# <sup>20</sup>23 Codes, Standards and New Construction Quarterly Newsletter

# WHAT'S NEW:

After a fast start, NEEA's codes and standards team made steady progress in Q2 2023. Highlights of Q2 2023 include:

#### Codes

- NEEA staff launched code compliance studies in Washington (Residential) and Idaho (Residential). With funding from the U.S. Department of Energy (U.S. DOE), the Idaho research will study two ways to measure code compliance. With this research, NEEA staff hope to better understand ways to reduce the cost of compliance studies and to get more timely data about compliance trends state to state.
- Code development in Oregon and nationally with the International Energy Conservation Code (IECC) continued, and is expected to complete by end of 2023. Washington delayed its July 2023 effective date until October 2023, so the State Building Code Council could study the Ninth Circuit Court's ruling on federal preemption in Berkeley, California's natural gas ban.

#### **Standards**

- The U.S. DOE published the final rule for the standard on motors, incorporating the recommendations included in the crossorganization letter led by NEEA staff with participation from manufacturers, utilities, and other energy efficiency advocates.
- The public negotiations for Commercial Unitary Air Conditioners and Heat Pumps successfully concluded with significant improvements in the test method.
- Two new negotiations started, one led by the Air-Conditioning, Heating, and Refrigeration Institute (AHRI) for heat pumps and the other lead by a consumer products organization addressing efficiency of several consumer products.

#### **Funding Opportunities**

- o The U.S. DOE is expected to award its first grants under the Infrastructure Investment and Jobs Act (IIJA) code provision in Q3 2023.
- The next IIJA request for proposals (RFP) or the first Inflation Reduction Act RFP may be posted in Q3 2023.

# TABLE OF CONTENTS

What's New	• 4	1
Codes At-A-Glance	. 4	2
Codes Update	- 3	3
Standards Update	16	<u>6</u>
New Construction Update	19	9
Contact Us	22	2

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For additional information on state codes and links to training resources, visit NEEA's website: <u>https://neea.org/our-work/codes-standards/codes</u> Additional energy code training resources can be found on the BetterBuiltNW (BBNW) website: <u>https://betterbuiltnw.com/training#energy-code</u>



#### Questions about this newsletter may be addressed to:

Mark Rehley Director, Emerging Technology, Product Management, Codes, Standards, & New Construction mrehley@neea.org **At-A-Glance** 

# **BUILDING ENERGY CODE ADOPTION BY STATE**

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State	Sector	Code Version	Adopted Date	Effective Date	
	AHO COMMERCIAL IECC 2018 RESIDENTIAL IECC 2018 with amendments		4/2/2020	1/1/2021	
IDAHO			4/2/2020	1/1/2021	
	COMMERCIAL	IECC 2021	6/6/2022	9/8/2022	
MONTANA	RESIDENTIAL	IECC 2021 with amendments	6/6/2022	9/8/2022	
COMMERC	COMMERCIAL	2021 Oregon Energy Efficiency Specialty Code (OEESC) (ASHRAE 90.1-2019)	4/1/2021	10/1/2021	
CHEGON	RESIDENTIAL	2021 Oregon Residential Specialty Code (ORSC) (IECC 2018 with amendments)	(ORSC) (IECC 2018 with 4/1/2021		
WASHINGTON	COMMERCIAL	2018 Washington State Energy Code — Commercial (WSEC-C) (IECC 2018 with amendments)	7/26/2019	2/1/2021	
	RESIDENTIAL	2018 WSEC-R (IECC 2018 with amendments)	11/9/2019	2/1/2021	



#### International Energy Conservation Code (IECC)

The 2024 IECC development process continued in Q2 2023. The <u>Residential</u> and <u>Commercial</u> IECC committees (and their subcommittees) completed their reviews of the second round of code change proposals, which led to proposed versions of the <u>Residential</u> and <u>Commercial</u> 2024 IECC proposed second drafts. (These proposed versions were confirmed in early Q3 2023 as <u>Residential</u> and <u>Commercial</u> 2024 IECC Public Draft #2.)

NEEA's influence in this process reaches beyond the code change proposals submitted; NEEA staff are voting members of the main Commercial code committee as well as the Residential and Commercial HVAC and Refrigeration (HVACR) and Water Heating subcommittees. NEEA staff have participated in all meetings of these committees and are closely monitoring several others.

