

Building Energy Code Working Group Meeting #4 Notes

Vermont State House, Room 9, 115 State Street, Montpelier
 Virtual via Teams Meeting
 October 22, 2024
 1:00-3:30 pm

Attendees

Name	Organization
<i>Committee Members</i>	
Scott Campbell	VT House of Representatives
Christopher Bray	VT Senate
Kelly Launder	VT Department of Public Service
Craig Peltier	VT Housing and Conservation Board
Mike Desrochers	VT Department of Public Safety – Division of Fire Safety
Matt Sharpe	Efficiency Vermont
Chris Burns	Burlington Electric Department
Jennifer Colin	Office of Professional Regulation
Peter Tucker	Vermont Association of Realtors
Matt Bushey	American Institute of Architects - VT
Jim Bradley	Vermont Builders and Remodelers Association
Tim Perrin	Vermont Gas Systems
Samantha Sheehan (for Ted Brady)	VT League of Cities and Towns
Richard Wobby	Association of General Contractors
Chris Campany	Vermont Association of Planning and Development Agencies
<i>Public/Other</i>	
Keith Levenson	VT Department of Public Service
Mandy Wooster	VT Department of Public Safety – Division of Fire Safety
Landon Wheeler	VT Department of Public Safety – Division of Fire Safety
Ellen Czajkowski	VT Office of Legislative Counsel
Andrew Brewer	Downs, Rachlin, and Martin
Sandy Vitzthum	Sandy Vitzthum Architect
Collin Frisbee	Sterling Homes
Gary Corey	
<i>Consulting Team</i>	
Richard Faesy	Energy Futures Group (EFG)
Zack Tyler	Energy Futures Group (EFG)

Meeting Agenda

1. **Approval of Meeting Minutes** – Chairs and Group Discussion (*5 minutes*)
2. **Follow up on Charge #1 discussion from 10/11 meeting** – Group Discussion (*15 minutes*)
 - a. Charge #1: Recommend strategies 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
 - b. Any additional suggestions or recommendations for the report beyond those discussed at the previous meeting?
3. **U.S. DOE funded “Vermont Building Energy Code Administration Project” - Code Administration Visualizations** – Zack Tyler, Energy Futures Group (*20 minutes*)
4. **Review Act 47 Building Energy Code Study Committee Recommendations and Consider Additions for Charge #2** – Energy Futures Group, Group Discussion (*90 minutes*)
 - a. Charge #2: 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
5. **Review Report Outline** – Zack Tyler, Energy Futures Group (*10 minutes*)
6. **Stakeholder/Public comments** (*10 minutes*)

Key Takeaways

- Division of Fire Safety (DFS) Director Michael Desrochers expressed significant concerns about taking on expanded energy code responsibilities.
- There's growing interest in exploring collaborative approaches involving DFS, energy efficiency utilities (EEUs), and other stakeholders for education and technical assistance to support compliance with RBES and CBES.
- The group discussed the challenges of adopting the International Residential Code (IRC) and the need for thorough evaluation before potential implementation.
- The Working Group aims to provide focused recommendations in their report to the Legislature. The goal is to have a short and digestible report for the Legislature including status updates on the Act 47 recommendations.

- A draft report will be distributed for review before the November 1st meeting, with the goal of finalizing recommendations at that meeting.

Topics

Vote on previous meeting minutes

- Chris Campany moved to approve the minutes.
- Richard Wobby raised questions about the minutes from October 11, 2024. He requested clarification regarding the use of the phrase ‘certification’ in various places in the minutes and whether that certification was voluntary or not.
- Matt Bushey questioned the decision made by the Building Energy Code Working Group (BECWG), and documented in the minutes, to defer recommendations around Charge #3 (whether a statewide building code should be adopted) to 2025.
- The chair requested that the group approve the minutes, document these concerns in the minutes for the October 22, 2024 meeting, and revisit these questions/concerns at the end of the meeting.
- Minutes were approved – Richard Wobby and Chris Campany abstained.

Follow up on Charge #1 from 10/11 Meeting

- Richard Faesy provided an overview of the key takeaways from the October 11, 2024 meeting.
- Jennifer Colin of the Office of Professional Regulation (OPR) provided some clarifications regarding the voluntary certifications that OPR is working on for residential contractors.
 - These would be considered specialized endorsements or certifications by OPR and would be available to residential contractors that are registered with OPR.
- Chris Campany suggested that awareness and training information be provided to floodplain administrators.
 - Discussed adding this to EFG’s DOE RECI grant municipal outreach activities.
- Discussion about Vermont Builders and Remodelers Association (VBRA) letter regarding the transfer of certifications from OPR to DFS.
 - Jennifer Colin clarified that OPR’s September 13, 2024 report to the Legislature was not trying to make a recommendation that DFS have jurisdiction over a project while it was in process and then OPR pick it up once a project was complete. Instead, OPR was trying to distinguish between DFS enforcement work and OPR’s work on consumer fraud.

