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2009 was a truly unique year for energy codes and BCAP. The American Recovery and Reinvestment Act (ARRA) brought codes front and center—using funding prerequisites to highlight both the importance and status of adoption and compliance in the states. Many states moved forward quickly to adopt updated energy codes, some more successfully than others; opposition to stronger energy codes certainly remains solid. In fact, over two-thirds of all states took action towards adopting the latest model energy codes but, as we reflect back on 2009, sixteen states have moved their code forward and at least two of those are facing possible reversals. Although the task remains extraordinary, the effort to help states make progress is clearly energized. There is a distinct awareness among advocates that this is the time for energy codes to move. States have an unprecedented opportunity to embrace proven cost-effective strategies in current codes to strengthen their building sectors and leverage codes as an effective policy for pushing the nation’s housing market toward zero emissions.

To assist in this task, BCAP has grown, adding new initiatives, online tools, and staff. One of our most exciting initiatives of 2009 is our new website, OCEAN – the Online Code Environment and Advocacy Network. This innovative site is designed to leverage our resources by providing code advocates with a place to share best practices and information and collaborate in real time. While BCAP has long worked directly with disparate groups around the common goal of securing the implementation of energy codes, the development of OCEAN represents a sea-change in the way BCAP does business. OCEAN will bring resources and people together in a new way to expand our reach and impact.

To accomplish this goal, our staff has expanded to bring on valuable new skills and energy—strengthening our program work and leading new efforts. By bringing in new talent with expertise in building practice, the legislative process, on-the-ground outreach, and communications, BCAP is better positioned to deploy our resources strategically to improve energy code adoption and compliance.

The stakes of the work ahead are high. States making advances last year will need additional support to continue their positive momentum. Many states and jurisdictions are in uncharted territory, with new codes and little experience with enforcement and compliance. Providing assistance to these places will define our work in 2010 and in the years to come. We are thankful to our many supporters and look forward to continuing to work with our many allied organizations to “fight the good fight” to save energy, protect consumers, and improve our built environment.

Aleisha Khan
EXECUTIVE DIRECTOR
BUILDING CODES ASSISTANCE PROJECT
our mission statement

The Building Codes Assistance Project (BCAP) was established in 1994, as a joint initiative of the Alliance to Save Energy, the American Council for an Energy-Efficient Economy, and the Natural Resources Defense Council.

BCAP provides custom-tailored assistance on building energy code adoption and implementation. We assist state and local regulatory and legislative bodies and help coordinate others representing environmental interests, consumers, labor, and industry. BCAP provides states with code advocacy assistance on behalf of the U.S. Department of Energy, and coordinates with DOE technical assistance (see www.energycodes.gov for more information).

BCAP also receives funding from foundations, the U.S. EPA, and works with states as a part of SEP grant projects. BCAP works with regional energy efficiency organizations, state energy offices, environmental groups, industry, utilities, and other entities - to form and sustain strong collaborations, and facilitate coordination on mutual goals.
As states update energy codes to reach their energy efficiency goals and meet obligations under the Recovery Act, the need for stakeholders to understand the many participants in the code world has grown. For anyone new to codes, simply identifying the many organizations involved can be daunting. In an effort to keep both newcomers and veterans up-to-date on important stakeholders and their developing roles, BCAP has released an “Energy Code Universe.”

Soon to be available as an interactive feature on BCAP's OCEAN site, the resource will allow users to mouse over each organization to learn more about their role and find a link to each organization's website. While BCAP has worked to ensure the resource includes all participants in the energy code process, it acknowledges that some organizations may have been left off inadvertently and still others may form to meet evolving needs.
2009 in review

American Recovery and Reinvestment Act

2009 was a watershed year for energy code adoption in the U.S., as states across the country moved to adopt updated energy codes. Much of the increase in code activity can be credited to the February passage of the American Recovery and Reinvestment Act of 2009 (Recovery Act) which provided an unprecedented surge in funding for energy efficiency programs at the state level, including $3.1 billion in State Energy Program (SEP) spending. As a condition to receive the funding from the SEP program, governors committed to adopt the latest model energy codes.

