



MINNESOTA

OFFICE OF
ADMINISTRATIVE
HEARINGS

Public Hearing – August 23, 2022

In the Matter of Possible Amendments to the
Minnesota Residential Energy Code, Part 1322

OAH Docket No. 8-9001-38469

Introduction

- **OAH** renders justice through fair, timely, and impartial hearings and high-quality dispute resolution services.
- **OAH** is independent from the Minnesota Department of Labor and Industry and all other parties to this proceeding.
- **Hearing Purpose:** to allow the agency to receive public comments on possible amendments to the Residential Energy Code

Administrative Law Judge
Eric L. Lipman



Your Participation Matters

- Public participation in the rulemaking process is **essential** to the development of **fair** and **thoughtful** public policy.
- **Thank you** for contributing your thoughts, experience, and expertise.



Key Issue

Whether it is appropriate for Minnesota to revise its current building code to meet or exceed the residential energy efficiency provisions of the 2021 International Energy Conservation Code?



Roadmap for Today



- My remarks
- Introduce panel
- Agency exhibits and presentation
- Public questions and comments

Agency Panel

- Scott McLellan, Director, State Building Official and Chair of the Construction Codes Advisory Council
 - Chad Payment, Construction Code Representative
-
- Brittany Wysokinski, Counsel
 - Amanda Spuckler, Rules Specialist and Outreach

Agency Exhibits



Agency exhibits from this hearing are available to view at:

<https://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-chapter-1322-0>

OR <https://tinyurl.com/DLI-1322>

Ways to Comment

(1) Offer **oral comments** at this hearing

(2) Offer **written comments** electronically, by mail, or by fax

(3) **Electronically** at: www.minnesotaoah.granicusideas.com/discussions

(4) By **U.S. mail** to:

Office of Administrative Hearings

Attn: Docket No. 8-9003-37102

P.O. Box 64620

St. Paul, MN 55164-0620

(5) By **Fax** to 651-539-0310

Preferred Method for Written Comments

eComments is the preferred method for submitting written comments.

Presenting Oral Comments

In WebEx

- At the bottom right side of your computer screen, click on the **chat** icon.
- Type your first and last name in the **chat** to request to speak.
- Chat will go directly to the Host, who will put you in queue in the order received. When it is your turn, you will be prompted to unmute your microphone.

By Telephone

- Press *3 on your keypad to raise your hand (and *3 to lower) to indicate your interest in making a comment.
- The WebEx operator will place you into a queue in the order received and will say the first 6 digits of your phone number when it is your turn, and you will be unmuted.
- State and spell your first and last name for the record before commenting.

Process for Presenting Oral Comments

- For those attending by WebEx, **turn on your video** by clicking the video icon.
- To ensure everyone is heard, please try to limit your initial comments to 5 minutes.
- You may return to the queue to speak again, time permitting. (Preference will be given to those who have not spoken yet.)
- Our objective during the hearing process is to hear from as many different people, and on a wide a range of topics, as our time together permits.

Remember – Other Ways to Comment

- You may also submit written comments by **eComments**, **mail**, or **fax**.
- If you are unable to comment today, please know that all comments are considered in the same way regardless of the way they are submitted.



Tips for Oral Comments

- State and spell your first and last name
- If you are commenting on behalf of an organization, identify the organization
- Speak slowly, clearly, and loudly - only audible statements will be recorded
- Spell names and technical terms
- Introducing an acronym? Be sure to state the full phrase



How to Submit an eComment

➤ Go to www.minnesotaoah.granicusideas.com

The screenshot shows a web browser at the URL minnesotaoah.granicusideas.com. The page features a navigation bar with 'Home' and 'Discussions' links, a language selection dropdown, and 'Sign In' and 'Sign Up' buttons. The main content area includes the Minnesota Office of Administrative Hearings logo, contact information for phone and email, and a 'COMMENT ON PROPOSED RULES' section. This section contains a sign-up form and a 'RECENT ACTIVITY' feed.

minnesotaoah.granicusideas.com

Home Discussions Select Language Sign In Sign Up

mn MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

(651) 361-7900
oah.webmaster@state.mn.us

SIGN UP [Connect](#)

email address... [Sign Up](#)

COMMENT ON PROPOSED RULES

Your Views Are Important. Your comments let the agency know what you support, what you oppose, and any improvements you'd like to make to proposed rule language.

