



The American Institute of Architects

EISA Section 433: Myth vs. Fact

Section 433 of the Energy Independence and Security Act of 2007 sets targets for the reduction in fossil fuel-generated energy consumption of newly constructed and majorly renovated federal buildings. This policy helps federal agencies build high performing facilities that use less energy and save taxpayers money.

1. MYTH: This provision is a partisan policy objective.

FACT: Section 433 was passed with bi-partisan support. It was a key component of the Energy Independence and Security Act of 2007, signed into law by former President George W. Bush. One of EISA's primary goals was to ensure that the federal government led the way in maximizing energy savings in its buildings.

2. MYTH: There are existing energy efficiency provisions outside of section 433 that require federal buildings to reduce energy consumption.

FACT: Section 433 does not duplicate other federal building requirements. Section 433 speaks to federal building fossil fuel consumption, not efficiency. It applies solely to the design phase of building construction and renovation and establishes a long-term roadmap for further improvements in federal building design, something that does not exist elsewhere in the law.

3. MYTH: Section 433 targets are impossible to hit.

FACT: Section 433's current targets are achievable today. Although the final target, a 100-percent reduction in fossil fuel use, does not kick in for fifteen years, some buildings are already meeting the 2030 target right now. In Colorado, the Wayne N. Aspinall federal building is the first net zero energy building on the National Register of Historic Places. There are hundreds of examples of new and renovated buildings hitting current interim targets as well.

- 4. MYTH: The federal government should not be required to hit such aggressive targets.**

FACT: Section 433 targets will save taxpayer money and spur innovation. The federal government is the largest property owner and energy consumer in the United States. Requiring federal buildings to meet aggressive energy targets not only reduces taxpayer costs through energy savings and reduces our dependence on foreign oil; it also leverages the government's large purchasing power to bring new technologies and materials to the marketplace.

- 5. MYTH: Section 433 prohibits the use of natural gas and other fossil fuels.**

FACT: Section 433 does not ban fossil fuels. At no point does this provision require zero fossil fuel use for any building designed or renovated before 2030. Buildings placed into service prior to 2030 will not have to be renovated to meet the requirements when 2030 comes around. Furthermore, DOE has proposed carve-outs for on-site natural gas usage in highly efficient combined heat and power (CHP) systems.

- 6. MYTH: Section 433 is an inflexible mandate on all work in new and majorly renovated federal buildings.**

FACT: Section 433 is flexible. Section 433 gives DOE discretion to waive targets for any building if the Secretary finds that special circumstances make them impracticable.

- 7. MYTH: Section 433 is impossible to implement because the rules are confusing and unrealistic.**

FACT: DOE has not completed its rulemaking process. The Department of Energy is currently in the process of developing a rule to implement Section 433. After concerns from some stakeholders regarding the initial proposed rule, DOE issued a supplemental rule and solicited additional input. This effort shows that the agency is engaged in a good faith effort to produce a rule which satisfies stakeholder concerns.

- 8. MYTH. There is broad support for repealing Sec. 433.**

FACT: Organizations and companies from across the country have publicly stated their strong opposition to repealing Sec. 433. Many leading building designers and environmental advocates believe that repealing this important provision is not consistent with the goals of bipartisan energy legislation.

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