State Responses

Currently all 50 states (and Puerto Rico) have submitted their assurances to the Department of Energy and have received 100% of SEP funding. Although states have committed themselves to adopting the latest model energy code (2009 IECC and ASHRAE Standard 90.1-2007), some have moved more swiftly and smoothly than others towards adoption. As of December 31st, 2009, SEP funds have prompted 35 states to initiate steps towards eventual adoption.

Assisting the adoption process, from grassroots organizing through implementation, has driven much of BCAP’s on-the-ground work over the last year. Shepherding these states, as well as those 15 yet to make progress, will define our work in 2010.
By the end of 2009, roughly 2/3 of states had achieved, or were taking some action towards, adopting the latest model codes (2009 IECC and ASHRAE Standard 90.1-2007). Together these states are responsible for 4/5 of new construction and ¾ of the potential energy, carbon, and cost savings available to states through their obligations under the American Recovery and Reinvestment Act (Recovery Act).

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### State Model Energy Code Adoption Status as of January 1, 2010

<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>National Totals</td>
<td>51</td>
<td>907,301</td>
<td>$326,231,949</td>
<td>1,258</td>
<td>85,686</td>
<td>$9,467</td>
<td>$2,955</td>
</tr>
<tr>
<td>Code in Effect</td>
<td>7</td>
<td>19.9%</td>
<td>28.6%</td>
<td>10.0%</td>
<td>10.2%</td>
<td>11.4%</td>
<td>21.0%</td>
</tr>
<tr>
<td>Code Adopted, Effective at Later Date</td>
<td>6</td>
<td>7.1%</td>
<td>8.5%</td>
<td>6.9%</td>
<td>6.4%</td>
<td>6.8%</td>
<td>9.3%</td>
</tr>
<tr>
<td>Code Adoption Mandated by Legislation</td>
<td>2</td>
<td>0.5%</td>
<td>0.4%</td>
<td>0.7%</td>
<td>0.7%</td>
<td>0.7%</td>
<td>1.6%</td>
</tr>
<tr>
<td>Regulatory Process to Adopt Code Underway</td>
<td>18</td>
<td>50.9%</td>
<td>40.4%</td>
<td>53.1%</td>
<td>54%</td>
<td>54.6%</td>
<td>41.8%</td>
</tr>
<tr>
<td>Legislation to Adopt Code Introduced</td>
<td>2</td>
<td>2.0%</td>
<td>2.1%</td>
<td>3.4%</td>
<td>3.4%</td>
<td>3.4%</td>
<td>3.2%</td>
</tr>
<tr>
<td>No Process to Adopt Code Underway</td>
<td>16</td>
<td>19.6%</td>
<td>20.0%</td>
<td>25.9%</td>
<td>25.2%</td>
<td>23.0%</td>
<td>23.1%</td>
</tr>
<tr>
<td>States on Track for Recovery Act Compliance</td>
<td>35</td>
<td>80.4%</td>
<td>80.0%</td>
<td>74.1%</td>
<td>74.8%</td>
<td>77.0%</td>
<td>76.9%</td>
</tr>
<tr>
<td>States Needing Action for Recovery Act Compliance</td>
<td>16</td>
<td>19.6%</td>
<td>20.0%</td>
<td>25.9%</td>
<td>25.2%</td>
<td>23.0%</td>
<td>23.1%</td>
</tr>
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</table>
new initiatives in 2009

1 ONLINE CODE ENVIRONMENT AND ADVOCACY NETWORK
2 ADVOCATES AT WORK
   code institutes
   code compliance roundtables
   air support subcommittee
The Online Code Environment and Advocacy Network (OCEAN) is BCAP’s new online network and home to our library of resources.

Late in 2009 BCAP released a new website, The Online Code Environment and Advocacy Network (OCEAN), a web-based resource designed to share best practices, resources, and status reports on building energy code adoption and implementation.

The website strives to build on the best and most popular resources on BCAP’s existing site, creating a BCAP 2.0 with new features designed to encourage virtual collaboration. Rather than just check in to download BCAP-generated resources, users are able to post their own resources, join groups, and participate in public and invite-only discussion groups. Designed to be an online community of builders, manufacturers, regulators, advocates and others, OCEAN will draw on the experiences of its members to facilitate online collaboration and solve problems.