Timing Matters. In most cases, you have one, and sometimes two, opportunities to make comments:

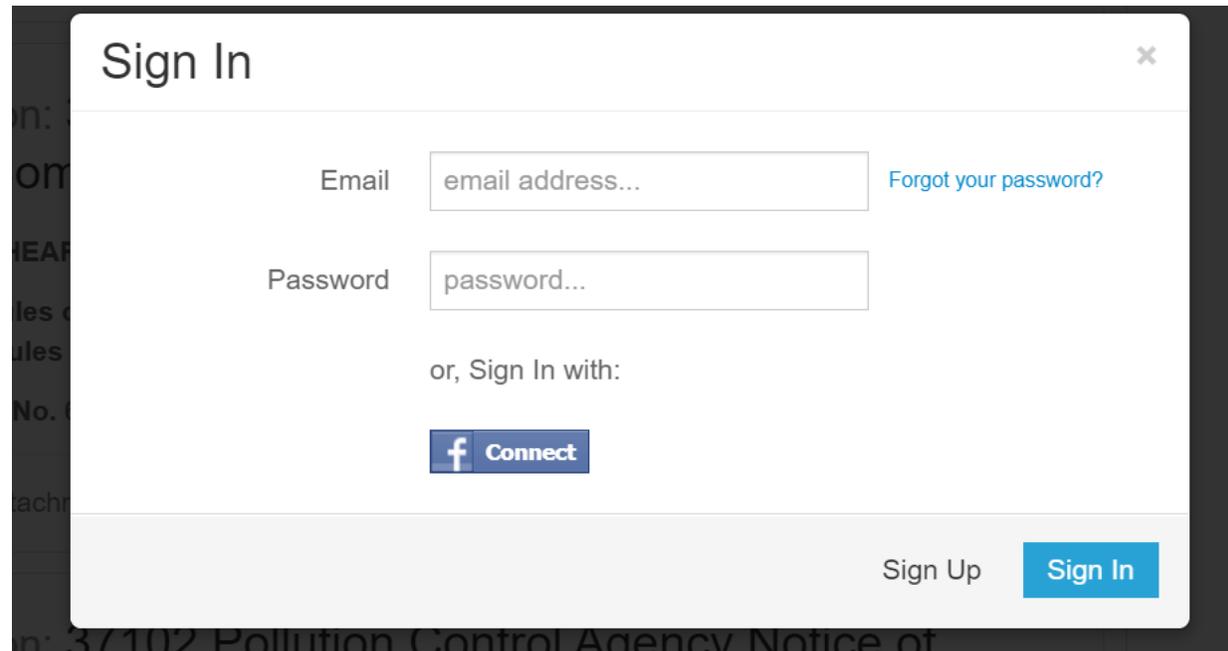
- **Initial Comments** - You can comment on the proposed rules for a specified number of days until 4:30 pm on the final specified day.

