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New Mexicans Decry Construction Industries Commission, Vote to Revoke Energy-Saving Building Code

Governor Martinez plan to scrap 2009 NM Energy Conservation Code will prompt energy waste, higher utility bills and increased pollution

ALBUQUERQUE, NM – The state’s Construction Industries Commission voted today to scrap the 2009 NM Energy Conservation Code (NMECC) that was adopted in 2010 after a series of open and public hearings that included evidence from stakeholders across the state. At the same time, the Commission voted to adopt a new energy-wasting code that would meet the bare minimum federal standards without any of the New Mexico-specific features that were incorporated into the 2009 NMECC.

“Today’s action by the Construction Industries Commissioners shows a blatant disregard for public process and the efforts of hundreds of New Mexicans who participated in the open and fair code development process that lasted over a year”, said Tammy Fiebelkorn of Southwest Energy Efficiency Project (SWEET). “This rollback was developed in secret by CID staff under direction from the administration with no public input and no consideration of the extensive technical, energy use and financial analyses that were undertaken to develop the 2009 NM Energy Conservation Code. Where’s that transparent government this administration keeps promising?”

The move to scrap the 2009 NM Energy Conservation Code can be traced back to Governor Susana Martinez’s Small Business Friendly Task Force appointed in January. Two members of the secret task force – Albuquerque architect Dale Dekker and Albuquerque mechanical contractor Kevin Yearout – now serve on the Commission at the Governor’s pleasure. A third member of the task force is Superintendent of Regulation & Licensing Department, J. Dee Dennis, who issued the order to CID and RLD staff to develop the rollback proposal and to keep that development process a secret.

The task force issued a report in early April which contained recommendations for amending the state building code that are identical to the motions made at the Construction Industries Commission meeting later that month. And it was Yearout, whom Gov. Martinez just appointed to the Commission, who introduced all four amendments at the Commission’s first meeting on Earth Day, April 22nd.

“The lack of any discussion and the Commission’s vote today are shameful and exemplify the Martinez Administration’s pro-corporate agenda that will actually burden small businesses and households with

rising utility bills and a more polluted environment”, said Shrayas Jatkar with the Sierra Club in New Mexico. “Since coming to office, Governor Martinez has been on a backwards march to protect the outdated fossil fuel industry and utility companies’ profits at any cost. Her Administration should instead be moving forward with common-sense policies that save consumers money, improve public health, and build a clean energy economy that harnesses our state’s unique resources.”

Last week, hundreds of concerned New Mexican consumers, property owners, builders such as Santa Fe Home Builders Association and US Green Building Council-NM chapter, as well as members of Sierra Club and Environment New Mexico attended public hearings to tell the Commission to maintain the 2009 NMECC. Likewise, over 250 builders in nine rural communities that attended trainings on the 2009 NMECC conveyed their support and enthusiasm for the new code during the training sessions in April and May.

“New Mexicans were very clear in written and verbal comments to the Commission that they wanted the state to maintain the 2009 NM Energy Conservation Code”, explained Sanders Moore with Environment New Mexico. “The energy-saving code represented a big step forward in decreasing energy use and reliance on dirty, fossil fuel sources of energy statewide. This would have meant less air pollution, decreased water use, fewer emissions that contribute to climate change, and a more sustainable future. It’s alarming that the Commissioners ignored the will of the people and took these benefits away from all New Mexicans.”

The reduced power generation associated with energy efficiency measures in the 2009 NM Energy Conservation Code would have resulted in a decrease of a number of pollutants including carbon dioxide (a greenhouse gas), nitrogen oxides, sulfur dioxide, mercury and other pollutants. This would have reduced the public health impacts related to emissions of particulate matter and mercury, and also lessened climate change impacts such as drought and wildfire.

If maintained, the 2009 NM Energy Conservation Code would have assisted New Mexico residents and businesses save money on *monthly* electric and gas bills by reducing their energy consumption by approximately 20 percent. According to the Southwest Energy Efficiency Project (SWEET), the residential code would have resulted in an average net savings of nearly \$14 per month (\$167 per year) for each homeowner, which adds up to \$66 million dollars statewide saved over a ten year period. Furthermore, the 2009 NMECC would have improved property values for homeowners and lowered barriers to homeownership for low-income New Mexicans.

Stimulus funds were made available to New Mexico for implementing the energy-saving code as adopted last year, including: funding a new staff position at Regulation and Licensing Department dedicated to energy conservation code development and implementation, printing and distributing thousands of code books, providing training to inspectors and builders in 14 cities and towns across the state, updating and distributing Applications Manuals that contain the trade-off worksheets needed for passive solar and adobe homes, as well as creating residential and commercial inspection checklists for each climate zone. With the amended, energy-wasting code adopted today, New Mexico taxpayer funds will now have to be spent redoing all the efforts related to code implementation, enforcement, and compliance. In an attempt to salvage DOE stimulus funds for its Green Building Coordinator, the administration has unilaterally changed the contract for the position between Regulation and Licensing and NM Energy, Minerals, and Natural Resources Departments to allow that staff person to work on increasing energy use and utility bills for New Mexicans.

Background on the 2009 NM Energy Conservation Code:
<http://nmsierraclub.org/gov-hands-off-our-building-codes>

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