



Melanie E. La Rocca
Commissioner

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January 11, 2021

Board of Directors
International Code Council
500 New Jersey Avenue, NW
Washington, DC 20001

RE: International Energy Conservation Code (IECC) Development Process

Dear President Wheeler, Vice President Davis, and Members of the Board,

The New York City Department of Buildings would like to express our appreciation for the opportunity to comment on the proposal to transition the International Energy Conservation Code from the Governmental Consensus update process to a Standard update process. The IECC will retain its name but will be a reference standard and no longer a code. We also recognize that ICC intends the Standard development process for the IECC to remain in alignment with the regular updates of the ICC suite of codes, which is important to many jurisdictions that rely on these codes.

Our understanding is that the proposed Standard Process will follow the ICC Committee Consensus Procedures, which are based on ANSI Essential Requirements, and that this recommendation is to achieve more timely updates of the IECC. Proponents are seeking a process that allows for more robust debate of code proposals in response to complaints that the Governmental Process affords too little time for sufficient debate. We support an effort to ensure more robust debate and representation in code development. However, the absence of a Governmental Consensus process is of great concern to the City of New York.

After participating on Committees for multiple code revisions over the years, it is DOB's experience that the Governmental Consensus process assures the widest unbiased representation of users of the body of construction codes. It is unclear to us how the public and, in particular, code officials, will be engaged in the Standard development process. Our concerns are summarized as follows:

- Despite the documents that are available describing the Standard Process and the ICC Committee Consensus Procedures, it is not clear how transparent ICC will be with their responses to proposed changes prior to Committee action.
- Under the current Governmental Consensus process, code officials provide the final vote, with a structure that allows for more convenient, inclusive and wider participation than past code development cycles. We applaud ICC for the changes in recent years that encourage and foster wide participation of code officials. Under this proposal, the opportunity for inclusive and wide participation in the final vote is eliminated. The ICC Committee Consensus document only describes that not more than 30% of the Committee may be represented by any "Interest Category." There is no requirement in the document that government or regulatory stakeholders make up a minimum percentage of the committee. The document does not indicate the minimum size of the committee. In the absence of more detail, it appears that the Standard Process could significantly limit the participation of government and regulatory members.



- Despite the limitation that not more than 30% of the Committee may be represented by any “Interest Category,” the Committee Consensus document also does not provide assurance that the Committee would be protected from coordinated special interest or bias. This has been observed as an issue in past IECC hearings in the committee organization. How the Standard Process better prevents such imbalance is unclear.
- Experience with other Standard development processes raises the concern that many code officials would not have the time nor resources to participate. In addition, our experience with the development process for other standards is that the committees involve few government participants.
- It is not clear whether the change protects the IECC from rollbacks. NYC, along with many other jurisdictions, is relying on the IECC to help meet aggressive goals in response to the urgent climate crisis. Would changes to the standard be required to have either an energy, GHG emission, or life-cycle cost savings justification that would align with climate change goals?

The US Department of Energy has demonstrated the effectiveness of robust energy codes and their enforcement. Our experience in NYC is that the building industry is drawn to the IECC over other standards. It is essential to our efforts that we continue to see progress with the IECC in support of our larger climate goals. Until more information is available, the City of New York is unable to support this proposal.

We urge the ICC Board’s rejection, but we encourage continued exploration of improvements to the code development process. We look forward to working with ICC to continue to advance the codes.

Sincerely,

A handwritten signature in black ink that reads "Gina Bocra".

Gina Bocra, R.A., LEED Fellow
Chief Sustainability Officer

Cc: Commissioner Melanie La Rocca
First Deputy Commissioner Gus Sirakis
Martin Rebholz, Deputy Director of Development and Technical Affairs
Helen Gitelson, Executive Director of Code Development
Emily Hoffman, Director of Energy Code Compliance