



HB806 – Building Standards and Emissions Reductions – High Performance, State, and Local Government Buildings, State Operations, and Eligible Projects

Testimony before

Appropriations Committee

March 1, 2022

Position: Favorable With Amendments

Madame Chair, Mr. Vice Chair and members of the committee, my name is Brian Wessner, and I represent the 750+ members of Indivisible Howard County. Indivisible Howard County is an active member of the Maryland Legislative Coalition (with 30,000+ members). We are providing written testimony today in **support of HB806**, to establish Building Emission Standards for public state and local government buildings, require an all-electric construction code for all new public buildings, and set up requirements identifying the maximum acceptable global warming potential for various types of building materials, We appreciate the leadership of Delegate Stein in moving this bill.

Solving the climate issues facing Maryland is not a one-size-fits-all effort. With 13% of Maryland's greenhouse gases (GHC) coming directly from the building section, success requires setting aggressive goals for GHG reduction in order to meet or exceed Maryland's goals. With amendments outlined in this testimony, including the priority amendments being put forth by Maryland Climate Partners and the Climate Justice Wing (see attached), HB806 targets these elements of a lasting solution through:

- ❖ **Updating the definition of covered buildings** to include all state buildings and local government buildings where the state provides 50% of the construction costs. Schools are not covered. Proposed amendment, supporting attached amendments put forth by the Maryland Climate Partners and the Climate Justice Wing, include:
 - Ensure that all schools are considered covered buildings by requiring they meet or exceed LEED Silver certification (not just equivalency).

- ❖ **Requiring an all-electric construction code** for new residential and commercial covered buildings. Proposed amendments, supporting attached amendments put forth by the Maryland Climate Partners and the Climate Justice Wing, include:
 - Schools should be included, becoming models for the rest of society, with codes that are stronger, or at a minimum comparable, to other building standards. Built to Learn funding should be used in creating all-electric schools.

- New construction codes should apply to all buildings, regardless of the level of state funding, avoiding building fossil fuel dependent buildings that will require future, and more expensive and disruptive retrofits.

- ❖ **Requiring compliance with building emissions standards.** These standards require all buildings – both new and existing – over 25,000 sq. ft. must comply by January 1, 2025, reduce net GHG emissions by 50% by January 1, 2030, and achieve net zero GHG emissions by January 1, 2035. These targets apply to direct emissions only and are based on 2025 baselines. Proposed amendments, supporting attached amendments put forth by the Maryland Climate Partners and the Climate Justice Wing, include:
 - Include indirect, not just direct emissions, in the building emissions standards
 - Set the baseline for achieving reductions to 2023
 - Add a requirement to measure and report direct emissions and electricity use to MDE annually starting in 2025

- ❖ **Updating the definition of high-performance buildings** to include buildings that achieve at least a LEED Silver rating and achieves 5 points or less in the combined credit for transit and surrounding density and diverse uses. Proposed amendments, supporting attached amendments put forth by the Maryland Climate Partners and the Climate Justice Wing, include:
 - Redefine when high-performance building standards are required to apply to buildings constructed with at least 25% state and local government funds
 - Define high-performance as requiring LEED Silver certification (not just equivalency)

- ❖ **Incorporating the Buy Clean Maryland Act** which requires establishment of the Maximum Acceptable Global Warming Potential for certain building materials by January 1, 2024 and specifies how to calculate the global warming potential. Waivers can be authorized based on material costs, delays, or a single source for the material. Proposed amendment, supporting attached amendments put forth by the Maryland Climate Partners and the Climate Justice Wing, include:
 - Remove the ability to grant a waiver based on a single source of an eligible material. If the material is acceptable it should be used.

- ❖ **Requiring development of an Interagency Climate Action Plan**, by January 1, 2025. The plan must show how to achieve net zero direct and indirect emissions from all state operations.

These actions, when taken together, contribute to the overall effort to achieve Maryland's GHG reduction goals.

Thank you for your consideration of this important legislation.

We respectfully urge a favorable report with amendments.

