehab.

² <https://www.aceee.org/press-release/2020/09/report-low-income-households-communities-color-face-high-energy-burden>.