

11. ENERGY EFFICIENCY:

State officials, advocates shrug as Senate bill, federal leadership stall

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DENVER -- Something's amiss when the first energy bill to hit the Senate floor in six years can't stir a gathering of energy efficiency advocates and state energy officials.

There's been only a passing reference to legislation from Sens. Jeanne Shaheen (D-N.H.) and Rob Portman (R-Ohio) at the National Association of State Energy Officials' annual meeting here -- where participants enthusiastically discussed building codes, utility business models and net-zero buildings.

"We think it should pass, and it would be helpful if it did pass," said Jeff Genzer, NASEO's counsel and a partner with Duncan, Weinberg, Genzer & Pembroke PC. "They've worked hard, and it deserves to pass. But will it be the end of the world as we know it if it doesn't? No."

The bill, [S. 1392](#), is still alive, but barely. Senate Majority Leader Harry Reid (D-Nev.) threatened yesterday to abandon the measure over Republicans' demand for votes on five unrelated amendments. Both sides then dug in over how many votes should be allowed ([Greenwire](#), Sept. 18).

Ralph DiNola, executive director of the New Buildings Institute, which is co-hosting a net-zero energy forum here, said his board likes to be optimistic about federal legislation, but "we are going to apply our efforts where we get the best results" -- such as California's renewable energy and building energy efficiency mandates.

"Relying on the federal government is relying on just one opportunity instead of 50," DiNola said.

In the end, the Senate bill is about voluntary building codes and grant programs, said Ed Mazria, founder and CEO of Architecture 2030. He developed the 2030 Challenge, whose phaseout of fossil fuels in new or renovated federal buildings by 2030 was included in the 2007 energy bill.

A controversial amendment from Sens. John Hoeven (R-N.D.) and Joe Manchin (D-W.Va.) would use the current bill to strip the fossil fuel phaseout and instead raise energy efficiency requirements. Architecture 2030, the American Institute of Architects, the Sierra Club, the Union of Concerned Scientists and others call the amendment a poison pill that would reduce energy savings, but the American Council for an Energy-Efficient Economy, Alliance to Save Energy, American Gas Association, Edison Electric Institute and others support it ([E&E Daily](#), June 25).

Mazria said it would be better for the bill to fail than let the Hoeven-Manchin amendment undermine federal leadership on lowering energy use and reducing greenhouse gas emissions.

"By not going to net-zero energy, the federal government sends a very bad message to everyone who has adopted those goals and the world that needs to reduce emissions," Mazria said. "They are failing to look at the bigger picture of emissions."

In a telephone interview, Roger Platt, senior vice president of global policy and law at the U.S. Green Building Council, said he would prefer to have a bill pass than nothing but agreed the actual impact from it would be minimal.

"At the end of the day, the fact is that our federal government role with building codes is so modest," he said.

On the other hand, Platt said, the Energy Department's research and development on buildings does provide significant support as the building sector does very little of its own R&D, although "no one knows they do it and no one is excited they do."

Leadership on energy, he added, has already passed to states and local governments.

"Another bill coming out of Washington, that's not necessarily going to be the most significant factor," Platt said.

Although he would like to sing the praises of the bill and federal leadership, he said, "that is just not believable at this point."

"It contrasts sharply with the vigorous engagement of [mayors and local officials] doing green building and advocating action," Platt said.

NASEO's Genzer noted that the two comprehensive energy bills passed in 2005 and 2007 and the energy provisions of 2009 were anomalies.

Before the 2005 bill, he said, the last energy bill was in 1992. And before that, it was in the 1970s.

Genzer said there are parts of Shaheen-Portman that NASEO likes, including an amendment to reauthorize and improve the standards of the State Energy and Weatherization Assistance programs by Sens. Chris Coons (D-Del.), Susan Collins (R-Maine) and Jack Reed (D-R.I.); a proposal to authorize \$200 million for the State Energy Race to the Top sponsored by Sens. Mark Warner (D-Va.), Jon Tester (D-Mont.) and Manchin; and a bid to establish a residential energy efficiency loan program through the states from Sens. Ron Wyden (D-Ore.) and Bernie Sanders (I-Vt.).

NASEO also pushed for a provision to create an authorization for a commercial building efficiency program to be operated by the state energy offices, but that was stripped from the original bill because of disagreements over wages for labor on these projects.

"It is important to get the amendments and provisions right, no matter how long they may sit on the shelf in the energy committees," Genzer told attendees. "It is very important to lock down the provisions that we care about on a bicameral, bipartisan basis so that when we do have an opportunity, the committee staff can say, 'We resolved this, just put it in the bill.' That is really important."

He added after the speech: "I do think cooler heads will prevail on this. I just hope it happens sooner rather than later."

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