## **Commercial Code**

#### **General Updates**

The <u>2021 Washington State Energy Code</u>—Commercial (WSEC-C), which was expected to go into effect July 1, 2023, has been <u>delayed until (at least) October 29, 2023</u>. The primary rationale for this delay was to address legal uncertainty stemming from the decision recently issued by the Ninth Circuit Court of Appeals regarding the City of Berkeley (California)'s ordinance banning natural gas in new construction. The Washington State Building Code Council (SBCC) voted to reopen the code development process, including soliciting code change proposals to address this issue, and convene the Energy Technical Advisory Group (TAG) to review these proposals. In June 2023, SBCC received code change proposals and <u>held its first Energy TAG meeting to discuss them</u>. Review of these proposals will continue in Q3 2023.



# Commercial Code (Continued)

#### **Education and Training**

NEEA provides training and technical assistance on the current WSEC-C provisions. Training attendees and recipients of technical support include design and construction professionals, building officials, plan examiners, home builders, contractors, field inspectors and fire marshals.

Educational resources and trainings about the current 2018 WSEC-C and the upcoming 2012 WSEC-C are available for on-demand viewing on NEEA's commercial <u>WSEC website</u>.

The WSEC-C trainings delivered and offered in Q2 2023 are listed in the table below.

Training Topic	<b>Course Length</b>	Attendees	Location	Date
2021 WSEC-C Envelope, Additional Energy Efficiency and Load Management Credits and Renewable Energy Requirements	4 hours	143	Webinar	5/18/2023
2021 WSEC-C Mechanical Systems – Key Changes and Technical Resources	1.5 hours	250	Webinar	6/20/2023



## **Commercial Code (Continued)**

#### **Code Compliance Webtool**

As of Q2 2023, <u>the WSEC-C code compliance webtool</u> had more than 9,200 registered users and more than 13,500 non-test projects submitted through the tool.

The webtool project contractor continues to develop program updates and enhancements to support a new 2021 WSEC-C edition. Features will be made available for public use via a rolling launch where content unaffected by the recent SBCC activities will be launched in early Q3 2023. This includes the envelope and lighting compliance tools and the new additional energy efficiency and load management measures accounting tool designed to help users navigate these expanded requirements in the 2021 WSEC-C. The remaining features will be updated and launched after the SBCC has publishes its 2021 WSEC-C revisions.

## **Residential Code**

#### **General Updates**

The <u>2021 Washington State Energy Code—Residential (WSEC-R) final draft</u>, which was expected to go into effect July 1, 2023, has been <u>delayed until (at least) October 29, 2023</u>. The primary rationale for this delay was to address legal uncertainty stemming from the decision recently issued by the Ninth Circuit Court of Appeals regarding the City of Berkeley's ordinance banning natural gas in new construction. Washington State Building Code Council (SBCC) voted to reopen the code development process, including soliciting code change proposals to address this issue and convening the Energy TAG to review these proposals. In June 2023, SBCC received code change proposals and <u>held its first Energy TAG meeting to discuss them</u>. Review of these proposals will continue in Q3 2023.

Earlier in Q2 2023, Pacific Northwest National Laboratory (PNNL) revised its <u>analysis of the energy savings potential of the 2021</u> <u>WSEC-R</u>. This report found that, before any changes made by reopening the code development process, the 2021 WSEC-R is about 38.5% more efficient than the version it is replacing (2018 WSEC-R).

#### **Education and Training**

NEEA provides training and technical assistance on the current WSEC-R provisions. Training attendees and recipients of technical support include design and construction professionals, building officials, plan examiners, home builders, contractors, field inspectors and fire marshals.

WSEC-R on-demand trainings, training webinar schedule and additional resources can be found on the <u>Washington State University</u> <u>Energy Program's website</u>.

# **Residential Code (Continued)** Education and Training (Continued)

WSEC-R trainings delivered and offered in Q2 2023 are listed in the table below.