Over the coming year, OCEAN will provide an opportunity to leverage BCAP’s existing funding and work program by offering a unique venue to showcase current work and invite input and collaboration. In one project currently being conducted under a grant from the Energy Foundation, BCAP will use OCEAN as an online forum to vet the formulas for its updated cost implementation calculator – a tool designed to help jurisdictions quickly calculate the cost of conducting inspections to enforce the energy code for commercial or residential buildings.
advocates at work

While OCEAN provides BCAP the capacity to create virtual collaboration, sometimes there is no substitute for putting decision makers in the same room.

Code Institutes

Many code challenges are local. Recognizing this need, in 2009 BCAP introduced its Code Institutes program, aimed at addressing energy code improvements in selected cities. Kicked off by events in Chicago, Illinois and Atlanta, Georgia, this recurring BCAP forum brings together local building professionals to discuss critical topics related to building efficiency and energy codes. By convening focused discussions among state energy officials, building departments, legislators, and other building stakeholders, these day long forums provide a chance to overcome barriers and address specific opportunities for code advancement.

The inaugural event, held in Chicago on July 30th, focused on code opportunities for privately-held utility companies. The second Code Institute, convened in Atlanta, on August 28th, brought together local utilities and energy cooperatives to discuss ways they could build energy efficiency programs into their business plan. Though the event was focused on Georgia, changes made by the attendees will have a regional impact. BCAP will continue the program’s momentum by holding two additional Code Institutes in 2010.
room to discuss energy code challenges the old-fashioned way. In 2009 BCAP worked to facilitate collaboration and problem solving by convening multiple events.

**Code Compliance Roundtables**

In 2009, BCAP hosted a second round of discussions on Energy Code Compliance and Evaluation in Albany, New York and Portland, Oregon. The events attracted attendees from across the country representing a cross section of the energy code world, including Department of Energy research scientists, state energy officials, third party code inspection organizations, code officials, and building professionals.

These meetings discussed new ideas and models for improving enforcement, reviewed drafts of compliance measurement recommendations developed by U.S. DOE, and identified promising strategies to be explored over the coming year.

**Air Support Subcommittee**

A subcommittee of the BCAP Steering Committee, this newly-formed group convened regional energy efficiency groups, the Department of Energy, and advocates to focus specifically on advocacy for the adoption of energy codes.

Quarterly meetings and ongoing discussions offer an exclusive venue where these stakeholders are brought together to set advocacy priorities and share information and strategy. Participants are able to target code adoption opportunities from the 50,000-foot level, addressing gaps in knowledge and setting priorities about where limited resources can be deployed.
The status of codes in the United States

**Residential Code Status**

**As of January 1, 2009**
- Meets or exceeds 2006 IECC or equivalent
- Meets or exceeds 1998-2003 IECC or equivalent
- No statewide code or
- Precedes 1998 IECC

**Residential Code Status**

**As of January 1, 2010**
- Meets or exceeds 2009 IECC or equivalent
- Meets or exceeds 2006 IECC or equivalent
- Meets or exceeds 1998-2003 IECC or equivalent
- No statewide code or
- Precedes 1998 IECC
meets or exceeds ASHRAE Standard 90.1-2007 or equivalent
meets or exceeds ASHRAE Standard 90.1-2004 or equivalent
meets or exceeds ASHRAE Standard 90.1-1999 or 2001 or equivalent
no statewide code or precedes ASHRAE Standard 90.1-1999

Commercial Code Status
AS OF JANUARY 1, 2009

Commercial Code Status
AS OF JANUARY 1, 2010
BCAP provides assistance to states across the U.S. to promote the adoption and implementation of energy codes. Some highlights from 2009 include:

**ALABAMA**
Introduced on January 14th 2010, Alabama House Bill 264 represents the culmination of recent advocacy activities by BCAP in the state. If passed, the bill would update the energy code and prohibit local governments from adopting codes that conflict with the statewide code. Prior to the legislation’s introduction, BCAP worked to reach out to state officials, coordinated with local advocates, and used conferences as an opportunity to educate and cultivate relationships with local legislators.

