

Re: Bill 16-21, Building Energy Performance Standards

I recommend adding to the bill Quality Assurance activities and audit activities, including on-site visits, so that the county can check building owners' claims of progress against actual progress.

As an employee in the private sector I have seen numerous violations of laws, including flagrant violations of OSHA laws; wage theft; funds stolen from employees' 401(k) accounts; a termination of an employee that was so egregiously illegal that it resulted in a successful lawsuit; an exterminator who dumped insecticide directly into a storm drain; and an HVAC technician who released refrigerant directly into the atmosphere in violation of existing law.

If we are going to have a law, we need to have a vigorous monitoring and enforcement mechanism. That is why I recommend that a statistically significant random sample of covered buildings be audited annually to see what is actually happening with those buildings. To avoid years of lost time, data on progress towards compliance is needed years before the interim performance data will be available.

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Transparency

The bill should require full transparency of all building energy performance data provided to the County. The current bill provides for making available to the public aggregate data, but data at the level of individual buildings would be far more informative.

Full transparency would potentially enable the power of public shaming to be brought to bear on the problem of building owners who do not comply with the law. The county will have very limited resources for enforcement. Public reporting of performance data can help produce compliance.