



CITY OF CHICAGO



January 11, 2021

International Code Council, Inc.
Attn: Board of Directors
500 New Jersey Avenue, NW
6th Floor, Washington, DC 20001
memberinput@iccsafe.org

VIA ELECTRONIC MAIL

Dear Members of the Board of Directors:

The City of Chicago is strongly opposed to the International Code Council (“ICC”) Board’s proposal to change the framework for future development of the International Energy Conservation Code (“IECC”) and related provisions of the I-Codes from ICC’s signature governmental consensus process under Council Policy 28-05 to the less inclusive standard development process under Council Policy 12-03. Neither the “Blue Ribbon Committee” nor the Board have advanced a compelling rationale for considering, much less acting on, such a dramatic shift in code development procedure.

The IECC has been a 20-year success story for ICC and the jurisdictions which adopt it. Chicago has enforced energy conservation requirements for commercial and residential buildings based on the IECC for nearly two decades (since the 2000 edition). More than a decade ago, Illinois adopted legislation setting the latest edition of the IECC as a statewide baseline for both commercial and residential energy efficiency. During this time, the improvements in each successive edition of the IECC have been a critical tool for both the State of Illinois and City of Chicago in meeting commitments to combat climate change and further environmental justice. The process underlying the development of the IECC has played no small part in this outcome.

ICC Council Policy 28-05 requires that “the final determination of Code text [be made] by public officials actively engaged in the administration, formulation or enforcement of laws, ordinances, rules or regulations relating to the public health, safety and welfare....” This government consensus process establishes an impartial subject-matter review and has been instrumental in persuading legislative bodies to enact ICC’s model codes into law. While input from trade and manufacturing sectors is certainly beneficial, elevating those non-governmental sectors to voting status interjects an element of bias into the code development process that makes local adoption of codes more difficult. Even the appearance of bias can diminish legislative confidence in a proposed code. This is especially true for legislators concerned about the historical record of construction codes drafted by trade and manufacturing sectors being used as institutional barriers to inclusion of women and minorities in business, construction, and the workforce.

The governmental consensus voting process sets the I-Codes apart from other available model construction codes; it was a compelling basis for Chicago's recent decision to align its construction requirements more fully with the I-Codes. Chicago encourages ICC to strengthen, not weaken, its longstanding commitment to governmental members having the final say on the model codes through expanded options for remote participation and broader engagement of major jurisdictions in the code development process.

The Board must protect and enhance the integrity and transparency of the code development process underlying the IECC and other I-Codes in order to ensure the creation of impartial and equitable codes. This proposal would not do so.

That certain special interests were unhappy with some of the IECC provisions adopted by the membership in the 2018/19 code development cycle is to be expected of governmental consensus voting. Council Policy 28-05 provides all groups a full and fair opportunity to present their proposals and objections during the code development process and through subsequent appeals. Unsatisfied groups have further opportunities to present their concerns when the 2021 codes are considered for local adoption and in the 2021/22 code development cycle. There are winners and losers in every code cycle; that groups on both sides were not entirely happy with the most recently completed cycle indicates that the process is working as intended.

Finally, the IECC is a life safety code, not a technical standard. Many governmental members, like Chicago, recognize climate change poses an imminent threat to the health and safety of people in the same manner as more traditional subjects of construction regulation such as fires, floods, and extreme weather. Indeed, climate change exacerbates these traditional risks. Given these circumstances, future development of the IECC, like the I-Code titles which address these related risks, should remain subject to Council Policy 28-05 and its stated objectives.

Sincerely,



Angela Tovar
Chief Sustainability Officer
City of Chicago



Matthew Beudet
Building Commissioner
City of Chicago