**ALASKA**
After its initial refusal to accept State Energy Program (SEP) funding, BCAP provided cost data to local advocates and explained that the Recovery Act did not prevent the state from amending the model energy code to address the unique needs of Alaska’s harsh climate. Soon after, the state requested and received SEP funding, becoming the 50th state to do so. BCAP has also been working with local advocates to identify allies and build a coalition to support legislation updating Alaska’s energy code to the 2009 IECC.

**GEORGIA**
Partnering with the Atlanta-based Southface Institute, BCAP hosted a Code Institute workshop in Atlanta, focused on the positive energy efficiency role that can be played by municipal utilities. BCAP continues to advise the state’s 2009 International Energy Conservation Code (IECC) Task Force, which is charged with assessing the differences between the 2006 and 2009 IECC.

**ILLINOIS**
In August, the Illinois State Legislature passed a bill requiring adoption of the 2009 IECC for residential and commercial buildings. Currently in the General Assembly awaiting final passage, implementation is expected during the first quarter of 2010. Responding to state advocates who were concerned about the law’s passage, BCAP acted as a liaison between state officials and DOE as the state sought to clarify technical changes and tradeoffs. BCAP’s unique position allowed us to pass questions to the proper parties at DOE, which translated into fast answers for Illinois officials.

**KENTUCKY**
BCAP responded to Kentucky’s request to help develop a strategy for the adoption and implementation of the 2009 IECC. In pursuit of this goal, BCAP continues to host conference calls with state officials and has met with state legislators regarding the adoption process and the possibility of bringing the state up to the model code. Additionally, BCAP is working with Garrard County, located in central Kentucky, to outline the advantages of energy codes and advise how the county can take a more active role in code adoption.
MISSOURI
BCAP partnered with Renew Missouri and MEEA to assist in the adoption of the 2009 IECC. Our staff helped draft legislative language, provided comments and answered technical questions. On January 12, 2010, legislation that emerged from this process was introduced into the Missouri General Assembly. At the local level, BCAP worked with the City of Columbia, Missouri to promote citywide adoption of the 2009 IECC.

NEW HAMPSHIRE
The New Hampshire State Building Code Review Board finalized adoption of the 2009 IECC in December 2009 – approving the code with few amendments. The new code, which was supported by BCAP, will become effective on April 1, 2010.

NEW YORK
In support of the adoption of the 2009 IECC, BCAP provided technical information and detailed incremental cost data (the added cost of building homes under the 2009 IECC). In addition to coordinating local groups, BCAP staff reached out to the homebuilding industry to show that the incremental cost of adopting the 2009 IECC was minimal, as building envelope improvements will allow builders to install smaller, less expensive heating and cooling equipment. While the “whole house” changes proposed by the code will result in little or no added construction cost, opponents may be able to use a New York law – which requires code changes to meet a simple 10 year payback – to challenge specific improvements. To remove this obstacle to the passage of the model code, BCAP has proposed amending the law to evaluate building improvements based on their life cycle costs.

TEXAS
BCAP has followed the code adoption process in Texas closely, participating in coalition calls and responding to questions from state officials about the requirements of the Recovery Act. BCAP plans to attend meetings in the state in early 2010 to coordinate supporters who will speak in favor of adoption, including local builders, contractors, and city officials that currently work in Texas cities where the code has already been adopted.

VERMONT
In response to a request from state officials, BCAP has been taking part in the stakeholder committee charged with guiding the state’s code adoption and implementation. This is a vital project, because at present Vermont has limited code enforcement infrastructure to enforce a statewide energy code. Lessons learned from technical support in Vermont are likely to help in other states that have yet to adopt the 2009 IECC.
looking forward to 2010

1  TEN PLACES TO WATCH IN 2010
2  RESIDENTIAL COST INCREMENT ANALYSIS
3  ON THE GROUND IN 2010
   alabama
   delaware
   maryland
   new york
   asia-pacific economic cooperation
   ukraine
Energy code adoption is moving at an unprecedented pace nationwide. But the process varies widely across the country, and even from city to city within states. The goal of BCAP’s Ten Places to Watch in 2010 campaign is to follow the stories of these places as they work through the challenges of translating their commitment to energy codes into results. Each of the Ten Places will be selected for its ongoing work on code adoption, compliance training and enforcement, private sector outreach, or above-code innovations.

