



August 12, 2022

To the Department of Energy Resources -

350 Massachusetts ("350 Mass") writes to provide comments on the so-called "specialized opt-in code" proposed by the Department of Energy Resources ("DOER") on June 24, 2022. In short, we are disappointed by DOER's failure to provide a true net zero opt-in stretch code as mandated by the 2021 Climate Act and we urge changes in the final rule, as outlined below.

Who we are

350 Mass is a statewide, grassroots, member-led, campaign-focused network committed to a just transition for a climate-safe world. 350 Mass is a dynamic organization managed by a member-led Statewide Steering Team, made up of both statewide working groups and local, member-led chapters we call "nodes". We have nodes from the Berkshires to Cape Cod. At the state level, our members conduct focused work ranging from legislative to direct action that supports our campaign goals. The "350" in our name comes from 350 parts per million ("ppm"), the concentration of carbon dioxide in the atmosphere considered safe by climate scientists. (The world's atmosphere now exceeds 415 ppm.) 350 Mass is supported by the staff of Better Future Project, a 501(c)3 tax-exempt nonprofit based in Cambridge, Massachusetts.

DOER should promulgate a true net-zero opt-in building code

The 2021 Climate Act directed DOER to promulgate by December 24, 2022, an opt-in stretch code that would define "net zero building". Towns could choose to adopt this opt-in code, which then would require that new buildings meet that definition. The June 24 DOER proposal defines "net zero building" in a counterintuitive way - among other things, it would allow a new building to be heated by burning natural gas onsite, so long as it was pre-wired to facilitate conversion to all-electric heat pumps sometime later. DOER attempts to justify this by arguing this would be consistent with the goal, stated in the 2021 Climate Act, of reaching net zero emissions statewide by 2050. However, it seems clear that when the 2021 Climate Act mandated a "net zero" opt-in stretch code, it expected each building constructed pursuant to such a code to be "net zero" when built, not optionally at some undefined date in the future. On the whole, the code fails to accelerate the construction of energy efficient, all-electric buildings powered by renewable and clean energy. Instead, the code requires buildings be pre-wired for electrification and makes renewable energy optional.

There is scientific consensus that we need to act fast to avoid the worst effects of climate change. In Massachusetts that will have to include getting building heating systems off gas and onto electric heat pumps, while also getting our electricity generating sector off of fossil fuels. We may as well start this necessary huge transition by the relatively easy step of making new buildings all-electric. An even easier step is to allow some towns that are willing to take that step now to do so.

We therefore strongly urge DOER to promulgate a true net-zero opt-in stretch code that would require a building to function on a “net zero” basis when built. One clear pathway to “net zero” would be to not allow fossil fuel combustion for heating or cooking and to rely instead on the all-electric technology whose effectiveness and reliability has been well-demonstrated. All cities and towns in Massachusetts should have the opportunity to adopt such an opt-in net zero stretch code through their Town Meeting or other democratic local processes.