



Testimony in Support of
LD 2257 -- An Act To Establish
a Uniform Building and Energy Code

Rockport, ME
Boston, MA
Providence, RI
Hartford, CT
Charlottetown, PEI

before the
Business, Research and Economic Development Committee

March 25, 2008
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Environment Northeast (ENE) is a nonprofit, nonpartisan organization incorporated in Maine that provides research, analysis and advocacy on environmental policies for the Northeast United States and Eastern Canada. ENE has been a principal advocate for major energy policy reforms in Maine in the recent years, including the establishment of the Regional Greenhouse Gas Initiative, authorizing major increases in utility-based funding of energy efficiency programs, and minimum energy standards for appliances. ENE is a member of the Maine Energy Conservation Board.

Recently before this committee, ENE strongly encouraged you to vote for LD 2179, a bill seeking to establish minimum, uniform, enforceable energy codes for all new construction in the state. Today, ENE comes before you to ask that you support LD 2257.

This bill, like its companion LD 2179, shares the same fundamental purpose of helping builders and buyers by creating a level playing field throughout the state, and establishing a more robust system of inspections that will ensure all buildings meet minimum quality standards. While others can speak more persuasively about the business and safety reasons for supporting these two bills, ENE wishes to focus your attention on the benefits of incorporating the two best elements of LD 2179 into LD 2257.

First, the bill should require inspection of the energy codes by certified inspectors. Energy codes have rarely been mandatory and have never been widely enforced in Maine. As reported by the Maine Public Utilities Commission in February, 84% of newly constructed homes surveyed in Maine would have failed to meet the minimum energy code standards.

While this statistic highlights the need for Maine to do better, it is worth noting that other states are experiencing a similar problem. Studies throughout the region have shown that roughly half of all new construction fails to meet the minimum energy code standards. This tells us that the existing enforcement mechanisms in all states are not working well. Consumers need a better mechanism for their protection.

We therefore urge the committee to approve this bill with the addition of a new certification category for special inspectors to perform energy code inspections. This approach is the same as the special inspections that are currently provided for in Maine statute for local plumbing inspectors, electrical inspectors, and elevator inspectors. While it is perfectly acceptable for an inspector or code enforcement officer to “wear many hats,” including the hat of an energy code inspector, we ask that you at least ensure Maine’s current and future purchasers of commercial and residential buildings that these buildings will be inspected by a person specifically certified in the energy section of the building codes.

The second critical element of Senator Bartlett’s LD 2179 that we ask you to incorporate into LD 2557 is the establishment of a requirement to disclose to the buyer the energy performance rating of a building at the time it is offered for sale.

The U.S. and other industrial nations using disclosure labels to help consumers understand the energy performance of competing product models. (See samples, Appendix 1). Twenty years ago, the U.S. Federal Trade Commission established the EnergyGuide labels that are common to all consumers shopping for appliances, including: clothes washers, refrigerators, freezers, water heaters, dishwashers, window air conditioners, central air conditioners, furnaces, boilers, heat pumps and pool heaters. Similarly, the EPA established energy efficiency labels on automobiles in the now familiar city and highway fuel economy ratings. In the United Kingdom, the sale of any new house must be accompanied by a simple bar chart disclosing the building’s energy performance. It is time for Maine consumers to have the same fundamental information when they buy a house or a business property – often the most important purchase of their lives.