Rather than merely document their success with a static profile, BCAP will build a working relationship with each town, city, or state to report on their ongoing work on OCEAN over the course of the year. OCEAN will be used as an interactive medium to encourage dialog with outside organizations, explore difficulties and successes, and promote the results.

In addition to the national recognition they receive, each town, city, or state’s work will in turn offer the chance for other places nationwide to learn in real time what is working – and what isn’t. The dialogue generated by this year’s participants will also serve as a precedent for future interactions, encouraging stakeholders to use OCEAN to track their own successes.

Pictured below, Austin, Texas will be among our Ten Places to Watch in 2010. It will be joined by nine other locations, including Kansas and New Hampshire.
Concerns from the building sector about added construction cost often discourage states from making building code improvements that could help homeowners save energy – and money.

To address these concerns, BCAP is developing residential construction cost estimates for all 50 states that will determine the added cost (if any) to builders if each state updates their energy code from current practice to meet the 2009 IECC energy code for residential buildings.

To generate cost estimates for each state, BCAP has developed a model house representing the average new single family home being built in the U.S. Using construction estimating software and other data, BCAP staff will compare construction costs under the current code and 2009 IECC code scenarios. By comparing incremental building costs to DOE-estimated energy savings, BCAP will also be able to determine the return on investment for new home buyers in each state.

BCAP will use this analysis to populate OCEAN with outreach material for state agency officials, skeptical builders, and other stakeholders at the state level.
on the ground in 2010

Alabama
In partnership with the Southeast Energy Efficiency Alliance (SEEA) BCAP will be working in local jurisdictions to assist in the implementation of the state’s newly adopted code.

Delaware
BCAP will work with Newport Ventures to provide an energy code assessment and a comprehensive code training curriculum for the state of Delaware.

Maryland
As part of a consortium, BCAP will work with the Maryland Energy Administration to develop and implement a comprehensive program of activities to put Maryland on track to achieve 90 percent energy code compliance by 2017.

New York
BCAP will work with Newport Ventures to develop and provide energy code training for the state of New York.

Asia-Pacific Economic Cooperation
In January, BCAP will complete a best practice study of building energy codes for APEC (Asia-Pacific Economic Cooperation) economies that compares code stringency and long-term effectiveness.

Ukraine
BCAP will continue work in Ukraine to help officials map out how to improve implementation of the country’s energy code. BCAP will also consult on the planned development of a building energy labeling system.
the bcap toolbox

- **STATE FACTSHEETS**
  Identify local opportunities to save energy

- **COMPLIANCE ROUNDTABLES**
  Address important issues in compliance

- **STATE ASSISTANCE**
  On the ground help

- **CODE BUILDER**
  Sample code amendments

- **CODE TRAINING**
  Workshops keep code inspectors current

- **LEGALISITATIVE ASSISTANCE**
  Moving laws forward

- **PRESENTATIONS**
  Educational material for all parties

- **CODE INSTITUTES**
  Gather local decision makers

- **COLLABORATION**
  Building coalitions

- **CODE CALCULATOR**
  Costs out code implementation

- **PILOT PROJECTS**
  Test promising ideas

- **AIR SUPPORT**
  A 50,000 foot perspective

- **CODE OFFICIAL SUPPORT**
  Provides technical assistance in the field

- **OUTREACH**
  Alerts for advocates

- **OCEAN**
  Bringing it all together
Financial Information

**BCAP Revenue 2009 by Source**

- **Foundations**
  - $1.25M (68%)
- **Federal Government**
  - $497k (27%)
- **International**
  - $54k (3%)
- **State Government**
  - $40k (2%)

**Foundations**
- **The Energy Foundation**
- **The SeaChange Foundation**

**Federal Government**
- **United States Department of Energy**
- **United States Environmental Protection Agency**
- **United States Agency for International Development**

**International**
- **Asia Pacific Economic Cooperation**

**State Government**
- **Wyoming State Energy Office**

**BCAP Revenue 2008 and 2009**

- **2008**
  - $831,000
- **2009**
  - $1,598,000
Greg Bergtold  
THE DOW CHEMICAL COMPANY