Training Topic	Course Length	Attendees	Location	Date
Home Performance Conference - ADUs and Codes	1 hour	45	Seattle, WA	4/17/2023
WaterSense & HERS	1 hour	51	Webinar	4/18/2023
2021 WSEC-R Overview	2 hours	50	Webinar	4/20/2023
Seattle HBA Codes Class	4 hours	50	Seattle, WA	5/4/2023
Vancouver ICC Chapter Energy Code Class	6 hours	42	Vancouver, WA	5/10/2023
2021 WSEC-R Lunch and Learn	1 hour	115	Webinar	5/16/2023
2021 WSEC-R Overview	1 hour	131	Webinar	5/18/2023
Kitsap County Energy Code Class	4 hours	45	Kitsap, WA	5/25/2023
San Juan County Energy Code Class	4 hours	17	Island Counties	5/31/2023
Comino Island Energy Code Class	4 hours	15	Island Counties	6/2/2023
WaterSense & HERS	1 hour	100	Webinar	6/7/2023
2021 WSEC-R Overview	1 hour	51	Webinar	6/15/2023
2021 WSEC-R Lunch and Learn	1 hour	29	Webinar	6/20/2023
Building Science, High Performance Envelopes & ERVs/HRVs	12 hours	12	Tacoma, WA	5/23-24/2023
2018 WSEC-R: Summary of the 2018 WA State Residential Energy Code	10 mins	390*	On Demand	Various
2018 WSEC-R: Residential Energy Code Compliance	2 hours	25*	On Demand	Various
2018 WSEC-R: Build Tight & Ventilate Right Options (short version)	1 hour	67*	On Demand	Various
2018 WSEC-R: Balanced Ventilation with HRVs & ERVs	1.5 hours	8*	On Demand	Various
2018 WSEC-R: Balanced Ventilation with ERVs & HRVs (short version)	1 hour	21*	On Demand	Various
2018 WSEC-R: Efficient Building Envelope Options	1 hour	48*	On Demand	Various
2018 WSEC-R: Heating & Air Conditioning System Inside Options	14 mins	77*	On Demand	Various
Using the C3 Calculator to Calculate Ventilation Rates	10 mins	106*	On Demand	Various
Filling out the Compliance Certificate for Ventilation Systems	10 mins	84*	On Demand	Various

\*On-Demand training attendance numbers are cumulative starting from January 1, 2023.



# **Residential Code (Continued)**

#### Field Study and Evaluation

#### Washington State Energy Code – Residential Evaluation

NEEA contracted with TRC to gather market data about homes being built under the 2018 WSEC-R. This research had the following objectives:

- Calculate code compliance among single-family buildings constructed under the 2018 WSEC R.
- Determine the compliance pathways builders are taking to meet 2018 WSEC-R code requirements, with a focus on water heating and space heating equipment, renewables, and (where possible) air tightness levels achieved.
- Investigate whether homes built under 2018 WSEC-R include dual fuel systems (for example, homes with both electric and gasfueled space heating options.)
- Investigate whether and how new construction homes use natural gas for end uses including stoves, dryers and hearths, and the prevalence of gas hookups in homes with all-electric appliances.

This project kicked off in Q2 2022, and the report was posted on neea.org in early Q3 2023: <u>https://neea.org/resources/washington-residential-code-evaluation</u>.

## **Commercial Code**

#### **General Updates**

In Q2 2023, Oregon Building Code Division (BCD) began the Oregon Energy Efficiency Specialty Code (OEESC) update process. BCD will review the changes made in ASHRAE 90.1-2022 and draft amendments in developing the OEESC. <u>The target code adoption date is January</u> 1, 2024.

## **Residential Code**

#### **General Updates**

The 2023 Oregon Residential Specialty Code (ORSC) adoption process continued in Q2 2023. After the <u>2023 ORSC final draft</u> was approved by the Residential and Manufactured Structures Board (RMSB) in Q1 2023, <u>a public hearing on 2023 ORSC</u> was scheduled for July 18, 2023 and a public comment period was opened until July 28, 2023. <u>The 2023 ORSC is expected to be adopted October</u> <u>1, 2023</u> and will likely go into full effect three to six months later.

#### **Education and Training**

NEEA partners with organizations across the state to provide technical assistance and training on the current and upcoming Oregon residential and commercial energy codes. Training attendees include design and construction professionals, building officials, plan examiners, home builders, contractors, field inspectors and fire marshals.

The Oregon energy code training delivered in Q2 2023 is listed in the table below.

Training Topic	<b>Course Length</b>	Attendees	Location	Date
Energy Code 101 for LatinoBuilt	1 hour	9	Webinar	6/28/2023

#### **General Updates**

In Q2 2023, the Idaho Building Code Board and the Idaho Division of Occupational and Professional Licenses (DOPL) met several times to continue to discuss the Zero-Based Regulation executive order, which will likely impact the energy code in Idaho. The Idaho Building Code Board, DOPL and stakeholders will continue to convene and participate in rulemaking meetings with the goal of voting on and approving an updated set of rules by the end of 2023.

