



Zero Energy Ready Oregon (ZERO) Coalition
623 SW Oak St., 3rd floor
Portland, OR 97233
Phone: 503.968.7130 x32

State of Oregon
Construction Industry Energy Board and
Residential and Manufactured Structures Board
1535 Edgewater Street NW
Salem, OR 97304
Phone: 503.378.4133

Dear Board Directors and Members,

The Zero Energy Ready Oregon coalition is writing to provide comment on the materials provided for the joint meeting of CIEB and RMSB scheduled for June 9, 2020, and provide testimony in favor of moving the codes forward in a structured way that can achieve the goals set in Executive Orders 20-04 and 17-20.

First, we would like to define the assumptions we are making about the materials provided. The meeting packet contains a letter on residential code adoption from the Interim Director. It is our understanding that this letter is intended to inform agenda item III.B "Code Adoption update." Additionally, we notice that a 17-page document titled "Residential energy provisions" is included at the end of the packet. Within the Director's letter, she provides two discussion questions for the boards to tackle at the June 9 meeting. The first question refers to the "division proposals," we assume that is a reference to the 17-page document.

The members of the ZERO coalition have reviewed the goals of EO 20-04. Our key understanding from the EO is that time is of the essence if BCD is to be on a path to achieving the large amount of energy savings ordered by Governor Brown for Oregon's Energy Code. A realistic path to the EO goals means that energy code advancement should start this year. As the Governor has laid out in the preamble of EO 20-04, there is no time to waste. Our recommendations for BCD and the boards to get on this path to success in meeting the EO goals are as follows:

1. Substantially advance energy codes this year. The 2020 energy code advancement plan BCD proposed last fall would be a good place to start. At that time BCD announced to



the boards that the residential code would advance to achieve the full goals of EO 17-20 by October 1, 2020. If the division proposals represent what BCD promised in the fall, the adoption of those changes seems like an achievable goal by October 1, 2021. At the time BCD announced this plan last fall there were no details of the plan and we voiced concern it might be too far-reaching for one code cycle. BCD has now shared the details in the 17-page document and it does not go as far as we thought it would. In fact, it may not reach the goal of creating equivalence with the DOE-ZER standard referenced in EO 17-20, but the work to assemble it has been completed and given the reality that COVID-19 makes public process difficult we recommend the boards vote to adopt this as the minimum level for the energy provisions of the 2020 ORSC. We have an additional note for CIEB on the commercial code. BCD stated last fall that they planned to advance the commercial energy code to ASHRAE 90.1-2019 by October 1, 2020 and BCD stated they planned to write a rule that they would adopt the latest version of ASHRAE 90.1 within a year of its issuance. We have not seen progress on either of those issues and we suggest that CIEB recommend to the BCD Director that the commercial code upgrade to ASHRAE 90.1-2019 be completed by October 1, 2020.

2. We support the Governor's directive in EO 20-04 that in each 3-year code cycle a residential Reach Code be adopted at the same time as the base code. We further recommend that the Reach Code should deliver at least 10 percent savings above the base code each cycle. It is our opinion that 10 percent energy reductions at every 3-year code cycle will guarantee that the EO 20-04 goals are met by 2030. The Reach Code should represent BCD's, the boards, and the public's expectation of the next cycle's base code. Additionally, if the Reach Code is adopted in the same timeframe as the base code, then incentive programs like those of Energy Trust can more easily provide incentives to build at the Reach Code level in the years prior to its adoption as the base code. This type of certainty and planning will meet the business needs of the local building departments, designers, contractors, labor, and developers. It will also support the planning efforts and cost-effectiveness of above code incentive programs like Energy Trust's EPS program, which in turn helps builders and contractors prepare for the next code cycle.
3. The code adoption process should welcome the support and involvement of the public; especially experts in the field like the staff at the Northwest Energy Efficiency Alliance (NEEA). NEEA prepares analysis reports that are used in other NW states for energy code development and has already begun analyzing not just the savings required to meet EO 20-04 goals, but also what measures or bundles of measures that are in use in today's market could deliver those savings. In our opinion, inviting NEEA staff and other Oregon professionals to participate in committee work this summer and in the years ahead would not only speed the work of determining cost-effective ways of achieving EO

20-04 goals but also ensure that all interested parties are having their voices heard in the code adoption process.



There also appears to be some confusion about how the Reach Code can be established under Oregon statute. In her letter, the Director mentions that ORS 455.500 requires the Reach Code to “use ‘published and generally accepted codes and standards.’” However, the statute only requires BCD to “review” generally accepted codes. BCD is free to adopt whatever Reach Code provisions it deems warranted once it has reviewed those generally accepted codes and standards. ORS 455.500 reads:

...When adopting or amending the code, the director, in consultation with the appropriate advisory boards, shall:

2(a) Review generally accepted codes and standards that achieve greater energy efficiency than the energy efficiency required by the state building code; and

2(b) Review technical components of generally accepted construction documents as the director considers necessary to address federal, state, and local financial incentives and advances in construction methods, standards, and technologies.

In our opinion, the requirement to review a standard or code in designing the Reach Code is very different than a requirement that they must be used. Equally important is that ORS 455.500 instructs the director and the boards to review generally accepted construction documents such as the plans and construction specifications of existing projects that could be viewed as examples of best practice. This latter point means that members of the public could bring examples of their own work, or others, into the discussion, and the Reach Code could be designed as a result of learning from those project teams who have actually built with the technology and techniques needed to advance the codes.

In summary, the members of the ZERO coalition believe there is no time for delay. BCD and the boards should adopt the proposed Residential energy provisions as a new code that will go into effect on October 1, 2020. BCD and the appropriate boards should also update the commercial code to ASHRAE 90.1-2019 by October 1, 2020, as had been previously published on their website. BCD should immediately engage the boards directly in developing a new Reach Code (at least 10 percent better than the base code), and in light of the Covid-19 situation, we support the adoption of the first Reach Code no later than April 1, 2021.

Sincerely,

Zero Energy Ready Oregon Coalition



Earth Advantage

New Buildings Institute

Climate Solutions

Zero Energy Project

City of Portland Bureau of Development
Services

City of Portland Bureau of Planning &
Sustainability

NW Energy Coalition

Passive House Northwest

Northwest Eco-building Guild

Birdsmouth

Walsh Construction

Green Hammer

ZGF Architects

IBI Group Architects, Inc.

Waterleaf Architecture, LLC

City of Milwaukie

Community Energy Project

Ankrom Moisan Architects

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SERA Architects

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