- OPR needs jurisdiction over whoever the homeowner is paying in order to protect consumers from fraud.

DOE RECI Grant Visualization Walk-Through

- Zack Tyler provided an overview of a draft logic model that is being developed under the EFG DOE RECI grant. The visualization showed the role that a permit database, code verification, and legislative activities may play in the energy code environment between now and 2030.

Discuss Charge #2 Recommendations

DFS Concerns About Expanded Role

- Michael Desrochers expressed significant concerns about DFS taking on expanded energy code responsibilities.
- DFS is already three code cycles behind on building code updates (still using 2015 IBC) and has multiple ongoing rulemaking efforts (elevator safety, electrical safety, plumbing, ADA).
- Expanding to energy code enforcement and/or single-family homes would require significant new staff, training, and equipment.
- Single-family owner-occupied homes are not currently under DFS jurisdiction.
- In most jurisdictions energy code compliance is a lower priority compared to immediate life safety issues that DFS is currently responsible for overseeing.
- Current staffing and resources are stretched thin with existing responsibilities.
- Michael Desrochers emphasized DFS is open to supporting awareness and education efforts, but not full enforcement of energy codes.

Collaborative Approaches

- The group discussed potential collaborative models involving DFS, efficiency utilities, and other stakeholders.
- Suggestion that Efficiency Vermont (EVT) staff could potentially work under DFS umbrella to provide technical expertise.
 - Matt Sharpe pointed out that EVT is in a strong position to support with technical assistance and has a history of doing so, but they are not in the business of code enforcement. Their relationships with builders and contractors require a collaborative approach, not an enforcement approach.

- Leverage existing energy efficiency utility relationships with builders for education and support.
- Focus on education and support rather than strict enforcement initially.
- Learn from other states' experiences implementing residential inspection programs (e.g., New York's 20-year evolution as described by Sandy Vitzthum)
- Craig Peltier suggested exploring synergies between DFS and energy efficiency utilities to share the burden of responsibility.
- Jim Bradley emphasized the need to improve the support systems for builders. A recommendation for the Legislature would be to allocate the right resources, agency, and personnel to support the construction industry. They are currently responsible and liable for these requirements without the proper support systems in place.
- Senator Bray brought up the concept of collaborative inspections and the value that might provide in VT.
- Discussion about the value of allowing EEU's to support projects that are below code, not just those that exceed code.

IRC Adoption Considerations

- DFS needs time to thoroughly evaluate the International Residential Code (IRC) before potential adoption.
- Must assess conflicts with existing Vermont codes and practices.
- Determine impacts on permitting processes, inspection requirements, and training needs for staff.
- Consider housing affordability implications of adopting IRC.
- Evaluate how IRC meshes with existing National Fire Protection Association (NFPA) codes used in Vermont.
- Assess capacity and ability of Vermont contractors to build to IRC standards.
- Mike Desrochers noted most states amend the IRC to fit their needs, not adopt it wholesale.
- A separate DFS working group is examining IRC adoption independently from energy code efforts.

Report Structure and Process

- Draft outline reviewed, aiming for a concise, focused report compared to the lengthy Act 47 report.
- Will provide high-level updates on the status of prior recommendations from Act 47.
- New recommendations to be voted on at the November 1st meeting. Dissenting opinions will be documented in the report, consistent with the Act 47 report approach.
- Considering moving unaddressed prior recommendations to the main section of the report for visibility.
- Aiming to distribute draft sections on responses and recommendations as soon as possible for review.
- Emphasis on keeping the report shorter and more impactful than the previous lengthy report.

Revisiting Questions from 10/11 Minutes

- Matt Bushey's comment was that he does not believe the BECWG should entirely defer a response to Charge #3 (should a statewide building code be adopted) given the Act 47 committee recommended a statewide building code be put in place.
 - Proposal is to answer the question again since the question is really being asked again under Charge #3.
- Richard Wobby commented that there are pieces of legislation and previous report sections that the BECWG needs to be aware of. Some of the questions being asked by BECWG have been discussed and reported on previously.

Next Steps

- Energy Futures Group to distribute draft report sections, especially proposed recommendations, as soon as possible.
- Working group members to review draft and be prepared to discuss feedback at the November 1st meeting.
- Vote on recommendations scheduled for the November 1st meeting.
- Finalize report content and incorporate any dissenting opinions after the November 1st meeting.

- Ensure all documents and communications are properly shared with the full working group to maintain transparency and not violate open meeting laws.