



Shaping Tomorrow's
Built Environment Today

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Ginger Scoggins
2023-2024 ASHRAE President

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April 18, 2024

The Honorable John T. McDonald III
Chair
New York Assembly Committee on Governmental Operations
New York State Assembly
LOB 623
Albany, NY 12248

Sent via email to: McDonaldJ@nyassembly.gov

Re: S. 3531 "Directs the state fire prevention and building code council to update the state fire prevention and building code and the state energy conservation construction code"

Dear Chair McDonald III and Members of the Assembly Committee on Governmental Operations:

I am writing on behalf of ASHRAE, the American Society of Heating, Refrigerating, and Air Conditioning Engineers to express our support for the goals of Senate Bill 3531, which proposes to codify a regular update and adoption timeline for building energy codes and standards in New York going forward. ASHRAE, founded in 1894, is a global professional society of more than 54,000 members, including over 2,300 in New York State. ASHRAE focuses on building systems, energy efficiency, indoor air quality, refrigeration, and sustainability. Through research, standards writing, and continuing education, ASHRAE shapes tomorrow's built environment today.

New York law currently lists the model codes and standards that shall be adopted to make up the state's building codes and standards. Current law also provides the state fire prevention and building code council the power to update the building codes, including the state's building energy codes, "from time to time as it deems appropriate." This legislation, which has already passed the New York State Senate, will amend the law to provide a clear timeline by which code updates will need to take place. This will provide clarity and uniformity in the state and ensure that New York has modern building energy efficiency codes in a timely manner going forward.

ANSI/ASHRAE/IES Standard 90.1, *Energy Standard for Buildings Except Low-Rise Residential Buildings*, has been the benchmark for commercial building energy codes in the United States and a key basis for codes and standards around the world for more than 35 years. As a compliance pathway in the IECC, builders and developers can use ASHRAE Standard 90.1 to demonstrate compliance with the IECC requirements. ASHRAE Standard 90.1 is an indispensable reference for engineers and other professionals involved in design of buildings and building systems. We are pleased that ASHRAE Standard 90.1 is named in this legislation as one of the standards that must be updated within 18 months of a new edition of the standard being published.

ASHRAE Standard 90.1 is updated every three years. Updating Standard 90.1 every three years allows for significant energy efficiency gains over time at marginal cost, provided that states update their codes and standards regularly. The most recent edition is ASHRAE 90.1-2022. New York currently uses ASHRAE 90.1-2016, a standard that is now six years out of date. The outcomes of skipping iterations of energy codes and standards are:

- Energy efficiency gains left on the table.
- Business owners pay higher utility bills.
- Thousands of tons of unmitigated greenhouse gas emissions per year.
- Greater difficulty meeting climate targets.
- Inability to access some federal funding opportunities.
- Missing out on the job creation associated with energy code adoption.

Here is the good news: New York has already passed legislation committing to update to the most recent edition of ASHRAE 90.1 via the Advanced Building Codes, Appliances, and Equipment Efficiency Standards Act of 2021. However, in the extant laws there is no mandated timeline for this update to take place. NY S. 3531 simply provides a timeline for updates that is entirely in line with standard practice in other states that make regular updates to their building energy standards.

The U.S. Department of Energy publishes state by state analysis of the expected greenhouse gas emission mitigation that will be realized from updating to ASHRAE Standard 90.1-2019, as well as the expected changes in the cost of construction, energy cost savings that would be achieved, and jobs that would be created. According to the report for New York, over 9,500 metric tons of emissions would be mitigated in the first year after the state's commercial energy standard is updated, over \$2.2 million would be saved on utility bills, 183 jobs would be created, and the average cost of commercial construction is expected to decrease.¹ Additionally, New York would be mandated to adopt the 2022 edition of ASHRAE Standard 90.1, leading to even higher emission mitigation, energy saving, and job creation numbers.

New York has set the laudable goal of reducing greenhouse gas emissions 85% by 2050. Timely, regular updates to the state's energy codes and standards will be a crucial part of achieving this. Federal money to assist states with code updates is available through the Inflation Reduction Act for states that have adopted modern energy codes, which this legislation will accomplish. Furthermore, when a 30 year timeline is considered, which reflects the long lifecycle of buildings, the energy cost savings from updating to a modern commercial energy standard balloon into billions, and the tons of

¹ Building Codes Energy Program, Cost-Effectiveness of ANSI/ASHRAE/IES Standard 90.1-2019 for New York. Retrieved from https://www.energycodes.gov/sites/default/files/2021-07/Cost-effectiveness_of_ASHRAE_Standard_90-1-2019-NewYork.pdf.

emissions mitigated grow into millions.

Again, thank you for your consideration of S. 3531 and its proposed mandate for the timely update of the state's energy standards and codes. On behalf of the over 2,300 ASHRAE members in New York, we strongly support the goals of this legislation. ASHRAE would be happy to address any questions you might have. Please feel free to contact me or have your staff contact GovAffairs@ashrae.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Ginger Scoggins". The signature is fluid and cursive, with the first name "Ginger" being more prominent than the last name "Scoggins".

Ginger Scoggins
ASHRAE President