#### **Education and Training**

NEEA provides training and technical assistance on the current Idaho energy code. Training attendees and recipients of technical support include design and construction professionals, building officials, plan examiners, home builders, contractors, field inspectors and fire marshals.

Training Topic	Course Length	Attendees	Location	Date
Remodels and Additions - UI IDL	1 hour	2	Boise, ID	5/3/2023
Effective Air Sealing	6 hours	22	Boise, ID	5/10/2023
Residential Crawlspaces - UI IDL	1 hour	17	Boise, ID	5/17/2023
Air Balance Certification Training	3.5 hours	11	Webinar	5/16/2023
Making Fireplaces work in Tight Homes - UI IDL	1 hour	3	Boise, ID	5/31/2023
Air Balance Certification Training	3.5 hours	12	Webinar	6/20/2023
Energy Rating Index Section 406 - UI IDL	1 hour	4	Boise, ID	6/21/2023
Effective Air Sealing	1 hour	16	Coeur d'Alene, ID	6/28/2023
Residential Crawlspaces	1 hour	16	Coeur d'Alene, ID	6/28/2023
Remodels and Additions	1 hour	12	Coeur d'Alene, ID	6/28/2023

The Idaho energy code trainings delivered in Q2 2023 are listed in the table below.

More information about the Idaho building energy code, trainings and resources can be found at the Idaho Energy Code website.

#### **Field Study and Evaluation**

#### Idaho Residential Code Evaluation

NEEA is reviewing its assumptions underlying its estimation of energy savings resulting from NEEA's and its partners' involvement in the Idaho state code processes. Using data collected through permit review, site visits to residential new construction building sites, and interviews with market actors, this research will address the following objectives:

- 1) Assess statewide compliance with selected code requirements among single-family homes built under IECC 2018 with Idaho amendments.
- 2) Develop estimates of statewide energy code compliance and compliance within urban and rural jurisdictions separately using data collected on individual code requirements.
- 3) Provide statewide findings regarding primary space and water heating fuel and above-code elements using data collected on individual code requirements.

This work kicked off in Q1 2023, and Idaho's residential energy code evaluation is expected in Q4 2023.

#### Idaho Commercial Code Evaluation

The Idaho Commercial New Construction Code (CNCC) evaluation study will assess the path(s) by which and the degree to which code compliance is achieved with the amended 2018 IECC in newly constructed buildings, while also measuring building energy performance compared with the average energy performance of buildings constructed under previous code. The results of the study will provide direction to the development and implementation efforts of NEEA's Codes team and will provide other regional code stakeholders guidance in targeting their energy efficiency work in the commercial new construction sector. NEEA contracted with Opinion Dynamics to conduct the study. A kickoff meeting will be held in August 2023, with sample development immediately following and data collection scheduled to commence shortly thereafter.

#### **General Updates**

The Montana Homes Collaborative group met several times in Q2 2023 and discussed topics such as the U.S. DOE national energy codes conference (which was attended by three NEEA employees), the <u>Cold Climate Heat Pump Insights Panel</u> hosted by City of Bozeman in May 2023, and how accessory dwelling units (ADUs) can be economically built for maximum energy efficiency, a theme that will be particularly important considering the newly signed SB 528 which requires cities to adopt rules allowing construction of ADUs starting January 1, 2024.

#### **Education and Training**

Montana energy code training providers developed and posted a virtual course for building and duct tightness training and are continuing outreach efforts to encourage participation. The training can be found on <u>NCAT's website under the Residential Energy</u> <u>Services section</u>.

Additional energy code resources can be found on the Montana Department of Environmental Quality's Energy Program website.

The Montana energy code training delivered in Q2 2023 is listed in the table below.

Training Topic	Length of Course	Attendees	Location	Date
Blower Door with Infrared Scan Training – Habitat for Humanity	4 hours	3	Helena, MT	4/3/2023



#### **Field Study and Evaluation**

#### Montana Commercial Code Evaluation

The Montana Commercial New Construction (MT CNC) evaluation field study focuses on assessing how and the extent to which code compliance is achieved with the 2018 IECC in newly constructed buildings in Montana. The study will include measurements of energy performance of these buildings as compared with the average energy performance of buildings constructed under previous code. The sampling frame will encompass all commercial buildings constructed in Montana under its version of the 2018 IECC, which was in effect from February 13, 2021 through June 5, 2022. NEEA's ultimate objective is to obtain results that will inform the development and implementation efforts of its Codes team, as well as to provide guidance for other regional stakeholders so that they can better target their energy efficiency work in the commercial new construction sector.

