

Energy Efficiency Building Codes Working Group

3/8/2010 Meeting – Notes

Members Present: Tim Ryan, Chair; Samuel V. Alpert; Trudy Aron; Jerry Mallory; Tina Rakes (via teleconference); George Schluter; Bruce Snead [Lt. Governor Troy Findley and Adam McGonigle also in attendance]

KCC Staff: Joe Harkins, Liz Brosius, and Ray Hammarlund

Welcome and introductory comments

Tim Ryan, Working Group Chair, called the meeting to order, welcomed the Lt. Governor, and asked the members and staff in attendance to introduce themselves.

Lt. Governor remarks

Lt. Governor Troy Findley said that he was very interested in the Working Group's efforts, emphasizing that the Governor fully supported this initiative. He said the Working Group was important not only to bring Kansas into compliance with the federal requirements, but also because of the impact that greater deployment of energy codes will have on energy efficiency and conservation statewide. Findley pointed out that the energy codes initiative dovetails with his assignments as Lt. Governor and reiterated the Executive Branch's commitment to assist in anyway and be a partner to move things forward.

Update from staff

Liz Brosius summarized some of staff's activities since the last meeting, including the January 19th briefing in Senate Utilities Committee; briefing Rep. Carl Holmes, Chairman House Energy and Utilities Committee; and participation in conference calls/webinars with representatives from the Building Codes Assistance Project (BCAP) and National Association of State Energy Offices (NASEO). Although DOE has not yet identified who, in their agency, will be the authority on codes and states' compliance, preliminary feedback on the "Kansas approach" has been positive. Brosius also mentioned that information on the energy codes initiative was now available on the State Energy Office web site: <http://www.kcc.state.ks.us/energy/codes/>.

KSA 66-1227 and 1228: proposed draft bill language

Brosius highlighted the proposed amendments to KSA 66-1227, which currently establishes IECC 2006 as the applicable state standard for commercial and residential structures. Ryan lead a thorough discussion of the proposed language, which included the questions and suggestions outlined below.

- **Section (a)(2):** Jerry Mallory asked whether the statute could be amended to allow for "automatic" updating (e.g., from IECC 2009 to 2012), akin to what has

been done with respect to some of the other building codes provisions associated with Fire Marshall statutes? Following a discussion of the potential legal restrictions, Joe Harkins suggested that there was also a significant political dimension and barrier to the automatic updating.

- *Proposed changes:* Define “residential structures” (see definition included in KSA 66-1228 disclosure form and check to see if state statues include other definitions of residential structures).
- **Section (a)(3):** Trudy Aron and Bruce Snead asked whether schools would be considered “commercial” buildings, and this opened a broader discussion of how best to create an inclusive standard for structures that are not residential. Brosius asked if developing a baseline code for the commercial et al. standards was necessary, and the consensus from the group was that there was too much diversity within that category of building for a simplified code to be feasible.
 - *Proposed changes:* Replace “commercial and industrial structures” with a phrase such as “structures not identified as residential.” The intent of this change is to ensure that all structures not covered by the IECC 2009 would be covered by ASHRAE 90.1-2007. [Note: this revision would also be made to Section (b).]

Next, the group discussed proposed changes to KSA 66-1228 and the EE disclosure form contained within that statute. The group did not have changes to the proposed language in Sections (a) and (b), but did have the following questions and comments about the disclosure form:

- George Shluter questioned the need to reference the IRC standard along with the IECC, noting that the changes to IRC in 2009 made it not entirely consistent with IECC 2009. Ryan asked Tina Rakes if she had additional information on this, and following further discussion, the recommendation was to remove the “IRC” reference from the headings about Zone 4 and Zone 5. Mallory said he would send staff and working group a document summarizing the changes needed to bring the form up to the codes and standards in IECC 2009.
- Schluter noted that the information on page 2 would need to be thoroughly updated, noting, for example, that Energy Star will have a new standard in effect in January 2011.

Brosius said staff would provide the group with a revised form for their review and discussion at next meeting (to be scheduled in May).

Baseline code for commercial structures

During the discussion of KSA 66-1227, the group decided that development of a baseline code for commercial and other non-residential structures was not advisable.

Training and funding options

Ryan introduced the general subject of training and suggested that the group develop a plan to get codes officials and inspectors trained. Brosius said the League of Kansas Municipalities expected to hear from DOE by March 15, regarding their funding application. Snead described his and K-State's involvement in the League's proposal, noting that, if successful, they would receive \$60,000/year to conduct trainings. Schluter noted that training was a part of the overall outreach that would need to be done and suggested that elected officials would need to be targeted. He also said he thought more could be done to promote and "enforce" usage of energy efficiency disclosure form and that doing that would lead to greater acceptance and adoption of codes. There was a discussion of what, if any, incentives could be provided to encourage greater voluntary adoption of local codes. Harkins mentioned that the KCC might be able to provide some funding, and Brosius mentioned an additional DOE funding opportunity the State Energy Office was considering applying for. The group agreed that outreach and education were an essential part of the plan and that training should be integrated with the training activities of the various associations (AIA, Heart of America Chapter). Ryan directed staff to convene an interim meeting to focus on training issues, once the outcome of the League's proposal is known.

Other business and next steps

Ryan reiterated the plan to call an interim meeting to focus on training before the next Working Group meeting in May. After asking if there was other business to discuss, Ryan adjourned the meeting at 4:00 p.m.