

May 29, 2019

Joint Committee on Administrative Rules
Illinois General Assembly
700 Stratton Office Building
Springfield, Illinois 62706

**Re: Capital Development Board
Illinois Energy Conservation Code (71 Ill. Adm. Code 600)
First Notice Published: 42 Ill. Reg. 21491 – 12/7/18**

Dear Committee Members,

The Polyisocyanurate Insulation Manufacturers Association¹ (PIMA) respectfully submits this letter in opposition to action taken by the Capital Development Board (CDB) on May 14, 2019 with respect to the above-captioned rulemaking. At its most recent meeting, the CDB reversed a decision it made eight months earlier and made substantial changes to the proposed rule after Second Notice was published. These amendments will result in a proposed rule that reduces building energy efficiency, which is in direct conflict with the *Energy Efficient Building Act* (20 ILCS 3125).

I. The proposed rule conflicts with the Energy Efficient Building Act (EEBA).

The EEBA directs the CDB to review and adopt the most recent version of the International Energy Conservation Code (“model energy code”) as the “minimum requirements for commercial buildings” for the purpose of reducing air pollutant emissions, addressing peak energy demand, assuring the reliability of the electric grid, and controlling energy costs for residents and businesses. The Act permits the CDB to modify the model energy code in limited situations as long as the modifications are consistent with the public policy objectives of the Act.

On May 14th, the CDB adopted amendments to the proposed rule’s requirements for energy-efficient roof replacements. These amendments reduce energy efficiency and represent modifications to both the model energy code and Illinois’ existing requirements for building energy efficiency. Therefore, the amendments contravene the intent and purpose of the authorizing statute.

II. The proposed rule will have negative impacts on building energy efficiency and the environment.

Roof replacements are an ideal and economical time to improve the energy efficiency of existing commercial buildings, which account for 20.5% of energy consumption in Illinois. Replacing a typical existing

¹ PIMA represents manufacturers of polyisocyanurate (or polyiso) insulation, which is a product used in the construction of low-slope roofs as well as in commercial and residential walls. Polyiso insulation is installed as part of the building envelope in order to minimize energy loss and operating costs. PIMA manufacturing and raw material supply members operate three manufacturing sites in Illinois – East Moline, Elwood, and Franklin Park. Overall, the insulation industry employs nearly 20,000 workers in the State.

roof with an energy code-compliant roof reduces *whole* building energy use by an average of 5.7%. Therefore, it's no surprise that Illinois has maintained a long-standing requirement for energy-efficient roof replacements.

The CDB amendments represent significant exceptions to this public policy and will generate negative environmental and economic impacts on the State. Our estimates demonstrate that the amendments have the potential to create the following impacts for Illinois:

- **Increased building energy operating costs over 10 years: \$80 million to \$120 million.**
- **Increased CO₂ emissions over 10 years: 0.7 to 1.0 million metric tons.** This level of CO₂ emissions is equal to:
 - The annual emissions from 148,000 to 222,000 cars, or
 - The annual emissions from energy production needed for 75,000 to 112,000 homes.
- **Increased emissions of air pollution affecting ozone and sulfur dioxide levels.**

Furthermore, the CDB amendments codify poor roofing practice and create the potential for harm to building owners and occupants. Specifically, the amendments create a new type of reroofing referred to as “peel and replace.” Similar proposals have been rejected by national building code development organizations. Additionally, the practice of “peel and replace” contradicts the building code requirements for roof replacements and the instructions published by nationally-recognized organizations in the roofing industry, including the National Roofing Contractors Association and the International Institute of Building Enclosure Consultants.

III. PIMA respectfully requests that JCAR reject the CDB amendments and require additional public comment on the proposed rule.

Given the substantive nature of the amendments adopted by the CDB at its May 14th meeting, PIMA urges JCAR to reject the proposed rule and require additional public comment. First, CDB's decision to incorporate the amendments reverses the Board's decision from September 2018. The ability to overturn a decision made by a previous Board at a properly notice meeting and after Second Notice has been published creates the impression of arbitrary action. Second, the new amendments change the proposed rule's impacts and create meaningful questions of whether the rule is in conformance with the authorizing statute. Lastly, the confusion expressed during the May 14th CDB meeting regarding the proposed rule is evidence that further comment and discussion would be beneficial to the Board members.

Thank you for the opportunity to submit these comments. Please contact me should additional information be necessary (jkoscher@pima.org; (703) 224-2289).

Sincerely,



Justin Koscher
President

Cc: Senator Don Harmon, Co-Chairman
Representative Keith Wheeler, Co-Chairman