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2021-2022 ASHRAE President

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November 29, 2021

The Honorable Dr. Miguel A. Cardona
Secretary of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Sent via email to: ESSERF@ed.gov

RE: ESSER Program for School Facility Upgrades and Need to Update Energy Standards in the CFR

Dear Secretary Cardona:

Thank you for your dedication to improving the U.S. education system for all students and working to reopen schools safely. As Secretary of Education, you are confronting multiple challenges and we appreciate your passion and commitment to providing a strong and equitable education for all students.

We are thankful the American Rescue Plan provided Covid-relief funds for school facility upgrades, renovations, and construction, as a safe and healthy built environment is critical to learning success and to protecting students, teachers and staff. As President of ASHRAE, a non-profit technical and professional society of over 51,000 individual members dedicated to a healthy and sustainable built environment for all, providing safe and resilient school facilities is a goal we support.

With over 125 years of experience in building heating, ventilation, air conditioning and refrigeration, ASHRAE develops standards, conducts research, produces hundreds of publications, offers six professional certifications, and provides continuing education and training. Since March 2020, ASHRAE has developed guidance through our Epidemic Task Force in response to the COVID-19 pandemic regarding ventilation, filtration, disinfection, and other issues for various building types, including schools and universities.

We appreciate that the Department of Education has developed resources to assist states, localities, and school districts in utilizing the grant funding recently made available for local education agencies (LEAs) through the Elementary and Secondary School Emergency Relief Fund Program

(ESSER) funding included in the American Rescue Plan Act of 2021. We applaud that the Department's *Frequently Asked Questions for ESSER and Governor's Emergency Education Relief Programs* states that recipients of ESSER funds must adhere to the requirements stipulated in the Code of Federal Regulations (CFR), as quoted below:

“If an LEA uses funds for HVAC systems, the Department’s regulation at 34 CFR § 75.616(c) requires the use of American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE) standards.”¹

However, the section of the CFR noted above contains several references to dated editions of ASHRAE energy conservation standards. Maintaining the present references could lead to additional energy consumption, inefficiency, higher operating costs and increased environmental emissions. Specifically, the CFR references standards developed in 1980, 1975, and 1977: ASHRAE-90 A-1980; ASHRAE-90 B-1975; and ASHRAE-90 C-1977. Standard 90, "Energy Conservation in New Building Design," first developed in 1975, has since evolved into separate standards for commercial buildings (Standard 90.1), residential buildings (Standard 90.2), and data centers (Standard 90.4). ASHRAE Standard 90.1 has been significantly changed and updated since the earliest editions that are listed above and referenced in the CFR.

The latest version of the ASHRAE Energy Conservation Standard was published in **2019**, ANSI/ASHRAE/IES Standard 90.1-2019, *Energy Standard for Buildings Except Low-Rise Residential Buildings*. Compared to a building built using ASHRAE Standard 90.1-1985, a building built to ASHRAE Standard 90.1-2019 will use **less than half the energy**. It is critical that this **updated standard (90.1-2019) be referenced in the CFR** so that school facilities can be upgraded based on the latest and best information available when making improvements. This change will also result in significantly reduced energy costs and environmental emissions.

We appreciate your attention to this matter and ask that the out-of-date ASHRAE references in the CFR be updated to the 2019 version as quickly as possible. Please do not hesitate to contact me directly with any questions or have your staff contact GovAffairs@ashrae.org. Thank you for your continued attention to the health and safety of students, teachers, and school officials.

Sincerely,



Michael CA (Mick) Schwedler, P.E., Fellow ASHRAE, LEED AP 2021-22 ASHRAE President

cc: The Honorable Cindy Marten, Deputy Assistant Secretary
The Honorable Philip H. Rosenfelt, Deputy General Counsel for Program Service
The Honorable Ian Rosenblum, Acting Assistant Secretary, Office of Elementary and Secondary Education
The Honorable Scott Sargrad, Deputy Chief of Staff for Policy and Programs

¹ “Frequently Asked Questions”, U.S. Department of Education, May 2021, p.26:
https://oese.ed.gov/files/2021/05/ESSER.GEER_FAQs_5.26.21_745AM_FINALb0cd6833f6f46e03ba2d97d30aff953260028045f9ef3b18ea602db4b32b1d99.pdf