The contractor conducted a kickoff meeting in Q2 2022 and data collection is underway, focusing on review of permit data paired with visits to a subset of sites for data validation. Permit and on-site data collection and analysis are scheduled to run through Q3 2023, with billing data collection scheduled for completion by Q1 2024. A preliminary report from this study is anticipated by Q4 2023, with an addendum reflecting billing data analysis results anticipated for Q1 2024.

#### Field Study and Evaluation (Continued)

#### Montana Residential Code Evaluation

NEEA is reviewing its assumptions underlying its estimation of energy savings resulting from NEEA's and its partners' involvement in the Montana state code processes. Using data collected through permit review, site visits to residential new construction building sites, and interviews with market actors, this research will address the following objectives:

- 1) Assess statewide compliance with selected code requirements among single-family homes built under IECC 2018 with Montana amendments.
- 2) Develop estimates of statewide energy code compliance and compliance within urban and rural jurisdictions separately using data collected on individual code requirements.
- 3) Provide statewide findings regarding primary space and water heating fuel and above-code elements using data collected on individual code requirements.

This work kicked off in Q1 2023, and Montana's residential energy code evaluation is expected in Q4 2023.

#### **General Updates**

In Q2 2023, the U.S. DOE issued Requests for Information (RFI) and Notices of Proposed Rulemaking (NOPR) for 14 appliance and equipment standards.

NEEA staff collected data and conducted analyses to submit comment letters for nine appliance products to the U.S. DOE in Q2 2023. Comments included regional sales data, lab testing results, field validation data and other technical data to support recommendations for enhanced test procedures and improved efficiency levels.

In April and May 2023, NEEA developed and submitted comments to the U.S. DOE on several important energy conservation standards rulemakings including Refrigerators (predicted to save over 5 quads of full fuel cycle energy savings over 30 years if adopted) and Residential Clothes Washers (1.45 quads if adopted). NEEA staff coordinated with and received feedback from several energy efficiency advocates. ComEd signed on in support of both of NEEA's letters, while the Natural Resources Defense Council (NRDC) signed on to the Residential Clothes Washers letter. Below is a list of products for which NEEA submitted comment letters in Q2 2023:

#### **Commercial / Industrial Products**

Compressors

#### **Residential Products**

- External Power Supplies
- Conventional Cooking Products
- Refrigerators and Freezers
- Battery Chargers
- Clothes Washers
- Miscellaneous Refrigeration Products

#### **Manufactured Homes**

The U.S. DOE delayed the effective date for the updated standard for manufactured homes from March 2023 until July 2025. NEEA staff are continuing to work with ENERGY STAR® and the U.S. DOE's Net Zero Ready specification to ensure alignment with the Northwest Energy Efficient Manufactured Home program (NEEM).

#### Other

In addition to responding to comment letters, NEEA has been active in a multi-party joint negotiation to move forward recommendations for a U.S. DOE rulemaking on Commercial Unitary Air Conditioners and Heat Pumps (CUAC/HP). This effort is aimed at developing a consensus agreement on the minimum efficiency level for these products, and involves the U.S. DOE, energy efficiency advocates, utility representatives and manufacturers. Negotiations concluded in April 2023 with a successful consensus agreement.

In Q2 2023, AHRI began committee meetings to update Standard 210/240, "Performance Rating of Unitary Air-Conditioning and Air Source Heat Pump Equipment." NEEA has joined the effort as a partner to support the update of this test procedure that addresses residential equipment.

CSA GROUP (CSA)

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#### **General Updates**

The CSA Group held its annual project review and planning meeting in June 2023. NEEA staff continue to coordinate with CSA Group on several projects that will benefit the Northwest, particularly with heat pumps and water heating.

#### **General Updates**

Residential New Construction market activities focus on removing barriers to the adoption of above-code efficiency measures in new construction and collecting market evidence that supports future code advancement. To accelerate market adoption, activities influence builders and key subcontractors to adopt above-code technologies and best practices. The interventions focus on both gas and electric technologies and residential building measures.

