



March 18, 2022

Department of Energy Resources (DOER)
100 Cambridge Street, Suite 1020
Boston, MA 02114

Dear Commissioner Woodcock:

Thank you for your hard work and leadership in the implementation of the 2021 Climate Roadmap Law. As you know, the municipal opt-in net zero stretch energy code is a crucial piece of achieving the new statewide emission limits. According to the draft interim Clean Energy and Climate Plan for 2030, new construction in the 2020s is expected to produce over 1 billion square feet of additional building space. A strong building code is the key to making sure that this new square footage is clean and efficient.

I write today on behalf of Mass Audubon, a 125-year-old conservation and advocacy organization with 140,000 members across the state. I am pleased to see DOER moving forward with an aggressive new update to the stretch code, and to see that a new specialized opt-in code will be available for municipal adoption by December 2022. Rapid roll-out and uptake of the latter is necessary to stem the tide of new construction that will rely on fossil fuels well beyond 2050.

However, some of the provisions of the specialized opt-in code are disappointing. The straw proposal does not require new buildings built under this code to be “net-zero”, but instead allows fossil fuel onsite without a requirement of offsetting on or off-site renewables.

Moreover, it does not contain a provision allowing a city or town to prohibit fossil fuel use in new construction. We all know that multiple municipalities have attempted to make this policy choice, only to be blocked by provisions of state law that pre-empt such local action. We also know that many more cities and towns are likely soon to follow in these attempts. Why not allow a city or town opting in to the specialized opt-in “net zero” code to simply block one of several pathways to compliance?

Finally, I can’t help but wonder whether DOER and the Board of Building Regulation and Standards plans to stick with the administration’s plan to make the opt-in code required for all new construction in 2028, as stated in the draft interim CECP. Building codes must be updated continuously, and signaling this intention will send a strong message that efficient, clean construction will be everywhere, and soon.

Thank you for your consideration, and I look forward to the next steps in this process.

Sincerely,

Sam Anderson
Director of Legislative & Government Affairs
Mass Audubon