

Chair Marsh and Members of the Committee,

My name is Nathan Philips. I am a NECA Electrical Contractor in Eugene. I served on the Oregon Electrical and Elevator Board for 13 years, the last three as chair and have chaired the code adoption committee for the Oregon Electrical Specialty Code (OESC) for more than 20 years. In addition, I serve on two, one of which as chair, National Electrical Code Making Panels which is the model code the OESC is based on. In that role, have 18 years of experience in code development on the national level. I am representing myself and NECA today and speak in opposition to HB 2398. Both personally and professionally I strongly support measures to address reducing greenhouse gas emissions in the built environment, particularly existing structures that are the source of most of the emissions, and elsewhere.

This bill seeks to solve a problem that doesn't exist and undermines the effective work underway to implement Governor Brown's executive orders on energy efficiency. It is based on a mistaken notion that Oregon lags significantly behind the rest of the country in modernizing our codes. There are numerous technical problems with the approach this statute would mandate. The implementation of the aggressive mandates of the EO is well underway and achieves many of the goals of the Reach Code without damaging the statewide building code system that Oregonians should be proud of. Layering another 10% of energy reduction on top of the EO mandates is an abstraction with unknown consequences.

The reach code is a voluntary code – it is missing elements needed for a mandatory code a thorough code review and full stakeholder process. Code development works best when the process is open, inclusive and consensus based. This statute cuts out the authority of the advisory boards and the opportunity for stakeholder involvement including national experts. If the decision is to allow it to be mandatory it should go through the inclusive process and subject to board approval as with the other codes.

The new requirement in this bill that the Reach Code “achieve energy use of not more than 90 percent that other statewide codes require” might work for an aspirational non-mandatory code, but it is nonsensical in a mandatory code system. What if a net zero code is adopted? The logical extension of this statute is that distributed generation on structures will be required so that buildings are 10% better than zero energy use, ad infinitum. Not practical, reasonable or necessarily achievable in every instance and shouldn't be codified in statute. As you've heard, how this is measured is an important question that the statute doesn't address. In the context of the EO and the outcomes mandated by it which have not yet been completed, is it achievable?

Most significantly, this bill undermines or worse unravels the statewide building code which is a model for states throughout the country. From the perspective of a consumer, construction worker, contractor, property owner and developer, having surety that the code is consistent throughout the state reduces the cost of construction and saves time. Allowing local government to adopt a code that was not developed through the normal BCD process not only erodes the statewide code but will lead to inconsistencies and conflicts between the other

specialty codes. This statute even explicitly says that the Reach code is not an amendment to the state building code. How is it interpreted and enforced? This is a formula for degrading our excellent and integrated code system and replacing it with a patchwork of code requirements that are inconsistent and not correlated. Although proponents claim that this will not create a patchwork, we can expect to have intersections where the building code on one side of a street is different from one on the other side of the street. The result of this can be to erode and eventually eliminate the statewide code preemption that has served so well for decades. If the decision is to allow the Reach Code to be locally adopted as a mandatory code, it must be subjected to the normal code development process that assures consistency and correlation.

For these and many other reasons that you will or have heard this bill should be not move out of committee. If you do decide to move it, assure that the code development includes all of the many safeguards that currently exist for code development in Oregon.

Thank you