

SENATE AMENDMENTS TO SENATE BILL 869

By COMMITTEE ON ENERGY AND ENVIRONMENT

April 12

1 In line 2 of the printed bill, before the period insert “; and prescribing an effective date”.

2 Delete lines 4 through 8 and insert:

3 **“SECTION 1. (1) The Department of Consumer and Business Services shall, as the**
4 **department’s responsibilities relate to efficiency or resiliency in buildings:**

5 **“(a) Exercise any and all authority and discretion the department has available under**
6 **applicable law to help to facilitate, at a minimum, emissions reductions consistent with the**
7 **greenhouse gas emissions reduction goals specified in ORS 468A.205;**

8 **“(b) In addition to the department’s existing responsibilities, prioritize and take such**
9 **actions as are necessary to accelerate reductions in greenhouse gas emissions, including but**
10 **not limited to rulemaking processes; and**

11 **“(c) Consider and integrate the prevention or reduction of impacts from climate change**
12 **and the state’s greenhouse gas emissions reduction goals into the department’s planning,**
13 **budgeting, investment and policy-making decisions, which must involve, at a minimum:**

14 **“(A) Prioritizing actions that reduce greenhouse gas emissions in a cost-effective man-**
15 **ner;**

16 **“(B) Prioritizing actions that help vulnerable populations and environmental justice**
17 **communities, as defined in ORS 469A.400, adapt to impacts from climate change; and**

18 **“(C) Consulting with the Environmental Justice Council when evaluating priorities the**
19 **department sets and actions the department takes to adapt to and mitigate the impacts from**
20 **climate change.**

21 **“(2)(a) In addition to the general directives specified in subsection (1) of this section, the**
22 **department shall contribute to the state’s achievement of greenhouse gas emissions re-**
23 **duction goals and the mitigation of impacts from climate change by:**

24 **“(A) Setting goals for improved energy efficiency in buildings;**

25 **“(B) Investigating options for, and the feasibility of, reducing greenhouse gas emissions**
26 **that result from manufacturing, transporting, installing, disposing of and recovering mate-**
27 **rials used in building construction, based on the findings of the department and the Depart-**
28 **ment of Environmental Quality under paragraph (c)(B) of this subsection; and**

29 **“(C) Investigating the potential benefits and the feasibility of updating building venti-**
30 **lation standards and of specifying standards for air cleaners present in building mechanical**
31 **systems and in occupied indoor spaces.**

32 **“(b) To carry out the directives specified in paragraph (a)(A) of this subsection, the De-**
33 **partment of Consumer and Business Services shall:**

34 **“(A) Consult with the department’s advisory boards and committees and cooperate with**
35 **the State Department of Energy to specify energy efficiency goals for new residential and**

1 commercial construction that aim to achieve by 2030, at each new residential or commercial
2 building site, at least a 60 percent reduction in annual energy consumption from standards
3 specified in the statewide building code and applicable specialty codes that were in effect in
4 2006, excluding consumption of electricity in transportation or in powering appliances or
5 other loads that the statewide building code or specialty codes do not regulate;

6 “(B) Cooperate with the State Department of Energy to identify metrics derived from
7 best practices and academic research to inform updates to the statewide building code and
8 applicable specialty codes specifying a baseline for, and achievable reductions in, energy
9 consumption;

10 “(C) Report not later than December 31 of every third year, beginning with December 31,
11 2023, to an interim committee of the Legislative Assembly related to the environment con-
12 cerning:

13 “(i) The Department of Consumer and Business Services’ evaluation of progress toward
14 achieving the goals the department specifies under subparagraph (A) of this paragraph; and

15 “(ii) Options for achieving the goals over the course of the subsequent three updates to
16 the statewide building code and applicable specialty codes;

17 “(D) Outline and evaluate for feasibility in the report described in subparagraph (C) of
18 this paragraph a range of available options for achieving steady progress toward the goals
19 described in subparagraph (A) of this paragraph over the course of scheduled updates to the
20 statewide building code and applicable specialty codes that occur up until 2030; and

21 “(E) Update the Reach Code described in ORS 455.500 to reflect incremental progress
22 toward the goals specified in subparagraph (A) of this paragraph each time the Department
23 of Consumer and Business Services updates the statewide building code and applicable spe-
24 cialty codes.

25 “(c) To carry out the directives specified in paragraph (a)(B) of this subsection, the de-
26 partment shall coordinate with the Department of Environmental Quality to:

27 “(A) Quantify, to the extent feasible, greenhouse gas emissions that occur as a result of
28 the manufacture, transport, installation, disposal and recovery of materials used in building
29 construction; and

30 “(B) To the extent feasible and in cooperation with the Department of Environmental
31 Quality, and taking into account applicable standards that the Department of Transportation
32 has specified for procuring building construction materials, identify options to reduce,
33 through the building code or other means, greenhouse gas emissions attributable to building
34 materials so that lower carbon materials may serve the same function and provide the same
35 level of utility and reliability.

36 “(3) In carrying out the directives set forth in this section, the Department of Consumer
37 and Business Services shall consider industry standards including, where appropriate, stan-
38 dards promulgated by the American Society of Heating, Refrigerating and Air-Conditioning
39 Engineers.

40 “**SECTION 2.** The Department of Consumer and Business Services shall, no later than
41 December 31, 2024, report to an interim committee of the Legislative Assembly related to the
42 environment. The report under this section shall include the department’s findings and
43 recommendations on options for, and the feasibility of, reducing greenhouse gas emissions
44 that result from manufacturing, transporting, installing, disposing of and recovering mate-
45 rials used in building construction, based on the findings of the department and the Depart-

1 **ment of Environmental Quality under section 1 (2)(c)(B) of this 2023 Act, including:**

2 **“(1) Specifying the use of lower carbon materials in the statewide building code or appli-**
3 **able specialty code; or**

4 **“(2) Other means identified by the Department of Consumer and Business Services and**
5 **the Department of Environmental Quality for reducing greenhouse gas emissions attribut-**
6 **able to building materials.**

7 **“SECTION 3. (1) Section 1 of this 2023 Act becomes operative on January 1, 2024.**

8 **“(2) The Director of the Department of Consumer and Business Services may adopt rules**
9 **and take any other action before the operative date specified in subsection (1) of this section**
10 **that is necessary to enable the director, on and after the operative date specified in sub-**
11 **section (1) of this section, to undertake and exercise all of the duties, functions and powers**
12 **conferred on the director by section 1 of this 2023 Act.**

13 **“SECTION 4. This 2023 Act takes effect on the 91st day after the date on which the 2023**
14 **regular session of the Eighty-second Legislative Assembly adjourns sine die.”.**

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