

## **ZERO CARBON MA - *Reconciling climate policy with climate reality***

Massachusetts Department of Energy Resources  
100 Cambridge Street, 10th Floor  
Boston, MA 02114

12 August 2022

Dear Commissioner Woodcock, Secretary Kennealy & Secretary Card:

At ZeroCarbonMA, we are working to accelerate the adoption of climate policies that align with climate reality. We thank you for the opportunity to comment on your recent drafts of the municipal energy codes.

**Climate change is both an existential and public health crisis that requires immediate action.** The longer we wait and rely on incremental and insufficient steps to address this crisis, the more difficult this problem becomes to solve. The burning of fossil fuels is changing the landscape of humanity, not just with climate change, but according to [this study](#), burning fossil fuels was also the cause of 2,780 deaths, 308 babies of low birth weight, and 15,386 cases of pediatric asthma in Massachusetts in 2019 alone.

**We commend you for the changes made in this draft that were a result of public feedback and engagement, including:**

- Inclusion of building retrofits.
- Requiring multifamily buildings greater than 12,000 sq ft to be built to Passive House standards.
- The formation of a Technical Advisory Committee including experts in climate resilient building.

**However, the proposed codes still need to go further.**

1. **As per the AG's written guidance, DOER codes MUST MEET the 2030 state mandate of 50% reduction of carbon emissions.** To date, we have not seen any proof that the current DOER standards will meet these goals. DOER and EEA must publicly demonstrate how the 2030 building sector limits will be met through these latest code proposals. **This includes a thorough accounting for embodied carbon which is a critical factor in achieving net-zero emissions.** The inevitable conclusion is that all current and future buildings must be net-zero.
2. **DOER is obligated by statute to produce building codes which reflect the lowest life cycle costs possible.** DOER announced that, according to their own research, all-electric buildings have the most favorable life cycle costs in ALL building categories. Yet

none of the proposed codes - including the opt-in specialized code - require all electric buildings. Allowing fossil fuels in new buildings perpetuates deleterious health risks and results in increasingly unaffordable gas, oil and propane bills which will disproportionately harm at-risk communities throughout the state.

3. **Any building built today with stranded fossil fuel assets will have to be retrofitted, at far greater cost, complexity and disruption, in the near future, in order for us to meet our climate goals.** The cost of these retrofits, which **MUST BE DONE**, should be factored into all life-cycle cost equations. DOER should also run models using current gas and electricity prices, which have changed dramatically in the past two years.
4. **The threshold for substantial improvements to existing buildings should be based on 50% of the enclosed area without any reference to cost or assessed value.** Any threshold using cost-to-value burdens low-value buildings in environmental justice communities and relaxes standards for wealthy communities. It also allows for rampant misinterpretation and misuse. In addition, the 50% area is already a calculation required by the commercial code, and is widely used and understood. Drop the cost definition and stick with one that everyone already uses and understands, and that is not open to misinterpretation and misuse and will not burden EJ and LMI communities.
5. **DOER was mandated with producing a specialized NET ZERO code.** Net zero means that a building produces as much energy as it consumes. Net-zero requires an equation, in which energy production and energy consumption are compared. By **NOT** requiring net-zero in this optional code, we are continuing to bar the vast majority of the Commonwealth from requiring net-zero. The issuance of this code perpetuates that injustice.
6. DOER plans to issue final code language on December 23, 2022. **DOER should allow for municipal adoption by vote to take place ANY TIME before the Jan 1st or July 1st effective dates.** Municipalities should be free to vote whenever they choose in order to have the earliest effective date.

In summary, it is the responsibility of the DOER to create an opt-in specialized code that allows municipalities to require fossil fuel free buildings if they so choose. The Legislature has mandated that DOER produce such a code. And the Attorney General has given the DOER explicit permission to do so, stating further that the DOER is **required** to provide a code that will allow the commonwealth to meet its 2030 decarbonization targets.

**Time is of the essence. Please act now.**

Sincerely,

Lisa Cunningham, Jesse Gray, David Mendels, Wendy Stahl for  
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