



Memorandum

To: Sue Inches, State Planning Office
Amy Cole-Ives
From: Michael Stoddard, ENE
Subj: Comments on the Building Codes Resolve 46 Draft Proposal
Date: January 11, 2007

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

Environment Northeast (ENE) is a non-profit research and advocacy organization incorporated in Maine, with offices in Rockport and Portland. ENE specializes in comparative law and analysis of energy policies that help protect clean air and reduce greenhouse gas pollution. ENE has been pleased to participate in recent meetings of the Steering Committee tasked with developing a proposal to the BRED Committee pursuant to Resolve 46, and appreciates the opportunity to offer these written comments on the Draft Proposal dated December 20, 2006.

The summary of ENE's comments and recommendations are as follows:

- (a) The report should acknowledge and emphasize in its Findings:
 1. that Maine is the only state in New England that does not have a uniform, mandatory, statewide building energy code for new construction of residential housing;
 2. that plumbing code enforcement officers in Maine are paid using a Fee for Service approach that avoids a fiscal impact on municipalities;
 3. that budgets for energy efficiency programs in Maine are going to increase over the next few years and these programs (e.g., Efficiency Maine), subject to confirmation, have funded training on energy efficient buildings in the past;
 4. whatever information SPO is able to develop regarding the estimated cost of inspections, including the building energy code component of an inspection.
- (b) The report should factor into its Recommendations that:
 1. with regard to inspection and certificate of occupancy of building energy codes, enforcement should be mandatory statewide using a Fee for Service payment approach, as is currently done for plumbing inspections;
 2. because energy efficiency codes are very technical and frequently changing due to technology advances, compliance with the code would be most efficiently and accurately ensured by code enforcement officers who are specifically certified in the applicable energy code, as is currently done for plumbing inspectors;
 3. over time, Plan Review requirements should be extended to residential construction, as it is now for public/commercial buildings.
- (c) ENE strongly supports the report's suggestion to increase training for builders, architects, and inspectors, and we would encourage you to further recommend that efficiency programs be approached to significantly defray the cost of such training, at least with regard to builders and architects regarding energy codes.