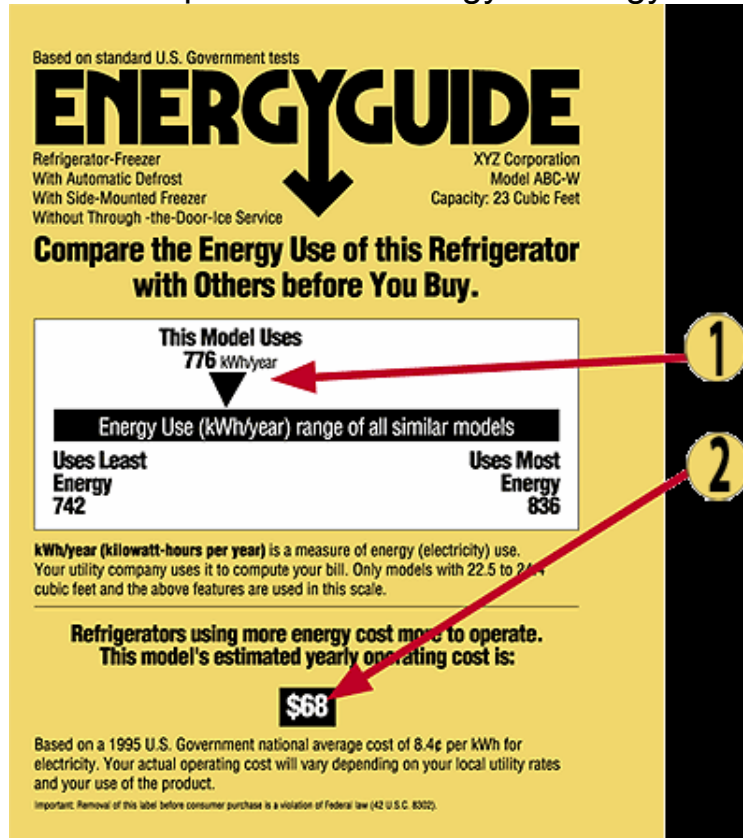
The Technical Codes and Standards Board should be tasked with developing one or more very simple and inexpensive methods to calculate or estimate the energy performance of a building. Beginning in 2010, these estimates should be required for any new building at the time the energy code inspection is performed (which will lower costs of the service) or on the occasion of an existing buildings second sale.

The average Mainer will spend more than \$3,500 this year on home heating oil and about a third of that on electricity. The cost of this energy in today’s dollars would be over \$31,000 during the average 7 years that an American holds a home, and more than \$225,000 over the life of that home if it lasted only 50 years. Given that a well built, highly efficient building might use half as much energy, or that a poorly built building could use twice as much energy, we feel that basic consumer protection demands the first buyer and all subsequent buyers be provided with an energy performance rating of the product before they buy it. Our economy, and our climate, are depending on it.

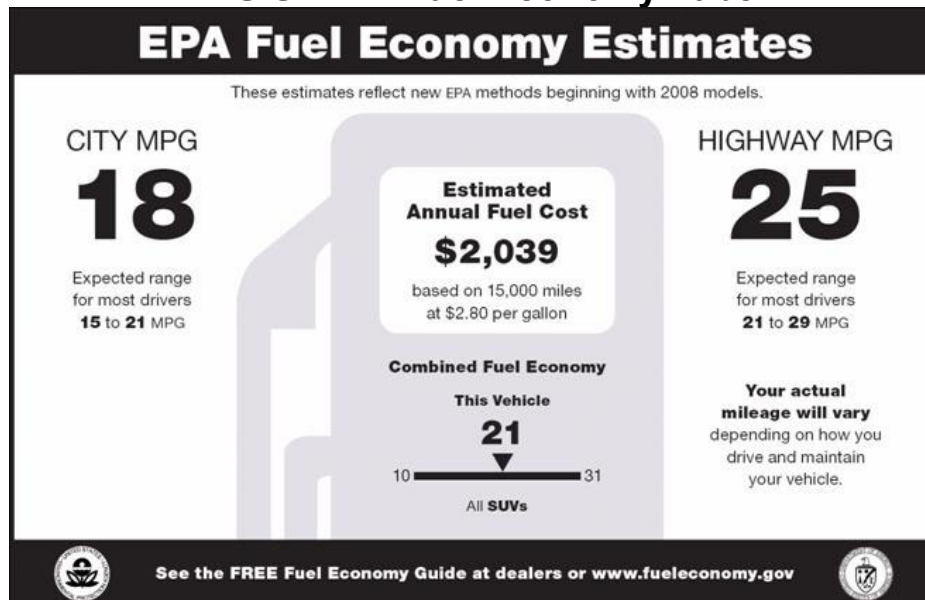
Thank you for considering these comments.

Appendix 1 – Sample Energy Performance Labels

1. U.S. Department of Energy -- EnergyGuide



2. U.S. EPA Fuel Economy Label



3. US. DOE Home Energy Rating System (HERS)

Sample HERS Scores and Estimates

	Score	Estimated Annual		
		Energy Cost (\$)	Electricity (kWh)	Gas (kBtu)
OVERALL	76	1162	6489	63807
Heating	87	219	131	37519
Cooling	97	16	124	0
Hot Water	64	119	0	220170
All Other Energy Uses		809	6233	4191

4. Sample HERS Index