Jared Blum  
POLYSOCYANURATE INSULATION MANUFACTURERS ASSOCIATION

Jean Boulin  
UNITED STATES DEPARTMENT OF ENERGY

Kateri Callahan  
ALLIANCE TO SAVE ENERGY

Karen Clifton  
ALABAMA DEPARTMENT OF ECONOMIC AND COMMUNITY AFFAIRS

Sue Coakley  
NORTHEAST ENERGY EFFICIENCY PARTNERSHIPS

David Cohan  
NORTHWEST ENERGY EFFICIENCY ALLIANCE

Mark Eggers  
NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

Howard Geller  
SOUTHWEST ENERGY EFFICIENCY PROJECT

David Goldstein  
NATURAL RESOURCES DEFENSE COUNCIL

Jeff Harris  
ALLIANCE TO SAVE ENERGY

Dave Hewitt  
NEW BUILDINGS INSTITUTE

John Hogan  
SEATTLE CITY LIGHT

Wendy Jaehn  
MIDWEST ENERGY EFFICIENCY ALLIANCE

Eric Lacey  
RESPONSIBLE ENERGY CODES ALLIANCE

Harry Misuriello  
AMERICAN COUNCIL FOR AN ENERGY EFFICIENT ECONOMY

Steve Nadel  
AMERICAN COUNCIL FOR AN ENERGY EFFICIENT ECONOMY

Kate Offringa  
NORTH AMERICAN INSULATION MANUFACTURERS ASSOCIATION

Garrett Stone  
RESPONSIBLE ENERGY CODES ALLIANCE

Ben Taube  
SOUTHEAST ENERGY EFFICIENCY ALLIANCE

John Wilson  
ENERGY FOUNDATION

Additional Advisors in 2009:
Brett Aristegui  NATIONAL ENERGY TECHNOLOGY LAB,  Lane Burt  NATURAL RESOURCES DEFENSE COUNCIL,  Mark Chemiack  NEW BUILDINGS INSTITUTE,  Dave Conover  PACIFIC NORTHWEST NATIONAL LABORATORY,  Sandy Doyle  SEACHANGE FOUNDATION,  Isaac Elnecave  NORTHEAST ENERGY EFFICIENCY PARTNERSHIPS,  Dave Karmol  INTERNATIONAL CODE COUNCIL,  Jeff Mang  POLYSOCYANURATE INSULATION MANUFACTURERS ASSOCIATION,  Jim Meyers  SOUTHWEST ENERGY EFFICIENCY PROJECT,  Stacey Paradis  MIDWEST ENERGY EFFICIENCY ALLIANCE,  Bob Romo  ILLINOIS CLEAN ENERGY PARTNERSHIP,  Jeremy Sigmon  UNITED STATES GREEN BUILDING COUNCIL,  Alex Tapia  SOUTHEAST ENERGY EFFICIENCY ALLIANCE
district of columbia

Kym Carey
PROGRAM MANAGER FOR DEVELOPMENT AND OUTREACH

Kelly Guhanick
SENIOR RESEARCH ASSOCIATE

Paul Karrer
PROGRAM ASSOCIATE

Aleisha Khan
EXECUTIVE DIRECTOR

Maria Leonardi
INTERN

Mark Lessans
PROGRAM ASSOCIATE

John Miller
SENIOR RESEARCH ASSOCIATE

Zachary Paquette
SENIOR RESEARCH ASSOCIATE

Eric Plunkett
PROGRAM ASSOCIATE

Monica Schneider
NATIONAL PROGRAM MANAGER FOR STATE ADVOCACY

Robin Snyder
PROGRAM DIRECTOR

new york state

Michael DeWein
TECHNICAL DIRECTOR

Cosimina Panetti
TRAINING AND OUTREACH MANAGER

atlanta, georgia

Brian Sernulka
PROGRAM MANAGER FOR SOUTHERN STATES ADVOCACY
The Building Codes Assistance Project is a joint initiative of the Alliance to Save Energy, the American Council for an Energy-Efficient Economy, and the Natural Resources Defense Council.