

July 17, 2023

Jeremiah Williams
U.S. Department of Energy
Office of Energy Efficiency and Renewable Energy
1000 Independence Ave. S.W. EE-SB
Washington, DC 20585-0121

RE: Minnesota's certified determinations regarding its residential energy code and commercial energy code pursuant to 42 U.S.C. § 6833.

Dear Mr. Williams,

Please accept this letter as Minnesota's fulfillment of the requirements in 42 U.S.C. § 6833. Specifically, this letter certifies that Minnesota has reviewed the provisions of its residential building code regarding energy efficiency and made a determination as to whether it is appropriate for Minnesota to revise its residential energy code. The letter further certifies that Minnesota has reviewed and updated the provisions of its commercial energy code.

Commercial Energy Code. I am pleased to report that Minnesota has completed adoption of the commercial provisions of the ASHRAE Standard 90.1-2019, with amendments. Therefore, on behalf of the State of Minnesota, I am providing this Certification that the State of Minnesota has adopted the commercial provisions of the ASHRAE Standard 90.1-2019 on April 10, 2023, effective January 5, 2024.

Residential Energy Code. Pursuant to 42 U.S.C. § 6833(a)(2)(A), I held a public hearing on August 23, 2022, and have made my determination based upon the findings therein and the evidence presented at the hearing that it is appropriate for Minnesota to revise the residential energy code at this time. The October 20, 2022, Report of the Administrative Law Judge on the Appropriateness Determination is incorporated by reference into my determination and attached to this letter.

I find that the improvements and related energy cost savings from the current Minnesota Residential Energy Code to the 2021 International Energy Conservation Code (IECC) are substantial. The current Minnesota Residential Energy Code was adopted in February 2015; it adopts the 2012 IECC with amendments. The cumulative site energy savings from the 2012 IECC to the 2021 IECC is over 9%.

Given that the model code the current Minnesota Residential Energy Code is based on is roughly a decade old, and that it has gone through three revisions since the 2012 edition, I have determined that it is appropriate to update the Minnesota Residential Energy Code with the most up-to-date construction methods, materials, and techniques.

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In addition to the substantive benefits supporting the adoption of an updated residential energy code, the timing is also convenient. State law requires that, among other things, when the Minnesota Residential Energy Code is updated, the Department engage in "research and analysis that addresses, at a minimum, air quality, building durability, moisture, enforcement, enforceability cost benefit, and liability." Minn. Stat. § 3268.118. The Minnesota's 2024 building code rulemaking cycle is about to begin. Therefore, the timing of this rulemaking, including the additional research and analysis required, will line up efficiently with the Department's other rulemaking. Due to our statutory timelines, we estimate that adoption of the new residential energy code will occur in 2026.

If you have any questions on this matter, please contact Scott McLellan, Director of our Construction Codes and Licensing Division, at 651.284.5869.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicole Blissenbach". The signature is fluid and cursive, with the first name "Nicole" written in a larger, more prominent script than the last name "Blissenbach".

Nicole Blissenbach

Commissioner, Minnesota Department of Labor and Industry

Encl.

Equal Opportunity Employer