RECENT ACTIVITY

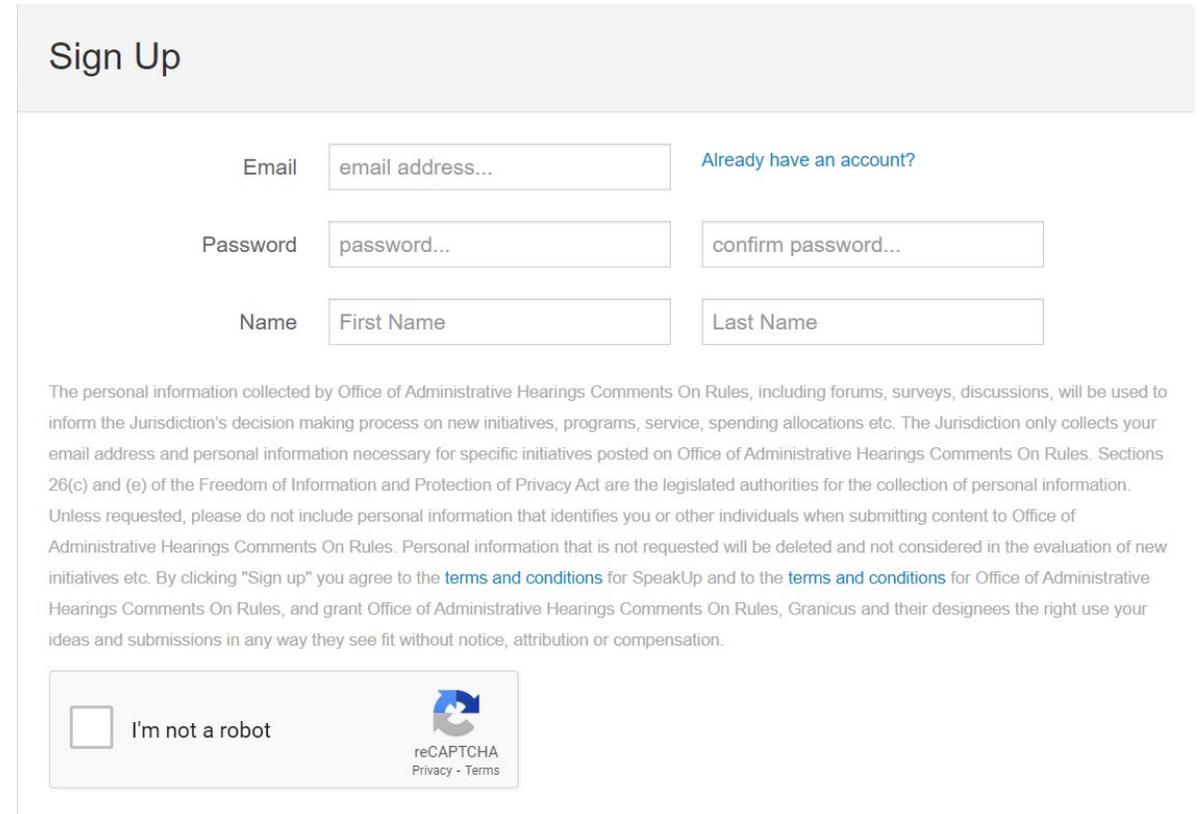
Kari Thurlow answered a Discussion

Using eComments: Sign In or Sign Up

➤ Enter your information to either Sign Up or Sign In



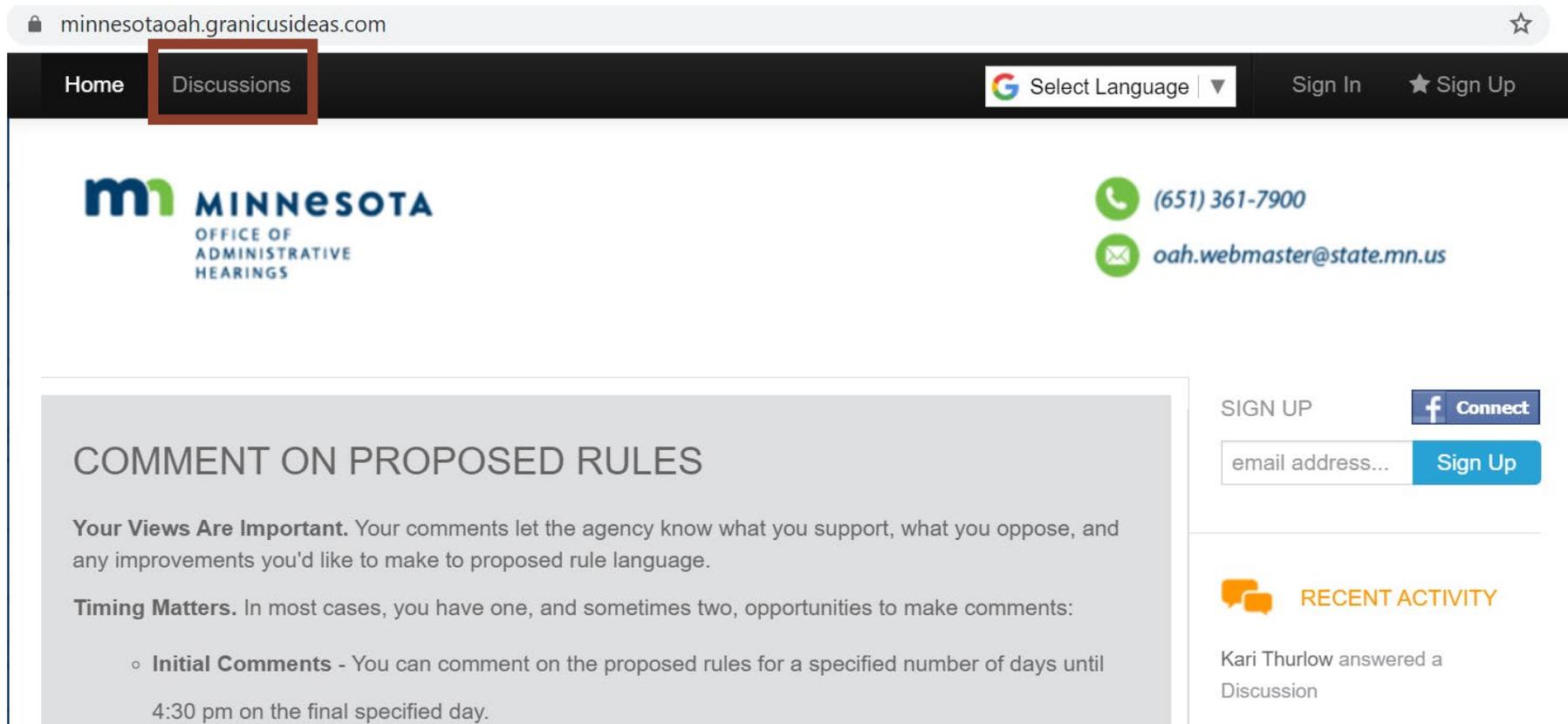
A screenshot of a "Sign In" modal window. The window has a title bar with "Sign In" and a close button (X). It contains two input fields: "Email" with placeholder text "email address..." and a link "Forgot your password?" to its right, and "Password" with placeholder text "password...". Below these fields is the text "or, Sign In with:" followed by a Facebook "Connect" button. At the bottom right of the modal are two buttons: "Sign Up" and "Sign In".



