

**February 25, 2022**

**Testimony: HB 0806 - Building Standards and Emission Reductions**

**Organization: Cedar Lane Environmental Justice Ministry (CLEJM)**

**Submitter: Lee McNair, Co-leader**

**Position: FAVORABLE with Amendments**

**HB0806 includes many highly useful requirements to help us meet our climate change goals in Maryland.**

**However, we concur with the testimony submitted by TPMEC in that the following amendments will enhance and strengthen this bill as needed at this point in our climate emergency.**

**Recommended Amendments to Strengthen HB806**

The following recommended amendments are intended to raise the standard, apply it to more buildings, and tighten up the excellent Buy Clean Maryland provisions.

- **Modify the Definition of High-Performance Buildings and Where it Applies**  
The current definition exempts schools and they should be included. Experience in Maryland has shown that the gold standard of net-zero schools can be constructed at a cost equal to or lower than conventional schools. New schools should not have a lower standard than other public buildings. We recommend that the bill redefine the high-performance building standards to apply to buildings constructed with at least 25% of state or local government funds and define high-performance buildings as requiring a LEED Silver certification (not just equivalency).
- **High Performance Buildings Should Acquire Energy from Renewable Sources**

If a public building meets the high-performance building standard, it should not only be constructed and certified to a LEED Silver standard, but also ensure it is using renewable energy. We recommend adding a requirement for high performance buildings to acquire energy from renewable sources (i.e., solar, wind, hydro, geothermal).

- **All-Electric New Construction Code for Schools**

HB831 included an all-electric construction code that is referenced in HB806; however, schools were exempted from this requirement. New schools should not be exempted from the all-electric requirement. This is particularly important looking to the future and the dramatic two-to-five fold increase predicted in the cost of gas. Precious Built to Learn dollars should be used to construct schools that will cost less, not more, to operate in the future.

- **Building Emission Performance Standards**

HB806 currently includes requirements for direct emissions (*onsite fuel combustion, e.g., gas used onsite for water and/or space heating, cooking, and refrigerant leaks*); however, it does not include efficiency standards for onsite electricity use. While reducing fossil fuel combustion in public buildings is very important, improving the energy efficiency is also critical. The bill should be amended:

- to include performance measures for improved energy efficiency, 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; and
- to allow local governments to have more stringent or different standards, while still reporting on the statewide metrics.

Improved building energy efficiency will reduce overall grid electricity demand and can result in smaller sized heating and cooling systems. State and local government owners of these public buildings should also have to measure and annually report their direct emissions and site electricity use to the Department of Environmental Management starting in 2025. Having a performance standard is only as good as the requirement to measure and report on it.

- **Tighten Buy Clean Maryland Provisions**

The Buy Clean Maryland provisions are well crafted and include a comprehensive list of building materials, similar to a law recently passed in Colorado. Currently, HB806 includes four instances where the Department may grant a waiver if using the eligible material would: 1) be technically infeasible; 2) result in a significant increase in project cost; 3) result in a significant delay in project completion; or 4) result in only one source or manufacturer being able to provide the necessary materials. Given the changing landscape of decarbonizing construction materials, there may be only one manufacturer for certain materials. This fact alone should not disqualify the material if it does not also trigger one of the other waiver provisions. The Colorado law has no such waiver provision. We recommend deleting the fourth waiver item on sole source of the material.

**CLEJM supports this bill and asks for a FAVORABLE**

report in committee. We thank you for reading our testimony.