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Mr. Daniel Cohen
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Department of Energy
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REF: Regulatory Burden RFI (Federal Register August 8, 2012)

On behalf of the Maryland-National Capital Building Industry Association, I am providing the following comments and information in response to DOE's request. The Association represents residential builders, developers and associated professionals and service firms.

With respect to the 2012 International Energy Conservation Code which is considered 30 percent more energy efficient than the 2006 code, the Department of Energy should provide guidance to the States on recognizing alternative ways to achieve the same energy savings.

The 2012 IECC is being interpreted without this flexibility for low-rise residential buildings. Flexibility is critical since it helps keep competition up, costs down, and stimulates innovation, as well as accommodates the greatest number of situations where there are special needs. Choices in techniques and materials will avoid the use of substantially unproven or less forgiving systems that are prone to unintended consequences. All features of a building that can improve energy efficiency (e.g., high-performance HVAC, lighting, etc.) should be given due consideration in reaching a stated performance goal.

The Frederick County Maryland Department of Permits and Inspections has already requested guidance from DOE on energy code equivalency (May 2012 letter). However, to our knowledge an official DOE response has not been received.

Both the American Recovery and Reinvestment Act of 2009 and the Energy Policy Act Section 304 acknowledge equivalent energy efficiency. In fact, the most recent final DOE Determination for low-rise residential (Federal Register May 17, 2012) acknowledges that while the overall 2012 IECC achieves greater energy efficiency than the 2009 code, some sections of the 2012 IECC are more energy efficient than the 2009 IECC, some sections are less energy efficiency, and some sections that have unclear or negative impacts on energy efficiency are offset. Also DOE's legislative mandate states that the Department should "seek adoption of all technologically feasible and economically justified energy efficient measures" (42 U.S.C. § 6836).

We should all agree that a Btu saved is a Btu saved. All free market means for conserving energy should be recognized and allowed to be traded-off against one another.

Sincerely yours,



Annette Rosenblum
Director of Regulatory Affairs
Maryland-National Capital Building Industry Association

BUILDING HOMES CREATING NEIGHBORHOODS