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Amendments coordinated by the Maryland Climate Partners

Goal: Our value is that government buildings, including schools, should be models for the rest of society and lead the way towards more sustainable, carbon-friendly practices. While HB806 makes some steps in this direction, they are not enough. The provisions relating to public buildings should be strengthened to A) raise the standard and B) apply that standard to more buildings.

1. Adjust the Definition of High-Performance Buildings and when they are required

The “high performance buildings” define a more environmentally friendly building standard and the conditions where a public building is required to meet that standard. The standard should be strengthened and apply to more publicly funded buildings.

- Public buildings, as defined in HB0806, are those public buildings that are constructed with at least 50% of state or local government funds. We believe this will be confusing and will arbitrarily exempt some schools. We should always set an example with our schools, and we should not have schools be at a lower standard than other buildings
 - Redefine when the high-performance building standards are required to apply to buildings constructed with at least 25% of state or local government funds.
 - Define high-performance as requiring a of LEED Silver certification (not just equivalency)

2. Add language from SB0528 that requires high-performance buildings to acquire energy from renewable resources (wind, solar, geothermal, ocean, small hydro)

- We believe that solving the problem of carbonization in buildings will require changes to the energy consumption that buildings get from the grid. If a building meets the standard of a high-performance building, it should not only be constructed and certified to a LEED Silver standard, but it should also ensure that it is not pulling dirty energy from the grid.
 - Include schools in the requirement to be LEED Silver
 - Include requirement for high-performance buildings to acquire energy from renewable sources

3. Apply All-Electric Construction Code to All Buildings

HB0831 set an all-electric construction code, which is referenced in HB0806, however, schools were exempted from the all-electric requirement.

- Schools should not be exempted from the all-electric construction requirement
 - Our public buildings, including our schools, should be models for the rest of society, and should be stronger, or at a minimum comparable, to other building standards.
 - It is our understanding that HB806 addresses construction standards for new public buildings, potentially based on levels for state funding. We support stronger goals for state buildings, but the new construction codes laid out in HB 806 should apply to all buildings, regardless of level of state funding.

- If we don't apply the all-electric standard to all buildings, every time we build a building that is not all-electric, it is one more building we will have to retrofit. Retrofitting is far more expensive than building the all-electric in the first place.
 - With a state surplus and plans to spend significant money on schools through the Built to Learn funding, this is the ideal time to pay-it-forward. Building schools with fossil fuel infrastructure will require far more funds in the future to operate and eventually retrofit.
4. **Building Emission Performance Standards** - While the bill currently includes requirements for direct emissions (*defined as "onsite fuel combustion, e.g., gas used onsite for water and/or space heating, cooking, and refrigerant leaks"*), the bill should be amended to include performance measures for improved energy efficiency (e.g., site electricity use), such as: maintaining and retro-commissioning building energy systems; implementing HVAC scheduling and other smart control systems; and making building shell and other energy efficiency improvements, as recommended by the MD Commission on Climate Change's [Building Energy Transition Plan](#) (see p. 23). Improved building energy efficiency will reduce overall electricity demand (helping grid transition) and can result in smaller sized heating and cooling systems.
- Include all emissions (not just direct emissions) in the Building Emissions Performance Standards
 - Set the baseline for achieving reductions from 2025 to 2023 levels
 - Add a requirement to 'Measure and report direct building emissions and site electricity use to the Department (MDE) annually beginning in 2025'
 - Set a baseline and Building Emission Standard by building type to make it easier to manage from a building owner standpoint
5. **Reduce the reasons to waive the requirement to acquire eligible materials**
- Having only one source to acquire an eligible material should not be a reason to get a waiver

Additions to Ensure that HB806 is Equivalent to SB528

- Add a pilot for a net zero schools program that will utilize a Net Zero Pilot grant fund
- Add a requirement for the MCEC Climate Catalytic Capital Fund (C3).
- For Building Emission standards, include a requirement for the same reduction for 'site energy use intensity' as requested (but not already in) SB528