



March 23, 2022

**Via Electronic Submission**

Jeremy Williams  
U.S. Department of Energy,  
Office of Energy Efficiency and Renewable Energy, Building Technologies Office  
1000 Independence Avenue SW,  
Washington, DC 20585-0121

**Re: Docket Number: EERE-2010-BT-STD-0031**

Dear Mr. Williams:

NECA is a national trade association and the leading voice of the \$202 billion electrical contracting industry that brings power, light, and communication technology to buildings and communities across the U.S. NECA collectively represents over 4,000 electrical contractor members served by 118 local Chapters across the country. NECA employs a unionized workforce with contracts collectively bargained with IBEW.

**I. Recommendations: Calculation Changes**

*“DOE expects that the majority of low-rise residential buildings that meet the cost threshold will be low-rise multi-family buildings or low-rise dormitories as Federal low-rise single-family homes are not likely to meet the cost threshold.”*

NECA Response: We agree with the Department’s assessment that multi-family buildings will meet the cost threshold, but disagree on low-rise dormitories as Federal low-rise single-family homes are not likely to meet the cost threshold. Single-family homes are not built one-off but as part as a larger design. The Department of Energy should consider the totality of cost of renovations the developer or owner of the single-family homes that meet the threshold.

*“DOE will attempt to discourage the possibility of “breaking up renovation projects to get around the cost threshold” in the guidance document that will accompany this rule.”*

NECA Response: DOE should prohibit the potential breaking up of renovation projects to evade possible cost thresholds. When an agency conducts review of a single renovation project it should look into the totality of the subsequent renovations that may be needed and factor cost in the determination.

*“However, the rule would not apply in cases of Federal agencies leasing space in buildings where the entire building is not leased to the Federal Government.”*

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NECA Response: NECA disagrees with this assessment and should still consider the totality of the costs of renovations.

*“Congress again mentioned privatized military housing in ECPA when it specified that, ‘with respect to privatized military housing, the Secretary of Defense, after consultation with the Secretary [of Energy] may, through rulemaking, develop alternative criteria to those established in subclauses (I) [fossil fuel reduction requirements] and (III) [sustainable design requirements] of clause (i)’ of section 433 of EISA. (42 U.S.C. 6834(a)(3)(D)(vi)) Although privatized military housing may not meet the definition of ‘public building’ at 40 U.S.C. 3301(a)(5), the rule will apply to privatized military housing with construction costs of at least \$2.5 million. As described in this preamble, this cost threshold applies on an individual building basis.”*

NECA Response: As stated previously, DOE and the Secretary of Defense should consider the totality of the renovation cost that is needed per the ownership of the developer or owner and not by per housing unit in order to evade the \$2.5 million threshold.

## **II. Recommendations: Industry Standard Changes and Recommendations**

NECA express our gratitude to the Department of Energy for proposing to include the industry standards of ANSI/ASHRAE/IES 90.1-2019, Energy Standard for Buildings Except Low-Rise Residential Buildings, I-P Edition, copyright 2019 ("ASHRAE 90.1-2019"), in part 433. However, we strongly suggest that DOE should adopt the latest versions of ASHRAE's standards from 2022 at a minimum as they are the most up-to-date and beneficial in assisting DOE in achieving its objectives.

It is recommended that DOE should adopt the current standards of ANSI/ASHRAE/IES 92.1-2022, Ventilation and Acceptable Indoor Air Quality, I-P Edition, copyright 2022 ("ASHRAE 62.1-2022") and ANSI/ASHRAE/IES 62.2-2022, Ventilation and Acceptable Indoor Air Quality in Residential Buildings, I-P Edition, copyright 2022 ("ASHRAE 62.1-2022"). Furthermore, we suggest that DOE should add clear language to qualify that going forward, the most current version of ASHRAE should be used. This will enable DOE to account for future updates and changes in the years ahead and ensure that buildings meet the most current standards.

NECA also advises DOE to consider implementing National Fire Protection Association (NFPA) building standards, which will ensure that fire dampers, smoke dampers, combination fire and smoke dampers, and/or smoke control systems are adequately maintained, inspected, and tested. Doing so will significantly decrease the potential wastage of energy that may arise due to faulty dampers and smoke control systems caused by partially closed, obstructed, or entirely closed dampers. This step will help improve energy efficiency and reduce the overall energy consumption of the systems.

## **III. Labor Standards:**

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NECA proposes that the Department of Energy (DOE) should collaborate and establish partnerships with joint labor-management training programs, as well as registered apprenticeship and pre-apprenticeship programs. Additionally, DOE should adhere to Davis-Bacon Act requirements and incorporate local hire provisions. It is also recommended that DOE encourages building owners to demonstrate how they are engaging with labor unions and joint labor-management training programs and incorporate standards that prevent worker misclassification and wage theft. DOE should disqualify any potential contractors and subcontractors (at any tier) who have previously been issued:

- A. Two or more willful or repeated violations of the Davis-Bacon Act, as amended, 40 U.S.C. §§ 3141 et. seq, in the last five years; and/or
- B. Two or more willful or repeated violations of the Fair Labor Standards Act, as amended, 29 U.S.C. § 203, in the last five years;

Lastly, If the total cost of the renovation exceeds \$35 million shall be subject to Executive Order (E.O.) 14063<sup>1</sup>, Use of Project Labor Agreements for Federal Construction Projects.

#### **IV. Conclusion:**

NECA appreciates your consideration of our request to incorporate the recommendations outlined above and stand ready to work with the Department of Energy to making buildings more energy efficient.

Sincerely,

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Marco A. Giamberardino, MPA  
Senior Vice President  
Government and Public Affairs

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<sup>1</sup> <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/02/04/executive-order-on-use-of-project-labor-agreements-for-federal-construction-projects/>