for construction began before January 3, 2007. The performance standards are
designed to achieve the maximum
practicable improvements in energy ef-
ficiency and increases in the use of
non-depletable sources of energy. This
rule is based upon the ASHRAE/IESNA
Standard 90.1–1989 and addenda b, c, d,
e, f, g, and i. (This document is avail-
able from the American Society of
Heating, Refrigerating and Air-Condition-
ing Engineers, Inc., 1791 Tullie Cir-
cle NE, Atlanta, GA.) It is not incor-
porated by reference in this document,
but is mentioned for informational pur-
poses only.
[71 FR 70283, Dec. 4, 2006]

§ 434.101 Scope.

101.1 This part provides design re-
quirements for the building envelope,
electrical distribution systems and
equipment for electric power, lighting,
heating, ventilating, air conditioning,
service water heating and energy man-
gagement. It applies to new Federal
multi-family high rise residential
buildings and new Federal commercial
buildings, for which design for con-

101.1.1 (a) Except as provided by sec-
tion 101.2, the provisions of this part
apply if an agency is constructing:
(1) A building that has never been in
service;
(2) An addition for which design for
construction began before January 3,
2007, that adds new space with provi-
sion for a heating or cooling system, or
both, or for a hot water system; or
(3) A substantial renovation of a
building for which design for construc-
tion began before January 3, 2007, in-
volving replacement of a heating or
cooling system, or both, or hot water
system, that is either in service or has
been in service.

101.2 The provisions of this part do
not apply to:

101.2.1 Buildings, or portions thereof
separated from the remainder of the
building, that have a peak energy
usage for space conditioning, service
water heating, and lighting of less than
3.5 Btu/h/ft² of gross floor area.

101.2.2 Buildings of less than 100
square feet of gross floor area.

101.2.3 Heating, cooling, ventilating,
or service hot water requirements for
those spaces where processes occur for
purposes other than occupant comfort
and sanitation, and which impose ther-
mal loads in excess of 5% of the loads
that would otherwise be required for
occupant comfort and sanitation with-
out the process;

101.2.4 Envelope requirements for
those spaces where heating or cooling
requirements are expected in subsec-
tion 101.2.3 of this section.

101.2.5 Lighting for tasks not listed
or encompassed by areas or activities
listed in Tables 401.3.2b, 401.3.2c and
401.3.2d.

101.2.6 Buildings that are composed
entirely of spaces listed in subsections
101.2.4 and 101.2.5.

101.2.7 Individual components of a
building under renovation, if the build-
ing components are not in the scope of
a renovation as defined by the agency.

[65 FR 60012, Oct. 6, 2000, as amended at 71 FR
70283, Dec. 4, 2006; 72 FR 72571, Dec. 21, 2007]

§ 434.102 Compliance.

102.1 A covered building must be de-
signed and constructed consistent with
the provisions of subpart D of this part.

102.2 Buildings designed and con-
structed to meet the alternative re-
quirements of subparts E or F of this
part shall be deemed to satisfy the re-
quirements of this part. Such designs
shall be certified by a registered archi-
tect or engineer stating that the esti-
mated energy cost or energy use for
the building as designed is no greater
than the energy cost or energy use of a
prototype building or reference build-
ing as determined pursuant to subparts
E or F of this part.

§ 434.103 Referenced standards (RS).

103.1 The standards, technical hand-
books, papers and regulations listed in
§ 434.701, shall be considered part of this
part to the prescribed extent of such
reference. Where differences occur be-
tween the provisions of this part and
referenced standards, the provisions of
this part shall apply. Whenever a ref-
erence is made in this part to an RS
standard it refers to the standards list-
ed in § 434.701.

§ 434.105 Materials and equipment.

105.1 Building materials and equip-
ment shall be identified in designs in a