



**MASSACHUSETTS  
FEDERATION OF  
BUILDING OFFICIALS**

November 29, 2017

Judith F. Judson, Commissioner  
Massachusetts Department of Energy Resources  
100 Cambridge Street, Suite 1020  
Boston, MA. 02114

Dear Commissioner Judson,

As a result of House Bill 3955 being assigned to the Joint Committee on Telecommunication, Utilities and Energy the Massachusetts Federation of Building Officials (the Federation) has become aware of the Department of Energy Resources (the Department) proposed updates to its Alternative Energy Portfolio Standard (APS) known as 225 CMR 16.00. I am sending you this because the Department has indicated it welcomes written comments on the proposed changes through December 1, 2017.

**Introduction:**

The Federation was formed several years ago to serve as a unified voice for the majority of Massachusetts building officials. The Federation is comprised of, and represents the members of regional inspectors' associations: the Metro West Building Official Association, the South East Massachusetts Building Officials Association and the Building Officials of Western Massachusetts. Massachusetts building officials in accordance with §3 of M.G.L. 143 are charged with upholding the Commonwealth's state building code which includes energy systems that impact the built environment. It would appear that the State Building Code may be utilized by folks seeking to receive the incentives available for using certain types of alternative energy technologies.

**The Issue:**

The proposed revisions to 225 CMR 16.00 APS include definition of the International Association of Plumbing and Mechanical Officials (IAPMO) to be a non-profit accredited standards developer and certification body. This part of the revisions appears to require that the Department accept solar heating collector system ratings and certifications from one provider which bring about a non-competitive requirement. Including a proprietary name in the regulations appears to impede the Department from accepting ratings and certifications from a competitive market of qualified providers. Including an exclusive name in 225 CMR 16.00 by itself restricts the opportunities being made available through the APS to Massachusetts individuals, business, institutions, and governments considering alternative energy sources.

Solution:

The Federation urges the 225 CMR 16.00, APS draft revision be modified by striking IAPMO from the Section 16.02 Definitions prior to filing it with the Secretary of State. We believe this change will give the Department flexibility so it can recognize all qualified solar heating collectors and heating rating and certification bodies. Having sole source requirements is not good for the regulation and we believe that the revision offered herein would not compromise the Commonwealth's clean energy objectives. Also, this revision allows options for Massachusetts individuals, business, institutions, and governments seeking to receive the incentives available for using certain types of alternative energy technologies.

I welcome any questions that you may have. You can reach me through our web site [MFBO.org](http://MFBO.org).

Respectfully,

A handwritten signature in blue ink, appearing to read "Robert C. Borden". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Robert C. Borden, President,  
Massachusetts Federation of Building Officials