A screenshot of a "Sign Up" form. The form has a title "Sign Up" at the top. It contains three rows of input fields: "Email" with placeholder "email address..." and a link "Already have an account?" to its right; "Password" with placeholder "password..." and a "confirm password..." field to its right; and "Name" with "First Name" and "Last Name" sub-fields. Below the form is a paragraph of text: "The personal information collected by Office of Administrative Hearings Comments On Rules, including forums, surveys, discussions, will be used to inform the Jurisdiction's decision making process on new initiatives, programs, service, spending allocations etc. The Jurisdiction only collects your email address and personal information necessary for specific initiatives posted on Office of Administrative Hearings Comments On Rules. Sections 26(c) and (e) of the Freedom of Information and Protection of Privacy Act are the legislated authorities for the collection of personal information. Unless requested, please do not include personal information that identifies you or other individuals when submitting content to Office of Administrative Hearings Comments On Rules. Personal information that is not requested will be deleted and not considered in the evaluation of new initiatives etc. By clicking "Sign up" you agree to the [terms and conditions](#) for SpeakUp and to the [terms and conditions](#) for Office of Administrative Hearings Comments On Rules, and grant Office of Administrative Hearings Comments On Rules, Granicus and their designees the right use your ideas and submissions in any way they see fit without notice, attribution or compensation." Below the text is a reCAPTCHA widget with a checkbox labeled "I'm not a robot" and the reCAPTCHA logo and "reCAPTCHA Privacy - Terms" text.

Using eComments: Validate your email

- After you sign up, you receive a confirmation email. Click the link in the email to go back to the home page.
 - Click **Discussions**



The screenshot shows a web browser at the URL minnesotaoah.granicusideas.com. The navigation bar includes 'Home' and 'Discussions', with 'Discussions' highlighted by a red box. Other elements in the header include a language selection dropdown, 'Sign In', and 'Sign Up' buttons. The main content area features the Minnesota Office of Administrative Hearings logo, contact information for phone and email, and a 'SIGN UP' section with a Facebook 'Connect' button and an email sign-up form. Below the sign-up form is a 'RECENT ACTIVITY' section showing a notification that 'Kari Thurlow answered a Discussion'.

minnesotaoah.granicusideas.com

Home Discussions Select Language Sign In Sign Up

m MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

(651) 361-7900
oah.webmaster@state.mn.us

SIGN UP [f Connect](#)

email address... [Sign Up](#)

