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**Deval L. Patrick**  
Governor

**Richard K. Sullivan, Jr.**  
Secretary

**Mark D. Sylvia**  
Commissioner

July 18, 2013

Kathleen Hogan, Deputy Assistant Secretary  
Office of Energy Efficiency and Renewable Energy  
ATTN: Building Energy Codes Program  
U.S. Department of Energy  
1000 Independence Avenue, S.W.  
Washington, DC 20585-0121

**RE: Commonwealth of Massachusetts Certification Statements with respect to IECC  
and ASHRAE building energy standards.**

Dear Deputy Assistant Secretary Hogan,

On behalf of the Commonwealth of Massachusetts, I am pleased to have the opportunity to respond to your recent letter dated May 31, 2013. I hereby submit this letter with the enclosed certification statements regarding our consideration and subsequent adoption of the latest model building energy codes and standards, specifically the International Energy Conservation Code (IECC) of the International Code Council (ICC) and Standard 90.1 of the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE).

Governor Patrick has taken a strong leadership position in the development and expansion of our clean energy economy in Massachusetts, and recognized early in his first term the important role of the national model building energy codes in improving our building infrastructure, and positioning our leading private sector design, construction and property development industries to build a clean energy future both within our Commonwealth and around the world.

Accordingly, as part of a package of landmark clean energy legislation in 2008, the Patrick administration adopted the following language in the Green Communities Act of 2008, and subsequently enacted as Massachusetts General Law, chapter 143, Section 94:

Deputy Assistant Secretary Hogan

July 18, 2013

Page Two

*“(o) To adopt and fully integrate the latest International Energy Conservation Code as part of the state building code, together with any more stringent energy-efficiency provisions that the board, in consultation with the department of energy resources, concludes are warranted. The energy provisions of the state building code shall be updated within 1 year of any revision to the International Energy Conservation Code.”*

### **IECC2009 and ASHRAE standard 90.1-2007**

Accordingly, by my signature below I hereby certify that the Massachusetts Board of Building Regulations and Standards (BBRS) in consultation with the Department of Energy Resources has amended the Massachusetts statewide building code in line with the recommendations of the Department of Energy on the following occasions:

On October 17, 2008, the ASHRAE Standard 90.1-2007 was adopted as chapter thirteen<sup>1</sup> of the amended Massachusetts seventh edition building energy code.

On January 1, 2010 the IECC2009 was adopted and by direct reference the ASHRAE Standard 90.1-2007 was maintained in the amended Massachusetts seventh edition building energy code. The BBRS at that time allowed a six month concurrency period to phase in the new energy code.

The IECC2009 and ASHRAE Standard 90.1-2007 were incorporated into the Code of Massachusetts Regulations (780 CMR) initially as chapters thirteen, sixty one<sup>2</sup>, ninety three<sup>3</sup> of the seventh edition of the base building energy code effective July 1, 2010.

The BBRS subsequently voted to adopt a broader set of the ICC 2009 family of building codes, with Massachusetts amendments, as the eighth edition of the Massachusetts building code, maintaining the IECC2009 and ASHRAE Standard 90.1-2007 as chapters 13 and 61 of the base volume effective August 8, 2010 and the eighth edition residential volume effective February 4, 2011.

### **IECC2012 and ASHRAE standard 90.1-2010**

Accordingly, by my signature below I hereby certify that the Massachusetts Board of Building Regulations and Standards (BBRS) in consultation with the Department of Energy Resources has amended the Massachusetts statewide building code in line with the recommendations of the Department of Energy as follows:

Deputy Assistant Secretary Hogan

<sup>1</sup> <http://www.mass.gov/eopss/docs/dps/inf/780cmr/780-cmr-1300-energy-efficiency.pdf>

<sup>2</sup> <http://www.mass.gov/eopss/docs/dps/inf/6100.pdf> and <http://www.mass.gov/eopss/docs/dps/inf/6100-energy-conservation-2009-iecc-final.pdf>

<sup>3</sup> <http://www.mass.gov/eopss/docs/dps/inf/9300.pdf>

July 18, 2013

Page Three

The Commonwealth of Massachusetts along with the Department of Energy and other stakeholders played an active role in the development and ICC hearings for the IECC2012. As a result of our successful collaboration, the vast majority of the IECC2012 commercial chapter 5 is based on the Massachusetts Stretch energy code developed in 2008 and adopted first in 2009 in the seventh edition of the Massachusetts building energy code as appendix 120.AA, and subsequently as appendix 115.AA<sup>4</sup> of the eighth edition of the Massachusetts building energy code in August 2010. The Massachusetts stretch energy code, as the appendix is commonly known, is an optional appendix available for municipal adoption within our state. As of June 28, 2013, it has been adopted by over 130 towns and cities in the Commonwealth of Massachusetts representing over 50% of the population of the state.

The statewide consideration and adoption of the IECC2012 and ASHRAE standard 90.1-2010 also proceeded ahead of the schedule required by the Department of Energy. The BBRS began their consideration of the IECC2012 and ASHRAE standard 90.1-2010 in January 2013, and held a public hearing on this adoption into the amended eighth edition of the Massachusetts Building energy code on May 14, 2013<sup>5</sup>. The public comment period on the adoption of these code amendments concluded on June 4, 2013.

The BBRS voted to adopt the IECC2012 and ASHRAE standard 90.1-2010 on July 9, 2013. The IECC2012 and ASHRAE standard 90.1-2010 will be phased in over an extended concurrency period, and is expected to become the sole effective baseline energy code on July 1, 2014.

Thank you for your attention to this important matter of building energy code adoption. We welcome any further enquiries from your office regarding this topic and the related topic of building energy code compliance. We look forward to hearing your response to the certification statements within this letter, and to working with you to ensure continued progress in the development of the IECC2015 code and ASHRAE standard 90.1-2013.

Sincerely,



Mark D. Sylvia  
Commissioner

Cc: Erin McAleer, Office of the Governor  
Patricia Vantine, EEA  
Christina Halfpenny, DOER  
Ian Finlayson, DOER

<sup>4</sup> <http://www.mass.gov/eopss/docs/dps/8th-edition/115-appendices.pdf>

<sup>5</sup> <http://www.mass.gov/eopss/consumer-prot-and-bus-lic/license-type/csl/notice-of-public-hearing-to-address-proposals-to-the-ma.html>