Interagency Commission on School Construction
200 West Baltimore Street
Suite 200
Baltimore, MD 21201

Dear Interagency Commission on School Construction:

Thank you for considering our testimony today concerning needed updates to the Code of Maryland Regulations (COMAR), as well as guidance documents, that govern the decisions made by the Interagency Commission on School Construction (IAC). Climate Parents is a campaign to reduce climate change causing pollution in our schools and our group is active in Prince George's County. In particular, we recently worked directly with Prince George's County Public Schools (PGCPS) technical staff, elected officials, and other advocates to develop a Climate Change Action Plan for PGCPS as part of a focus work group created by the Board of Education.

There are two major statutes that need to be appropriately incorporated into the regulations and guidance documents that govern the IAC. Firstly, the portions Md. Code Ann., State Finance and Procurement §4–801 through 809, specifically the requirements that design decisions be made to "to save both cost and energy" and, secondly, the 2045 zero emission climate goals as enacted by the Climate Solutions Now Act of 2022.

Incorporation of Statutory Life Cycle Cost Requirements

Md. Code Ann., State Finance and Procurement §4–803 (a) requires that "[DGS] shall project life–cycle costs and perform an energy consumption analysis during the preliminary design phase of the construction or renovation of any building." This is specifically done in order to "to save both cost and energy." It should be noted that the cost savings are not limited to upfront costs in the statute, implying that a full set of costs should be considered, including operational, maintenance, and equipment replacement costs.

A separate section only requires the comparison to be conducted on the basis of the energy used in the building, not in terms of financial cost. (Md. Code Ann., State Finance and Procurement §4–808 (a)(3)). One should note that LEAs are clearly required to undertake this analysis "Each construction appropriation shall require a State agency, *including a district school board*, to obtain a projection of life–cycle costs and an energy consumption analysis from the Department."(Md. Code Ann., State Finance and Procurement §4–803 (b)). This also places evidence that energy usage is a more important factor to consider when making decisions than simply upfront construction costs.

In COMAR life cycle analysis can be found under the regulatory requirements governing "New Construction, Renovation, and Limited Renovation Projects." (COMAR 14.39.02.14) Specifically, there is a requirement that the "LEA shall submit to the IAC or its designee for review and approval information regarding the consistency of the project with the Department of General

Services procedure manual for professional services standards for energy conservation, life cycle cost analysis, and roofing." (COMAR 14.39.02.14 (D)(2))

Given that DGS procedures must be followed, state law requires energy usage and full life cycle costs to be considered, and that statutes specifically require these assessments for LEAs, COMAR and IAC guidance documents must be updated to reflect that. Specifically, COMAR should explicitly state that full life cycle costs and energy usage will be the basis for design selection.

Additionally, IAC Administrative Procedures Guide, specifically Appendix G, needs to be updated to match legal requirements. Appendix G says that "State Finance and Procurement Article, Sections 4-801 through 4-808 of the Annotated Code of Maryland requires that buildings constructed and financed with assistance of the State are to be design and constructed in a manner which will minimized the *initial [emphasis added]* construction costs to the state and the consumption of energy resources …" As a result, a LCA is needed. However, this is problematic for two reasons 1) that a LCA considers costs associated with the entire life cycle and not just initial costs and 2) the word "initial" does not appear in statute. This guidance should be updated to reflect what is written in statute, namely that selection should be made on all life cycle costs and energy use, and not limited to initial costs. This is particularly problematic since any new school constructed with a fossil-fuel HVAC system will need a full retrofit by 2045 and it is negligent to require taxpayers 20 years from now to pay to replace such a system because we are ignoring the life cycle costs now.

Appendix G then goes on to point back to the DGS Procedure Manual for how to conduct an analysis, though provides some specifics for the lifespan of a new school (45 years), a renovation (15 years), and operating hours (2000 hours per year). There is very little additional detail. This also seems contradictory with the 30-year life cycle included in Form 302.2 located at https://iac.mdschoolconstruction.org/?page_id=616). The time periods in the DGS Procedure Manual seem more appropriate and Form 302.2 should have a lifespan of 45 years as the basis for decisions.

Incorporation of Climate Solutions Now Act Net Zero Goals

The Climate Solutions Now Act sets a specific date for which all greenhouse gas emissions in the state need to be zero. Net zero emissions means everything in Maryland, thus there is no way to claim that a particular aspect of our government or economy needs to wait, 2045 is the date. This includes the need for all schools in the state to be net zero emission by 2045. IAC decision making needs to reflect this legal requirement. In order to do that COMAR must be updated to require that life cycle analysis demonstrate how any new or major renovation will be net zero emissions by 2045 and that all costs, including the costs to replace fossil fuel systems prior to 2045 will be considered when determining which design to include. Furthermore, Appendix G and Form 302.2 must also be updated to reflect that new construction and renovation must demonstrate how they will be net-zero by 2045 and what the costs for HVAC replacement will be for any system that is analyzed that produced emissions.

Summary

Given that funds for the Built to Learn Act will be used for a massive amount of school construction soon we need to be making the right decisions both in terms of statutory requirements and our children's future. Saddling the next generation of taxpayers with a huge financial burden in the 2040's to replace fossil-fuel fired HVAC systems when it is already cost effective to require air and ground source heat pumps in new construction now would be a terrible legacy. But the IAC can act and be financially prudent and incorporate the necessary long-term thinking into its regulations and guidance documents.

Please adopt appropriate changes to COMAR and guidance documents to make it clear that the full life cycle costs and energy usage will be the basis for selecting a design and that the design submissions must show how a building will be net-zero by 2045 in line with Maryland statute. If you have any questions please contact Joseph Jakuta at climateparentsPGMD@gmail.com.

Sincerely,

Joseph Jakuta
Lead Volunteer
Climate Parents of Prince George's