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August 18, 2005

Mr. Jonathan Passe
Energy Star Homes Partner Support Coordinator
Passe.jonathan@epa.gov

Re: EPA Proposed Changes for the 2006 Program

Dear Mr. Passe:

The Texas Home Energy Raters Organization (Texas HERO) has reviewed the proposed changes to the 2006 program and has the following comments/concerns:

1. Implementation Date of July 1, 2006

First Choice Option: Texas HERO members discussed difficulties with the July 1, 2006 implementation date and are requesting that the date be delayed until January 1, 2007.

Second Choice Option: In the event that the July 1, 2006 date is going to be the implementation date for the new requirements, the implementation of the new requirements should be based on permits after July 1, 2006 and a grandfather period allowed for homes started prior to that date until January 1, 2007.

Our reasons for asking for this change are as follows:

- a. The software tool to measure the performance path will not be available until mid September which will only allow a very short window of as little as 3 weeks to perform analysis in order to consult with builders on their options for meeting this path. This is all assuming the software that is issued does not contain any bugs that will further delay its use.
- b. The utility programs in Texas kick off the new program year in October and are looking for builders to commit on the number of homes they can deliver

for the 2006 program year. This does not allow the builders or the utilities enough time to analyze what the new program requirements will allow them to deliver. If the current date of July 1, 2006 is used and it is based on homes finalized by this date, it will mean that builders will have to implement the new requirements in some cases, by as early as February 2006, giving them as little as two months to have new contracts negotiated and materials and equipment in place in the field. We feel that this is not a reasonable time frame. Therefore, Texas HERO is requesting that regardless of the implementation date that it be referenced to start date of it rather than the completion date.

- c. As a result of the potential drop in participation in the Energy Star Program, and new changes to their regulations allowing for increases in percentages of load management credits, the utilities are now being forced to look at other options which increase the potential that the current incentive programs will decrease their funding for Energy Star.
- d. Based on builder feedback, it is estimated that if the implementation date is not changed, or a grandfather period is not allowed, there could be a significant decline in builder participation in the Energy Star Program in Texas.
- e. Although the new requirements were released back in March of this year, the requirements have changed since the release and we do not feel that there has been ample time given to inform the builders of the new requirements since the requirements first released were different for both the performance and prescriptive paths than what has been included in this latest version.
- f. Texas HERO is concerned that the market share of builder participation will drop. When this happens, many employees of the rating companies will be forced to find other employment.

2. Thermal Bypass Checklist

- a. Texas HERO members believe that the six-sided covering of insulation should be optional or a best practice.
- b. Texas HERO supports Daran R. Wastchak's recommendation that the Thermal Bypass Checklist should be a best practice.
- c. Texas HERO also supports Lennox Hearth Products position regarding the use of firestop spacers. We agree with Lennox that it is not necessary or

recommended that the flue system be sealed to the firestop spacer at ceiling levels. Sealing this area would eliminate the flue's ability to expand and contract with heat and would shorten the useful life of the system. We also support Lennox' position that it is not necessary to stuff the firestop with insulation.

- d. Attic Hatch/Drop-down Stairs - We believe the following words "only in conditioned space" should be added to item #4 "attic hatch/drop-down stairs".

3. Water Heaters – Prescriptive Path

Based on research and feedback from builders, Texas HERO is concerned about short water heaters meeting efficiency requirements due to the limited supply from manufacturers.

4. Duct Sealing – Performance Path

In footnote #5 of the Performance Path notes, we believe that the words "and 9 cfm total/100 sq. ft." should be removed and raise the maximum per 100 sq. ft. from 6 to 9 cfm leakage to the outside.

5. Windows – Performance Path

In footnote #8 of the Performance Path notes, we believe that this should be changed to reflect Energy Star labeled windows or an equivalent NFRC rated and labeled window.

6. Right Sizing Heating and Air Conditioning Equipment – Performance Path

In footnote #7, we believe the requirement for proper sizing should be changed from "RESNET-approved" to "ACCA Manual J or equivalent" as the source material since ACCA Manual J is the industry standard.

7. Energy Star Scoring Exceptions

We believe that credit should be given for solar photovoltaic electric generation to increase the HERS score to qualify for Energy Star.



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8. Collective Opinion

Texas HERO has received and review copies of correspondence from several members who have expressed their concerns directly to the EPA. We are in agreement with their recommendation.

We appreciate the opportunity to provide feedback and look forward to hearing back from the EPA on our recommendations.

Very truly yours,

A handwritten signature in black ink, appearing to read "Gary Taylor". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Texas HERO
President