RECENT ACTIVITY

Kari Thurlow answered a Discussion

COMMENT ON PROPOSED RULES

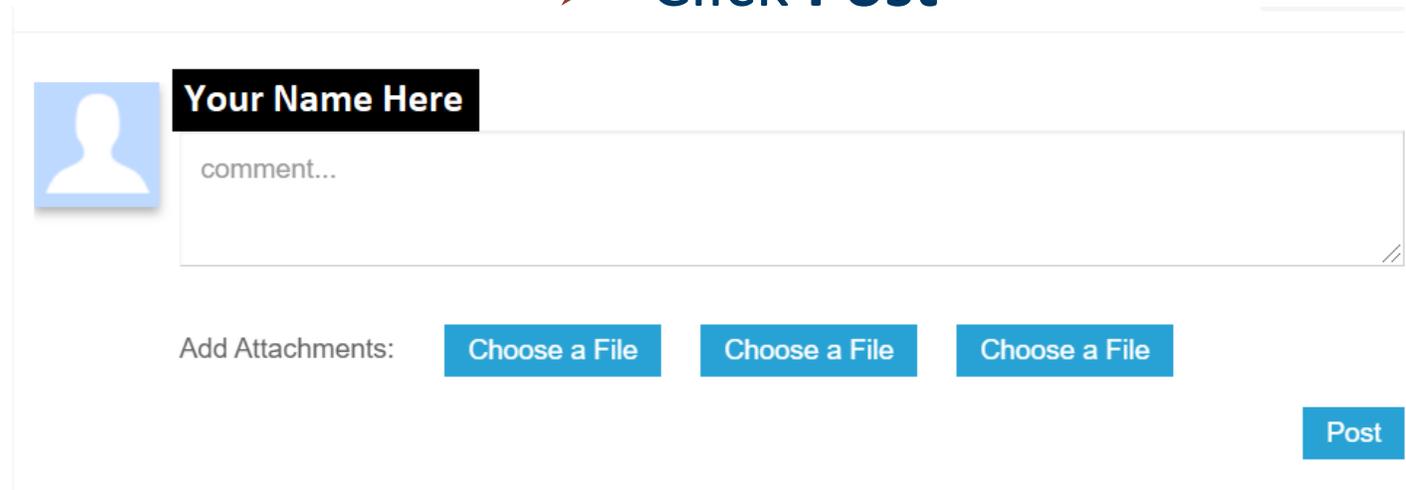
Your Views Are Important. Your comments let the agency know what you support, what you oppose, and any improvements you'd like to make to proposed rule language.

Timing Matters. In most cases, you have one, and sometimes two, opportunities to make comments:

- **Initial Comments** - You can comment on the proposed rules for a specified number of days until 4:30 pm on the final specified day.

Using eComments: Submit Comment

- Scroll past the comments, all the way to the bottom of the page
 - Enter your comment
 - Add any attachments
 - Click **Post**



The screenshot shows a comment submission form. At the top left is a blue square icon with a white person silhouette. To its right is a black box containing the text "Your Name Here". Below the name field is a large text input area with the placeholder text "comment...". Underneath the input area, there is a label "Add Attachments:" followed by three blue buttons, each containing the text "Choose a File". At the bottom right of the form is a blue button labeled "Post".

Time for Comments



Initial comment period closes
Monday, September 12, 2022

Comments must be received by
4:30 p.m. on that day

Time for Rebuttal



Rebuttal is a reply to something someone else said - not a new comment.

5 business days from the close of the initial comment period

Rebuttals must be received by 4:30 p.m. on Monday September 19, 2022

Judge's Report



- Judge will issue a report
- Within 30 days of the close of the record, unless extension is granted
- You can view the report at <https://mn.gov/oah/media/opinion-archive.jsp>
OR <https://tinyurl.com/OAH-Archive>
- Report will be posted on the day it is issued.

Required Reminder for Lobbyists



This Photo by Unknown Author is licensed under [CC BY-SA](https://creativecommons.org/licenses/by-sa/4.0/)

- Lobbyists must register with the Campaign Finance and Public Disclosure Board.
- Questions about registration should be directed to that Board
- www.cfb.mn.gov



Agency Panel

mn.gov/oah

Background on Energy Efficiency (DOE & Minnesota)

Energy Efficiency Improvements (DOE & Minnesota)

- Pursuant to U.S. Code Title 42, Section 6833(a), and Minnesota Statutes, section 326B.106, subdivision 1(d), the Department is holding this public hearing to receive input from the public to make a determination as to whether it is appropriate for Minnesota to revise its residential energy code to meet or exceed the residential provisions of the 2021 International Energy Conservation Code (IECC).

