

## **Summary of Comments, EPA Responses, and Resulting Policy Changes on the Proposed Sunset of Sampling for ENERGY STAR Single-Family New Homes and All Townhouses**

EPA has posted a compilation of all comments received on the proposed sunset of sampling for ENERGY STAR Single-Family New Homes and all townhouses on its website.

The stakeholder feedback period was open from July 11 to August 8, 2023. This document contains a summary of the comments received, along with EPA's responses, and resulting policy changes, if any.

When similar comments were received from multiple respondents, EPA has consolidated these ideas into a single summary bullet. However, EPA has attempted to retain all unique comments received, including those submitted by a single respondent.

# Sunset of Sampling for ENERGY STAR Single-Family New Homes and All Townhouses

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## Sunset of Sampling for ENERGY STAR Single-Family New Homes and All Townhouses

ID	Comment Summary	EPA's Response
<b>Implementation Timeline</b>		
1	<ul style="list-style-type: none"> <li>Commenters were generally supportive of the proposed timeline to sunset the use of sampling for homes permitted on or after January 1, 2025.</li> </ul> <p>However, several commenters suggested that builders be given more time before sampling is phased out:</p> <ul style="list-style-type: none"> <li>Three commenters raised concerns regarding the availability of an adequate Rater workforce to implement individual inspections, especially in high-volume markets.</li> <li>Two commenters also expressed concern about the cumulative cost and complexity resulting from the number of program changes occurring in the same time frame, such as the initial implementation of ENERGY STAR Single-Family New Homes (SFNH) National Version 3.2.</li> </ul>	<ul style="list-style-type: none"> <li>EPA appreciates current marketplace challenges for hiring qualified staff. However, program data indicate that hiring will not be a widespread barrier to sunsetting sampling, as more than 95% of certifications outside of Arizona already use individual inspections (based on 2022 calendar year data). EPA is sympathetic to the hiring challenge in Arizona, but at this point has not received compelling data to indicate a longer timeline is warranted.</li> </ul> <p>EPA acknowledges the current pace of program updates which, in many cases, are driven by external factors that are not expected to abate such as the International Energy Conservation Code (IECC) updates. However, EPA believes that a delay in the sampling phase-out would simply cause it to overlap with a future cycle of changes.</p> <p>When program changes are necessary, EPA strives for the simplest and most cost-effective policies that meet program needs. In this case, the goals are in tension in that individual (non-sampled) inspections may be more costly but are conceptually simpler than the complicated sampling protocol.</p> <p>For these reasons, EPA will implement the sunset of sampling for homes on the originally proposed schedule (i.e., for homes permitted on or after January 1, 2025). This policy will be reflected in the next Revision of the Single-Family New Homes and Multifamily New Construction program requirements, which EPA intends to release in November 2023, with an implementation date that coincides with the enforcement of the proposed policy. EPA notes that this date provides partners with 14 months to prepare, and encourages partners to begin implementing a gradual transition to individual (i.e., non-sampled) inspections in their projects as soon as practical.</p>
<b>Potential for Unintended Consequences</b>		
2	<ul style="list-style-type: none"> <li>One commenter expressed concern about a potential policy misalignment between the ENERGY STAR program and other federal programs like EPA's Indoor airPLUS program and DOE's Zero Energy Ready Homes program.</li> </ul>	<ul style="list-style-type: none"> <li>EPA's Indoor airPLUS program is currently aligned with the ENERGY STAR program regarding the use of sampling inspection protocols and intends to maintain this alignment as ENERGY STAR program policies evolve. Further, DOE's Zero Energy Ready Homes program already requires homes to be individually inspected. As a result, the sunset of sampling in single-family homes and townhouses for the ENERGY STAR program will actually improve alignment between the three federal programs.</li> </ul>
3	<ul style="list-style-type: none"> <li>Two commenters noted that, without sampling, more homes will need to be inspected. This will require additional communication and coordination between Raters and builders. It may also increase the number of homes requiring a re-inspection due to initial non-compliance with a program requirement. Ultimately, the</li> </ul>	<ul style="list-style-type: none"> <li>EPA acknowledges that increased communication and coordination will be required in markets where sampling protocols are currently being used. While more homes may require re-inspection, EPA notes that such homes may have otherwise been overlooked if certified using sampling protocols. Such instances illustrate the quality</li> </ul>

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	<p>policy may result in additional delays before a home can be certified or a reduction in the number of homes that ultimately achieve certification. They suggested that one strategy for mitigating this impact would be the development of alternative inspection protocols that could be used when the pre-drywall inspection is missed.</p>	<p>control improvements that the proposal will deliver, thereby increasing confidence that all program requirements have been met in all homes.</p> <p>The need for alternative inspection protocols to a pre-drywall visual inspection is a distinct and separate issue from this proposal. With that said, EPA is continuing to work with partners to explore alternative inspection protocols for use when the pre-drywall inspection is missed.</p>
4	<ul style="list-style-type: none"> <li>• Three commenters suggested refinements to EPA's proposal regarding townhouses: <ul style="list-style-type: none"> <li>• One commenter suggested that townhouses attached to a multifamily building should continue to be eligible for sampling.</li> <li>• One commenter suggested that EPA should continue to allow all townhouses certified using the ENERGY STAR Multifamily New Construction program to be eligible for sampling.</li> <li>• One commenter suggested allowing all townhouses to continue to use sampling based on the commenters' stated experience that townhomes often achieve consistent performance results within a development.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• EPA appreciates the perspective provided by the commenters, all of whom cited examples where townhouses are being developed as part of a larger multifamily development. However, EPA's understanding is that the majority of townhouses certified in the program are developed as standalone projects and certified through the Single-Family New Homes program.</li> </ul> <p>To avoid increasing the complexity of the programs, and to maintain parity between the requirements that townhouses must meet regardless of whether they are certified using the Single-Family New Homes or Multifamily New Construction program, EPA is maintaining its proposal to sunset sampling for all townhouses.</p>
<b>General Feedback</b>		
5	<ul style="list-style-type: none"> <li>• Two commenters questioned whether sampling should be sunset at all, raising a concern that the higher verification costs of non-sampled inspections will result in fewer homes pursuing certification.</li> </ul>	<ul style="list-style-type: none"> <li>• As stated previously, more than 95% of certifications outside of Arizona already use individual inspections (based on 2022 calendar year data). Therefore, due to its infrequent use, EPA believes that partners largely value the straightforward implementation and increased quality assurance of individual inspections over any cost savings offered by the use of sampling protocols.</li> </ul>
6	<ul style="list-style-type: none"> <li>• One commenter suggested that sampling continue to be allowed, but only for performance tests (e.g., infiltration, duct leakage, and ventilation airflow testing).</li> </ul>	<ul style="list-style-type: none"> <li>• EPA believes it is appropriate to apply the same verification standard to performance tests as it does to the other program requirements to ensure an equal level of confidence that these foundational program requirements have been met in all homes.</li> </ul>
7	<ul style="list-style-type: none"> <li>• Several commenters suggested that the proposal would only result in positive impacts to the program, such as more consistent application of the program requirements and greater confidence that all certified homes have met the program requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• EPA agrees that phasing out the use of sampling inspection protocols in the ENERGY STAR Single-Family New Homes program and for all townhouses, will strengthen the quality controls of the program.</li> </ul>