



February 5, 2024

International Code Council

Appeals Board

Re: International Energy Conservation Code 2024 Appeals

To the ICC Appeals Board,

The Alliance for Transportation Electrification appreciates the opportunity to submit comments to the ICC Appeals Board on the appeals of the final draft of the 2024 version of the Residential and Commercial International Energy Conservation Code that were filed with the International Code Council.

The Alliance for Transportation Electrification (ATE) is a 501(c)(6) non-profit corporation; we engage with policymakers at the State and local government level across America to remove barriers to EV adoption and to encourage the acceleration of EV infrastructure deployment with a particular emphasis on open standards and interoperability. We consist of about 50 members that include many electric utilities, auto and bus manufacturers, EV charging infrastructure providers, and related trade associations, and we have been actively engaged in this proceeding since its inception.

The codes in question were developed through a rigorous, consensus-based process that meets the scope and intent of the IECC. Both the commercial and residential model codes provide standardized code language, with definitions consistent with the National Electric Code. Moreover, many of these requirements are purposely located in the main body of the code, ensuring that the greatest number of state and local governments can benefit from adopting them in full or in part. Importantly, these codes provide state and local governments standardized definitions and requirements, relieving them of having to develop their own and minimizing a national patchwork of different requirements. Already today, over fourteen states and fifty local jurisdictions have adopted EV readiness codes, many with differing definitions and requirements. As such, the 2024 IECC EV readiness code provisions will support code clarity and compliance.

However, several appeals put these momentous gains at risk. The American Gas Association, the American Public Gas Association, the Building Owners and Managers Association, the National Multifamily Housing Council, and ICC Region VI, have proposed to overturn many of the 2024 IECC's provisions, including those relating to EV Power Transfer Infrastructure. The appeals largely rely on claims that the EV provisions are in conflict with the scope and intent of the IECC, and that due process was violated during the code development process. In short, the arguments of the appellants are without merit and do not meet the requirements laid out by the International Code Council (ICC) in *ICC Code Development Principles* to be considered in the appeals process. The issues related to scope and intent have been decisively determined on several occasions by the ICC consensus committees and ICC staff, following ICC's mandated procedures to develop the 2024 IECC. However the ICC Board is the sole and final arbiter of whether or not these appeals are upheld.

During the 2021 IECC code-making process, many of these same groups appealed the EV readiness provisions on similar grounds. Disappointingly, the ICC Board decided to sustain the appeals at that time. In the aftermath of the 2021 code cycle, the ICC Board released a new energy framework, *Leading the Way to Energy Efficiency: A Path Forward on Energy and Sustainability to Confront Climate Change*, committing to develop and support the tools needed to achieve the energy priorities of communities and the building industry. This pivotal document revised the scope and intent of the IECC, as well as procedures for the IECC development committees, opening the door for EV readiness to be reintroduced in the 2024 code cycle. Despite this important clarification from the ICC, we are greatly concerned that history will repeat itself, and repeal the approved EV Power Transfer Infrastructure provisions yet again. Failing to adopt EV readiness in this code cycle would set our nation's building stock back by years, leaving it unprepared for the inevitable future of electric vehicles. Issues related to scope and intent, consistency with other building codes and technical standards, feasibility of implementation (feasibility), cost analysis, and technical issues were fully discussed at the subcommittee and full committee levels in open and transparent processes.

In addition, all of the votes related to EV charging provisions met the requirements for consensus at the subcommittee and full committee levels for both the Residential and Commercial IECC. Therefore, since there were no process or procedural issues with the language or the voting, the Appeals Board should reject all appeals that remove the language on EV charging infrastructure.

Since the process was followed fairly and correctly, all of the final language on EV charging infrastructure should remain in the 2024 IECC.

Thank you for your review and consideration of our comments. Please contact me at 202-258-2912, rick@evtransportationalliance.org if you have any questions about ATE's comments.

Respectfully submitted,

Rick Tempchin, Senior Advisor

Alliance for Transportation Electrification