



# Oregon

Kate Brown, Governor

Department of Consumer and Business Services  
Building Codes Division  
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October 1, 2021

Jeremiah Williams, Building Energy Codes Program Manager  
U.S. Department of Energy  
Office of Energy Efficiency and Renewable Energy  
1000 Independence Avenue SW, EE-5B  
Washington, DC 20585

RE: Certification of Commercial Energy Code Equivalency to ASHRAE Standard 90.1-2019.

Dear Mr. Williams:

In compliance with Title III of the Energy Conservation and Production Act, as amended (ECPA), this letter is to certify to the Secretary of the U.S. Department of Energy (DOE) that the State of Oregon, via its Building Codes Division (BCD), a division of the Department of Consumer and Business Services (DCBS), “has reviewed and updated the provisions of its commercial building energy code regarding energy efficiency to meet or exceed ANSI/ASHRAE/IES Standard 90.1-2019” (hereinafter referred to as “The Standard”). Per [Oregon Revised Statutes \(ORS\) 455.040](#), Oregon building codes preempt ordinances and rules for all local jurisdictions within the state.

The State of Oregon commercial building energy code provisions are contained within the 2019 Oregon Structural Specialty Code (OSSC), Chapter 13, which are formally referred to as the [2021 Oregon Energy Efficiency Specialty Code \(OEESC\)](#). The 2021 OEESC incorporates, by specific reference, that “The Standard” is Oregon’s commercial building energy code except for “detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures.”

This certification is based upon documented occurrences. The first is [DOE’s Final Determination](#), issued on July 28, 2021, with supporting [technical analysis](#) by Pacific Northwest National Laboratory (PNNL), which states that “The Standard” is expected to exceed the previous provisions, contained in ASHRAE 90.1-2016 and Oregon’s previous commercial building energy code, by 4.7 percent *site* energy savings. Secondly, Oregon’s Department of Energy (ODOE) adopted statewide [appliance energy efficiency standards](#) which went into effect on September 1, 2021. Those appliance standards mandate further energy efficiency increases above “The Standard”. Finally, Oregon-specific amendments include modifications to the administrative provisions to align with statewide application of the building codes; minor amendments above

“The Standard”, including addenda to “The Standard”; and prescriptive exception pathways requiring equal, or better, offsetting energy improvements.

Please find enclosed a copy of the Oregon Secretary of State’s [Permanent Rule Filing](#), dated April 1, 2021, which formally adopts the 2021 OEESC, Chapter 13, of the 2019 OSSC. The code was advertised and there was an opportunity for input via public meetings and a rulemaking hearing which allowed for both written and verbal testimony. The 2021 OEESC became effective on April 1, 2021, then become mandatory after a phase-in period which ended on Sept. 30, 2021. BCD hopes that DOE will timely communicate the State of Oregon’s demonstrated compliance with “The Standard” on its [“Status of State Energy Code Adoption – Commercial”](#) page.

If anything further is required as evidence of Oregon’s compliance with the requirements of Title III of ECPA, relative to the provisions of Oregon’s commercial building energy code, please contact Mark Heizer, PE, LEED AP, Mechanical and Energy Code Engineer with BCD at [mark.r.heizer@dcbs.oregon.gov](mailto:mark.r.heizer@dcbs.oregon.gov) or 503-373-0205.

Sincerely,



Alana Cox

Administrator

Building Codes Division | Oregon Department of Consumer & Business Services

Enc.: Oregon Secretary of State’s Permanent Rule Filing