



Comments Submitted by
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Massachusetts Department of Energy Resources (DOER)

Testimony for the Stretch Code and Specialized Code Virtual Public Hearing

Thank you for the opportunity to provide comments on the Massachusetts Department of Energy Resources (DOER) proposed revisions to the Stretch and Specialized Codes.

The Air Conditioning Association of New England (ACA/NE) is a non-profit trade association representing residential heating, ventilation, air conditioning, and refrigeration contractors.

We would like to address two specific provisions including:

- **R403.3.5 Duct Testing** - Post-construction or rough-in testing and verification shall be performed by a HERS Rater, HERS Rating Field Inspector, or an applicable BPI Certified Professional."
- **R403.6.3 Testing and Verification** - Installed performance of the mechanical ventilation system shall be tested and verified by a HERS Rater, HERS Rating Field Inspector, or an applicable BPI Certified Professional

These provisions mandate that a HERS Rater, HERS Rating Field Inspector, or an applicable BPI Certified Professional perform the testing and verification of work conducted by a professional HVAC Contractor.

We believe these provisions conflicts with existing Massachusetts law. M.G.L. c. 112, §§ 237-251 requires individuals engaged in the sheet metal trade to obtain a state license to perform their work. This law clearly outlines the scope of work for sheet metal workers, including "the testing, adjusting, and air-balancing of all air-handling equipment and ductwork installed during new or remodeling construction."

HVAC technicians, particularly those with sheet metal licenses, are the recognized experts in these areas—not HERS Raters or BPI Certified Professionals. The proposed language would require HVAC contractors to hire unlicensed individuals to complete tasks that are integral to their trade, comply with building code regulations, and obtain necessary permit approvals from authorities having jurisdiction.

Even if this language were legal, it is fundamentally discriminatory. It unjustly singles out one trade by prohibiting them from testing their own work. Other licensed trades are permitted to test their work, and there is no justification for treating sheet metal workers as unqualified or unreliable in performing these duties. Such a stance is disrespectful to a skilled and licensed trade.

Further, this language would deny licensed sheet metal workers the opportunity to fully perform their trade or force them to obtain additional and unnecessary certifications, which is both burdensome and unfair.

Therefore, we respectfully request that this language be removed from the Stretch and Specialized Codes to ensure fairness and compliance with existing law.

Thank you for considering our comments.

R403.3.5 Duct Testing. Ducts shall be pressure tested in accordance with ANSI/RESNET/ICC 380 or ASTM E1554 to determine air leakage by one of the following methods: 1. Rough-in test: Total leakage shall be measured with a pressure differential of 0.1 inch w.g. (25 Pa) across the system, including the manufacturer’s air handler enclosure if installed at the time of the test. Registers shall be taped or otherwise sealed during the test. 2. Postconstruction test: Total leakage shall be measured with a pressure differential of 0.1 inch w.g. (25 Pa) across the entire system, including the manufacturer’s air handler enclosure. Registers shall be taped or otherwise sealed during the test. 6 | Page **Postconstruction or rough-in testing and verification shall be done by a HERS Rater, HERS Rating Field Inspector, or an applicable BPI Certified Professional.** A written report of the results of the test shall be signed by the party conducting the test and provided to the code official. Exception: A duct air-leakage test shall not be required for ducts serving heating, cooling or ventilation systems that are not integrated with ducts serving heating or cooling systems.

R403.6.3 Testing and Verification. **Installed performance of the mechanical ventilation system shall be tested and verified by a HERS Rater, HERS Rating Field Inspector, or an applicable BPI Certified Professional,** and measured using a flow hood, flow grid, Residential IAQ Fault Indicator Display certified to the California Energy Commission, or other airflow measuring device in accordance with either RESNET Standard 380 or ACCA Standard 5.

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