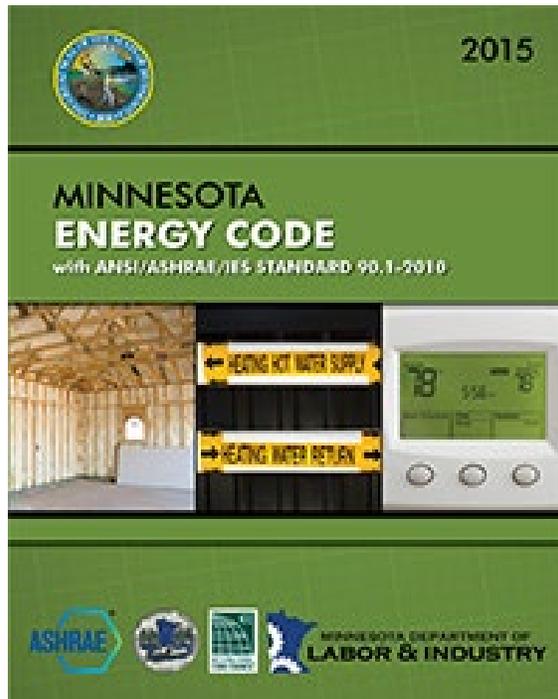
Energy Efficiency Improvements (DOE)

- The IECC is developed by the International Code Council (ICC) through an established industry review with updated editions typically published every three years.
- Federal law requires the Department of Energy (DOE) to review the energy savings impact of updated code editions and to publish its findings in the *Federal Register*. The DOE determination and accompanying technical analysis serve as useful guidance to state and local governments as they review and update their building codes. On July 28, 2021, DOE released its determination that the 2021 IECC will improve energy efficiency.
- Once the DOE determination is made, states have two years to determine whether they will revise their residential energy codes to meet or exceed the energy efficiency provisions of the new model energy code. States must hold a public hearing in order to make this determination.

Energy Efficiency Improvements (Minnesota)

- The Department has asked the Office of Administrative Hearings to conduct this public hearing and make a recommendation to the Department based on the information received, which includes today's oral testimony and written testimony received during the comment period.
- The Department will consider the administrative law judge's recommendation and its own assessment of the information received from the public to issue its determination on the appropriateness of revising the Residential Energy Code. The Department's determination will be published online on the docket page.

Energy Efficiency Improvements (DOE)



- The current Minnesota energy code for residential buildings was adopted on February 14, 2015 and included adoption of the *2012 International Conservation Code (IECC)*.
- Since Minnesota's adoption of the 2012 IECC in 2015, three additional editions of the IECC have been published, the 2015, 2018, and 2021.

Energy Efficiency Improvements (DOE)

U.S. Department of Energy (DOE) Final Determination Regarding Energy Efficiency Improvement in 2015, 2018, and 2021 editions of the International Energy Conservation Codes (IECC) for Residential Buildings (www.energycodes.gov/development/determinations)

	2015 IECC	2018 IECC	2021 IECC	Total
% Energy Cost Savings	.73	1.97	8.66	11.36
% Source Energy Savings	.87	1.91	8.79	11.57
% Site Energy Savings	.98	1.68	9.38	12.04

- **Energy Cost:** The total cost of energy required for building functions.
- **Source Energy:** The energy required to power a building including generation or distribution.
- **Site Energy:** The energy consumed at the end of the generation cycle within the building site, sometimes referenced as “behind the meter” or **as shown on the building’s utility bill.**

Energy Efficiency Improvements (DOE)

2021-07-28 Determination Regarding Energy Efficiency Improvements in the 2021 International Energy Conservation Code for Residential Buildings

DOE reviewed the 2021 IECC to identify changes that have a direct impact on energy efficiency, and which could be reasonably quantified in estimating national average savings impacts.

In total, 114 individual changes were identified, and of these changes:

- 29 were expected to reduce energy use;
- 6 were expected to increase energy use, and;
- 79 were considered administrative or not energy related.

