

Building Energy Code Working Group Introductory meeting

June 27, 2024

Meeting Minutes

- **Call to order.**
 - Calling this an Introductory meeting because we won't be doing any business or taking any votes today. This is to meet the statutory requirement that we have a meeting before July 15th.
 - Meetings will be recorded and posted on the PSD website.
- **Introductions** – Committee members
 - Scott Campbell - VT House of Representatives
 - Christopher Bray – VT Senate
 - Michael Desrochers – VT DPS - Division of Fire Safety
 - Elise Greaves - VT Housing and Conservation Board in place of Craig Peltier
 - Matt Bushey – A.I.A. and Truex Cullins
 - Matt Sharpe – Efficiency Vermont
 - Jim Bradley – VBRA and Hayward Design Build
 - Chris Burns – City of Burlington Electric Department
 - Timothy Perrin – Vermont Gas Systems
 - Josh Hanford – VT League of Cities and Towns for Ted Brady
 - Jennifer Colin – Office of Professional Responsibility
 - Matt Musgrave - Association of General Contractors of Vermont
 - Chris Campany - Windham Regional Planning Commission
 - Also in attendance:
 - Keith Levenson – VT Department of Public Service
 - Walter Adams
 - Richard Faesy - Energy Futures Group
 - Zack Tyler - EFG
 - Ben Civiletti – staff attorney, VT Department of Public Service
 - William Nash – International Code Council
 - Sandra Vitzthum - Sandra Vitzthum Architect LLC
 - Stu Slote - Guidehouse
- **Meeting procedures and process (Ben Civiletti – PSD)**
 - Meetings must follow open meeting law requirements
 - Members of the public should have the ability to participate in meetings
 - With the new law there's no requirement to have in person meetings. But upon request from a member the public, we would need to facilitate a place to attend in person.
 - When you have a quorum of Members (a majority) that's when a meeting starts and that triggers the open meetings law and you should be making sure that the public is able to attend and participate.

- If you hit “reply all” to a group email with the whole working group and you want to discuss substantive issues, you might be in danger of violating open meeting law because of the public's not aware of the discussion – not able to attend.
- As far as process, meetings are typically handled like a legislative hearing.
 - The chair will recognize folks to speak and issues can be discussed according to the agenda, et cetera.
- **Overview of the bill language/Committee charge (Rep. Campbell)**
 - Rep. Campbell:
 - Three charges for the Working Group:
 - recommend strategies and and programs to increase awareness of and compliance with the RBES and CBES, including the use of appropriate certifications for contractors trained on the energy codes.
 - develop plans and recommendations for a potential transition to a comprehensive program for the RBES and CBES at the Division of Fire Safety, including potential funding sources,
 - Consider whether or not the state should adopt the state wide building code.
 - The Department will come up with a proposed work plan for next meeting.
 - The charge of the working group is: what is the appropriate level of regulation for the building industry and what is the pathway to getting there?
 - Report is due on November 15th but this is a two year working group, so this is not the final work product.
 - Report will include recommendations for concrete actions, perhaps legislative actions to further the process.
- **Committee Chair nominations (vote at next meeting)**
 - Rep. Campbell: It has been suggested that I and Senator Bray serve as co-chairs. I would be willing to do that.
 - Jim Bradley: I would move that we consider representative Campbell and Senator Bray as Co-chairs of this group.
 - Kelly Launder: We're going to vote at the next meeting when hopefully we'll have the full committee.
 - No further discussion or nominations.
- **Meetings (how many, structure, etc.)**
 - Kelly Launder: How many meetings should we hold before November 15th, when the report is due? The PSD is proposing once a month through November with two in October to finalize the report. Five meetings in total.
 - Matt Sharpe: Is this November 15th report a progress report or are we going to have a goal to resolve one of the three focus areas by then?
 - Kelly Launder: that's one of the things we have to look at for the work plan.
 - Trying to address all three in one year might not work.
 - Hard to decide how many meetings we should have before we decide what we're going to cover
 - Rep. Campbell: is hiring a consultant something that the department's considering?

- Kelly Launder: Yes, we have an RFP out right now.
- Jim Bradley: I think if we leave it at five as you suggested, Kelly, with the latitude, after the summer months, that if we need more time in September and October we can add those extra meetings.
- Rep Campbell: the report in November is some suggested concrete steps, maybe only one or two concrete steps that that we can take and that might require legislative action next year.
- Kelly Launder: it might be best to draft a work plan that addresses all three items without putting some kind of artificial limitation on the group. Just get it out and then we can make a decision about what would we prioritize?
- Colin Frisbie – should prioritize anything that we may need Legislative help with in this first year.
- Kelly Launder: wanted to find out from the committee members if that is of import to have it on the same day of the week, or would we want to do a doodle poll once a month?
- Jim Bradley - a doodle poll would be the safest just because, especially in summer with everyone's schedule being inconsistent.
- Rep. Campbell: the legislation that was considered last year didn't include many of the points that were in the report last year. I did submit a bill that reflected most of the points but there was not enough time to take up the bill. I will circulate that bill to folks to so that you could see that perhaps as a starting point.

- **Stakeholder/Public comments**

- Walter Adams: First of all, most of the meetings last year felt like they were not long enough.
 - There were a number of issues presented last year which do not appear to have ever made it into any kind of legislation, including some items about how to better inform the public. I would hope that those would at least form some kind of base for this project.
 - How soon will the code books be available for both RBES and CBES? Given that the code's going to be effective in a couple of days, it would seem like those books should have been available while ago. How can we build a building in COMcheck or REScheck and have it work?
- Jim Bradley: I'm concerned about the liability for contractors. Here's just one example. The electrical boxes from the redline version, there's a requirement for Nema OS4 box for an air sealed electrical box. We have electricians saying what the heck are you talking about? The supply houses too are saying, what are you talking about? They are oblivious to this. They say we have a handful of these, but not enough to do a whole house, and when we're trying to build 1,500 homes and no one has those actual materials readily available, what do we do about that? The wording in the code says the contractor is supposed to fix it. How do we advise people to proceed?
- Richard Faesy: those boxes are specified, you're right, but only if the boxes are outside of the building air barrier, so there's no requirement for special electrical boxes if they're inside the building air barrier.

Adjourned 12:06

DRAFT