



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

February 8, 2022

Alice Yates  
Director of Governmental Affairs  
ASHRAE  
1255 23<sup>rd</sup> Street N.W., Suite #825  
Washington, DC 20037

Dear Ms. Yates:

I am writing in response to your November 29 and December 1, 2021, letters to Secretary Cardona, in which you shared concerns regarding the outdated American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Energy Conservation Standards referenced in the Code of Federal Regulations. Thank you for contacting the U.S. Department of Education (Department) and, to both ASHRAE and Undaunted K12, for highlighting this for our attention. I am pleased to respond and apologize for the delayed response.

Over the last six months, the Department has communicated with individual States to help them navigate a variety of requirements that apply to the use COVID relief funds, including Elementary and Secondary School Emergency Relief (ESSER) Funds. We are aware that several of the references in Part 75 of the Department's administrative regulations relating to construction, including the ASHRAE cites you reference, require updates. Please note that, for the purpose of HVAC projects supported by Department COVID relief funds, the Department has indicated that projects should meet the current ASHRAE standards, as in the [improving ventilation factsheet](#) that was recently issued on the Department's website. We also provide a list of the other resources available from the applicable agencies including ASHRAE:

*“For more information on how ESSER and GEER funds can be used to support these efforts, please [see questions B-6 and B-7 of Frequently Asked Questions](#) related to the program. For more information on using HEER funds, see question 24 of the [ARP HEERF III FAQs](#). In addition, for ESSER and GEER, the U.S. Department of Education (Department) has provided supplementary [information](#) to States and districts to help them efficiently implement ventilation projects while following applicable requirements. If a district or IHE uses funds for HVAC systems, the Department's applicable regulations require the use of current American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) standards.”*

Consistent with the updated guidance, the Department will continue to refer States to current ASHRAE standards as they consider uses of COVID relief funds to support HVAC improvements.

400 MARYLAND AVE. SW, WASHINGTON, DC 20202  
[www.ed.gov](http://www.ed.gov)

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Again, thank you for reaching out to the Department, as well as for your efforts to ensure States are aware of and following the most up to date requirements. As we have received a number of inquiries related to this topic, please be aware that we will be publicly posting this response on the Department's website for reference. If you need further assistance, please feel free to reach out to our Office of State and Grantee relations at [SGR@ed.gov](mailto:SGR@ed.gov).

Sincerely,

*Laura Jimenez*

Laura Jimenez  
Director, State and Grantee Relations  
Office Elementary and Secondary Education  
U.S. Department of Education

cc: Office of State and Grantee Relations