Energy Efficiency Improvements (DOE)

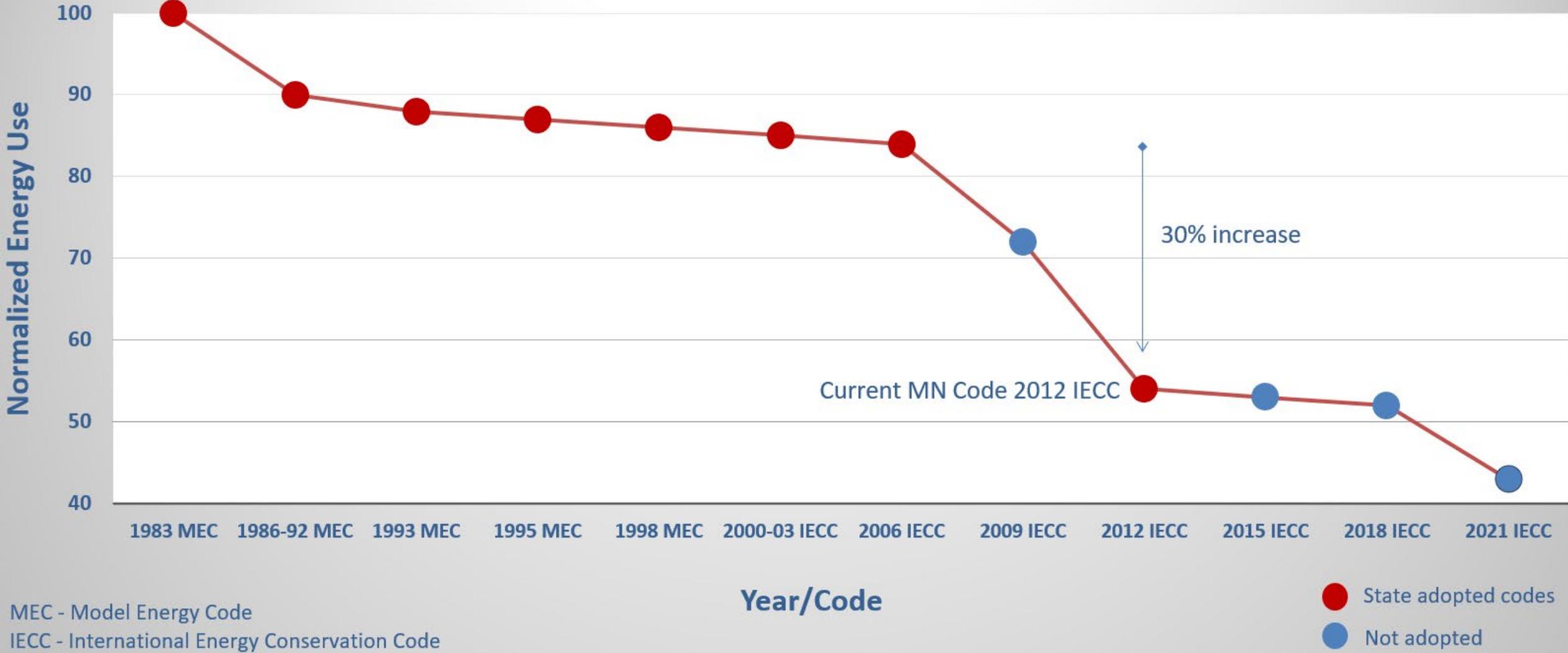
2021-07-28 Determination Regarding Energy Efficiency Improvements in the 2021 International Energy Conservation Code for Residential Buildings

Of the 29 deemed beneficial, DOE's analysis identified 11 key changes that compose most of the 9.38% energy savings associated with the 2018 IECC code. The changes include:

- Increases high-efficacy lighting from 90% to 100% of permanently installed fixtures
- Requires HRV/ERV in climate zone 7
- Increase mechanical ventilation fan efficacy from 1.4 cfm/watt to 2.8 cfm/watt
- Increases ceiling insulation from R-49 to R-60
- Exterior lighting allowances for multifamily dwellings
- Compliance with one of five efficiency packages that improves the efficiency of: the building envelope, HVAC equipment, service water heating, duct thermal distribution system option, or air sealing and ventilation

Energy Efficiency Improvements (DOE)

Improvements in Residential Energy Codes (1983 - 2021)



Public Questions and Comments

Administrative Law Judge
Eric L. Lipman



In **WebEx**, put your name in the **CHAT** box to request to speak and be placed in the queue

OR

- Press ***3** on your telephone to add yourself to the comment queue
- Press ***3** again to remove yourself from the queue

Comment Deadline Reminder



Initial comments must be received by

4:30 p.m. on

Monday, September 12, 2022

Rebuttals must be received by

4:30 p.m. on

Monday, September 19, 2022

Docket No. 8-9003-37102



Thank you!

mn.gov/oah