



November 7, 2022

Dear Mr. Sollod:

The American Gas Association (“AGA”) and American Public Gas Association (“APGA”) (collectively, “Joint Commenters”) appreciate the opportunity to provide feedback on the International Code Council’s (“ICC”) draft Building Performance Standards (“BPS”) resource.

AGA, founded in 1918, represents more than 200 local energy companies that deliver clean natural gas throughout the United States. There are more than 77 million residential, commercial, and industrial natural gas customers in the U.S., of which 95 percent—more than 73 million customers—receive their gas from AGA members. AGA is an advocate for natural gas utility companies and their customers and provides a broad range of programs and services for member natural gas pipelines, marketers, gatherers, international natural gas companies, and industry associates. Today, natural gas meets more than one-third of the United States’ energy needs.¹

APGA is the trade association for more than 730 communities across the U.S. that own and operate their retail natural gas distribution entities. They include not-for-profit gas distribution systems owned by municipalities and other local government entities, all locally accountable to the citizens they serve. Public gas systems focus on providing safe, reliable, and affordable energy to their customers and support their communities by delivering fuel to be used for cooking, clothes drying, and space and water heating, as well as for various commercial and industrial applications.²

Joint Commenters provide the energy needed to fuel many existing homes and businesses, thus making them critical stakeholders in this work. We support BPS that are fair and equitable and provide building owners with flexibility in implementing specific technologies and operational strategies customized to accommodate their circumstances and meet established targets. Accordingly, we offer the below comments for your consideration:

Comments

A. Source Energy

We support that the energy use targets established in the BPS are based on source energy or total emissions and not “by shifting energy modeling metrics to site energy or direct emissions.” It is critically important that BPS use either source energy or total emissions as the metric for compliance, and the BPS resource should reflect this. Using only site energy or direct emissions ignores the upstream losses associated with the energy consumed in the extraction, processing, and transport of primary energy forms such as coal, oil, natural gas, biomass, and nuclear fuel; energy consumed in conversion to electricity in power-generation plants; and energy consumed in transmission and distribution to the building site.

¹ For more information, please visit www.aga.org.

² For more information, please visit www.apga.org.

As stated in the draft document, “the commercial and residential provisions of the IECC have delivered significant GHG emissions reductions over time—providing savings of over 700 million metric tons of CO₂ equivalent since the 2009 edition, which is equivalent to the annual emissions of 187 coal-fired power plants.” These provisions have delivered these tremendous GHG emissions reductions by staying focused on advancing the energy efficiency of all buildings and system types, regardless of energy source. Furthermore, the draft document acknowledges “In the United States, during 2020, buildings accounted for 40 percent of total energy consumption when considering electrical systems and energy loss.

Furthermore, EPA has determined that source energy is the most equitable unit of evaluation for comparing different buildings to each other. Source energy represents the total amount of raw fuel that is required to operate the building. It incorporates all transmission, delivery, and production losses.³ By taking all energy use into account, the score provides a complete assessment of energy efficiency in a building. Commercial buildings use different mixes of energy including electricity, natural gas, fuel oil, district steam, and many others. To evaluate energy performance for these buildings, we have to express these different energy types in a single common unit. Source energy is the most equitable unit of evaluation and enables a complete assessment of energy efficiency.⁴

ANSI/ASHRAE/IES Standard 100-2018, Energy Efficiency in Existing Buildings provides a solid basis for establishing Energy Use Intensity (EUI) targets for different commercial building types, including metrics for source energy and total emissions. ANSI/ASHRAE Standard 105-2021, Standard Methods of Determining, Expressing and Comparing Building Energy Performance and Greenhouse Gas Emissions is another good resource for source energy and emissions factors.

B. Fuel Neutrality

As ICC works to finalize the resource, Joint Commenters caution against the promotion of policies that put all our “eggs in one basket” by eliminating Americans’ ability to choose the energy source best fit for their needs and budget. Every jurisdiction has different resources and service needs; therefore, an overly prescriptive BPS resource may discourage communities from utilizing it. Furthermore, almost half of U.S. states have passed legislation that preserve consumers’ right to choose the type of energy that powers their homes and businesses. Joint Commenters urge ICC to maintain fuel neutrality as it develops the resource. It should be made clear in the resource that, depending on a community’s geographical location and electric generation fuel mix, some BPS policies adopted might actually lead to undesired efficiency and emissions outcomes.

C. Affordability

Joint Commenters support reasonable exemptions from the BPS as shown under “Exemptions” in the draft document. Such exemptions are critical to consumer affordability. The resource should also encourage communities exploring BPS to do sufficient economic predictions to determine how such increased costs of compliance will be borne. Implementing BPS could raise rents or costs of goods and services. These increases should be weighed against the energy and/or

³ EPA, *The Difference Between Source and Site Energy*, https://www.energystar.gov/buildings/benchmark/understand_metrics/source_site_difference.

⁴ https://portfoliomanager.energystar.gov/pdf/reference/Source_Energy.pdf.

emissions savings to ensure that they are appropriate and not unduly burdensome on a community, especially the most vulnerable populations.

Furthermore, while some communities may choose to implement BPS for certain building stock (e.g., large commercial, multi-family), it should be made clear that it is not necessary for a community's new building energy code to be at the same standard or higher. The resource should encourage communities to adopt both building codes for new buildings and BPS for existing buildings that fit their communities' needs and budgets. The resource should make clear that a community's choice to adopt any form of BPS does not require the community to also adopt high performance building codes for all new buildings.

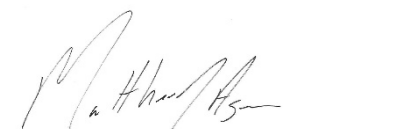
D. Utility Collaboration

It is important for local natural gas distribution utility involvement to be encouraged within the resource. To ensure compliance, BPS will likely require a certain amount of energy usage metering from buildings. While some jurisdictions will have access to utility meters or customer-side solutions that can collect such data, there are other jurisdictions where submetering or other similar devices may not be compatible with the technology a given utility employs. To ensure safe operating conditions and promote collaboration, the resource should include a list of important stakeholders for communities looking to implement BPS, including local natural gas distribution utilities.

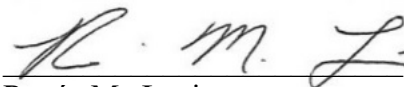
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Joint Commenters thank you for the review and consideration of these comments. If you have any questions regarding this submission, please do not hesitate to contact the undersigned.

Respectfully submitted,



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