



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF THE DIRECTOR
235 Promenade Street, Room 425
Providence, Rhode Island 02908

April 15, 2026

The Honorable V. Susan Sosnowski
Chairwoman
Senate Committee on Environment and Agriculture
82 Smith Street
Providence, Rhode Island 02903

RE: S 2218 An Act Relating to Health and Safety – Building Performance Standards Act of 2026

Dear Chairwoman Sosnowski,

Thank you for providing the Department of Environmental Management (DEM) the opportunity to comment on S 2218, which would institute requirements for building performance standards to reduce greenhouse gas emissions from buildings. DEM respectfully opposes this legislation and urges the legislature to instead consider enactment of the proposal found in Article 3, Section 16 of the Governor’s FY 2027 budget.

S 2218 would direct DEM and the Office of Energy Resources (OER) to jointly conduct several activities related to energy usage in buildings including selecting performance metrics and setting building performance standards for each property type covered by the legislation no later than December 31, 2028. These building performance standards would be required to result in aggregate greenhouse gas emissions attributable to all covered properties to be reduced incrementally until reaching net zero by 2050. It would also direct DEM and OER to publish reports summarizing the data and status of building emissions biennially. The legislation would also require OER to establish a compliance assurance program, and to coordinate with DEM regarding enforcement of the building performance standards.

DEM notes that the program proposed in this legislation would require substantial resources to implement. Resources in the DEM Office of Compliance and Inspection are limited and staff are already responsible for the enforcement of a wide range of environmental laws relating to clean air and water, soil remediation, and dam safety, among others. Furthermore, the legislation’s only proposed mechanism to meet state agency resource needs is the creation of a “BPS Fund” consisting of any funds collected from payment of penalties. Even if funding is available, there

would be a need to adjust the cap on full-time equivalent positions imposed on DEM in the state budget to allow additional staff to be hired.

Governor McKee has again proposed a building decarbonization program in his Fiscal Year 2027 budget in Article 3, Section 16. This proposal would require the creation of an energy benchmarking and building performance standards program for public buildings of 25,000 gross square feet or larger. This proposal represents an effort that the state can implement with existing resources and would make a meaningful impact on reducing greenhouse gas emissions from buildings.

We appreciate the opportunity to offer comments on this legislation and would be pleased to make ourselves available as needed. Please feel free to contact Ryan Mulcahey, DEM Director of Legislative Affairs, at ryan.mulcahey@dem.ri.gov should you have any additional questions or wish to discuss this matter further.

Sincerely,

A handwritten signature in cursive script that reads "Terrence Gray".

Terrence Gray, P.E.
Director

cc: Members of the Senate Committee on Environment and Agriculture
The Honorable Meghan Kallman
Kristen Silvia, Deputy Chief of Staff and Director of Legislation