

State of Vermont
Department of Public Service
www.publicservice.vermont.gov

TO: House Committee on Energy and Digital Infrastructure
FROM: Kelly Launder, Assistant Director, Efficiency and Energy Resources Division
DATE: 4/23/25
SUBJECT: Comments on H. 181 - An act relating to Residential and Commercial Building Energy Standards

I have several concerns with this bill, I'll start with the two biggest concerns.

In Section 2 the Building Energy Code Working Group is extended in perpetuity until the General Assembly enacts legislation giving authority to a State entity to enforce the building energy codes. After this summer the Department will have participated in and staffed this Working Group for three years. This has been a resource intensive group to oversee, with participation of two-three Department staff and one lawyer, as well as hiring a contractor to assist with facilitation and writing of the required reports. The Department no longer has the federal funds available to hire a contractor so for this last year it will be fully staffed by the Department. It would be detrimental to the Department to continue this group on a long-term basis without additional resources to do the work. It is also increasingly difficult for the Department to oversee this Working Group as we do not agree with one of the main recommendations of many of the members to designate the Division of Fire Safety as the Authority Having Jurisdiction over the Energy Codes. If the intent is to continue in that direction and draft legislation putting that recommendation in place it seems it would be more fitting to have a Working Group staffed by Legislative Counsel instead of the Department.

In Section 4, the Residential Building Energy Standard (RBES) statute language in 30 V.S.A. § 51 is modified to say that prior to final adoption of the rule the Advisory Committee may provide the Department with recommendations for revision of the RBES after they review the associated software and handbook guidance for the update. However, the handbook and software are not developed until after the rules are adopted. The RBES handbook further explains the provisions that have been adopted. The software is developed by the Pacific Northwest National Laboratory (PNNL) based on the International Energy Conservation Code (IECC) and once we have fully adopted our standards they modify their software to incorporate Vermont specific provisions. The Advisory Committee has multiple opportunities to comment on the standards before they are adopted. The Department has meetings with the Advisory Committee to discuss potential changes to the standards to obtain feedback and then provides a long comment period on the written proposed language, before





the rulemaking process even starts. There is also an additional opportunity during the rulemaking process for the public to submit comments on the proposed changes. Once the rules are approved and adopted then the Department starts the process of creating the materials and tools that can be used by the building community for meeting the standards. At this point the Department cannot make changes to the adopted rules so this is not an appropriate time to receive that type of feedback.

In Section 5 it states that the “Department of Public Service, in consultation with the energy efficiency utilities, the Office of Economic Opportunity's Home Weatherization Assistance Program, and any other entities claiming energy or emissions savings, shall develop a methodology for calculating and reporting greenhouse gas reductions annually”. It appears the intent is to develop this methodology for weatherization projects/programs so I would suggest inserting that into the sentence.

In Section 1, (8) of the findings the Department does not agree with the wording, which states that there is no State agency to interpret or administer energy codes. The Department does administer the energy codes and as promulgators of the rules provides interpretation of the requirements so we would recommend striking “interpret” and “administer” from the first sentence, and “administer” from the last sentence.