Highlights of Q2 2023 include:

- Completion of more than 2,100 above-code home certifications year to date.
- Delivery of monthly newsletters to more than 2,000 recipients with a year-to-date 36.3% open rate and 7.6% click-through rate.

The BBNW team completed a market engagement survey to understand regional builder and rater needs and questions related to the recently extended 45L tax credit. Responses showed a significant need for understanding the tax credit and how to qualify. The BBNW team plans to develop resources and trainings for the Northwest market in Q3 2023.

#### **Education and Training**

The BBNW website offers several on-demand trainings and resources for builders on above-code building practices, including Top 10 Best Practices for Today's Homebuilder and topic-specific trainings about envelope and HVAC measures. These ondemand trainings can be <u>found on the BBNW Training website</u>.



#### Education and Training (Continued)

Residential new construction above-code trainings delivered in Q2 2023 are listed in the table below.

3 hours			
5 110015	43*	On-demand	Various
3 hours	27*	On-demand	Various
15–20 hours	41*	On-demand	Various
3 hours	41*	On-demand	Various
1 hour	19*	On-demand	Various
1 hour	23*	On-demand	Various
1 hour	17*	On-demand	Various
1 hour	7*	On-demand	Various
1 hour	36*	On-demand	Various
1 hour	25*	On-demand	Various
1 hour	54*	On-demand	Various
1 hour	18*	On-demand	Various
1 hour	98	Webinar	4/9/2023
1 hour	30	Portland, OR	4/19/2023
5 hours	35	Bend, OR	3/9/2023
	15–20 hours 3 hours 1 hour 1 hour	3 hours       27*         15–20 hours       41*         3 hours       41*         1 hour       19*         1 hour       23*         1 hour       23*         1 hour       7*         1 hour       7*         1 hour       25*         1 hour       54*         1 hour       18*         1 hour       30	3 hours         27*         On-demand           15–20 hours         41*         On-demand           3 hours         41*         On-demand           1 hour         19*         On-demand           1 hour         19*         On-demand           1 hour         23*         On-demand           1 hour         23*         On-demand           1 hour         7*         On-demand           1 hour         7*         On-demand           1 hour         36*         On-demand           1 hour         25*         On-demand           1 hour         54*         On-demand           1 hour         18*         On-demand           1 hour         98         Webinar           1 hour         30         Portland, OR

\*On-Demand training attendance numbers are cumulative starting from January 1, 2023.

#### **Program Updates**

Starting in 2023, NEEA discontinued direct market engagement in the manufactured homes market in the Northwest. NEEA staff are starting several projects to wrap up this program and to prepare it for long-term monitoring and tracking. These projects are operating under the updated U.S. DOE standard and ENERGY STAR specification. At the end of Q1 2023, NEEA learned about several challenges to the U.S. DOE effective date. NEEA staff will review this information in Q2 2023 and determine whether additional investment is needed until the new standard goes into effect.

The Manufactured Housing Institute (MHI) filed a lawsuit in Q1 2023 against U.S. DOE's energy performance standards for manufactured housing. The lawsuit seeks a stay of the impending implementation of the U.S. DOE final rule. Following this lawsuit (but not necessarily due to it), the U.S. DOE announced an indefinite delay in the effective date to address open issues related to enforcement of the standard. Because both the U.S. DOE and the U.S. Department of Housing and Urban Development (HUD) have authority over manufactured housing, enforcement responsibilities are unclear at this time. Alignment around the effective date is key to ensure this important standard (25 years in the making) can take effect.

Actions around this standard are evolving, so don't hesitate to connect with NEEA if you have a question about what's happening.

# **CONTACT US:**



# Mark Rehley

Director, Emerging Technology, Product Management, Codes, Standards, & New Construction

mrehley@neea.org 503.688.5499



# Nicky Dunbar

Sr. Codes and Standards Engineer

ndunbar@neea.org 503.688.5457

Kevin Rose

Sr. Engineer, Energy Codes and Standards

krose@neea.org 503.688.5437



# Lynne Mosley

Sr. Program Coordinator, Codes, Standards and New Construction

Imosley@neea.org 503.688.5405



# Tess Studley

Program Manager, Energy Codes and Standards

tstudley@neea.org 503.688.5451



# Blake Ringeisen

Sr. Engineer, Energy Codes and Standards

bringeisen@neea.org 503.688.5467

# Together, We Are Transforming the Northwest

