



Dominic Sims, CEO
International Code Council
500 New Jersey Avenue, NW
6th Floor
Washington, DC 2001

Monday, February 5, 2024

Subject: 2024 IECC Appeals Viewpoint

Dear Mr. Sims,

Energy Solutions is a mission-driven clean energy implementation firm specializing in programs that align with the market to deliver significant resource impacts. For 25 years we have been pioneering market-driven solutions that deliver reliable, large-scale, and cost-effective savings to our utility, government, and private sector clients across North America. Our team of building code experts has decades of experience supporting the development and adoption of hundreds of unique changes to state and national level building codes to reduce greenhouse gas emissions from buildings. Energy Solutions Policy and Ratings Team staff were actively involved in both the 2024 IECC residential and commercial consensus committees and subcommittees.

Energy Solutions is writing in response to the nine appeals from AHRI, AGA, APGA, BOMA/NMHC and ICC Region VI submitted on the 2024 IECC commercial and residential committee actions. We offer the following general comments on the appeals that are before the ICC.

First, we urge the Appeals Board to reject the argument from AGA, APGA, BOMA/NMHC and ICC Region VI that certain measures (electrification, carbon reduction, renewable energy) fall outside the Scope and Intent of the 2024 IECC. There is no dispute that the Board intended that measures to reduce greenhouse gas emissions are appropriately located in the IECC. Multiple questions were posed to ICC staff asking for confirmation whether greenhouse gas reduction measures should be limited to the appendices because the Scope and Intent section of the 2024 IECC written by the Board was unclear. The ICC memorandum issued on February 15, 2022 stating that measures to reduce greenhouse gas emissions could be included in both the main body of the code and optional appendices added clarity to the Board's language and should be upheld by the Appeals Board.¹ Staff interpretation of the scope and intent of the 2024 IECC is also consistent with all other I-codes whose scope and intent for the main body of the code is the same as the scope and intent for code appendices. Furthermore, we urge the Board to more clearly state the scope and intent section of the IECC so that an interpretation of the scope and intent of the IECC from ICC staff is not needed moving forward.

Second, we urge the Appeals Board to reject any arguments from AHRI, BOMA/NMHC and ICC Region VI regarding the cost-effectiveness of a specific proposal on the grounds that a) it is not an ICC requirement to meet a cost-effectiveness threshold, and b) determination of cost impact is a technical, not a procedural issue and thus out of scope for the Appeals Board. We believe that any appeal focused on cost-effectiveness or lack thereof is without merit. We support the principle that the IECC

¹ Pfeiffer, Mike. "ICC Memorandum Re: Discount Rates and Code Content" February 15, 2022.
https://www.iccsafe.org/wp-content/uploads/IECC-Discount-Rates-and-Code-Content-Memorandum_02_15.22.pdf

– as a whole – should strive for cost-effectiveness but recognize that more expensive investments in one area are often balanced by savings from less expensive investments in other areas. There is nothing in Council Policy or other documents pertaining to IECC development requiring that an individual proposal meet a cost-effectiveness threshold.

Third, if the Appeals Board decides that the Residential Committees’ treatment of the “omnibus” proposal was a violation of CP-28, committees must be asked to hear arguments and vote on each component individually. AGA, APGA and ICC Region VI appealed only the measures in the “omnibus” proposal that strengthened the code and not any of the measures that weakened the code. If the Appeals Board decides the proposal was a violation of ICC procedures and decides not to allow the residential committee to vote on each component independently, the Appeals Board should remove all omnibus measures from the residential 2024 IECC.

Finally, we urge the ICC Appeals Board to reject appeals from AHRI, AGA, APGA, BOMA/NMHC, and ICC Region VI related to specific technical issues such as increasing efficiency, prioritizing fuel sources, consistency with other codes, feasibility of implementation or other subject specific issues. These technical issues were already discussed at length by the 2024 IECC residential and commercial consensus committees, are not related to process or procedure, and therefore should not be considered by the Appeals Board.

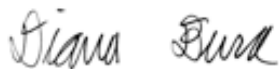
Sincerely,



Heidi Werner – Senior Director, Policy and Ratings



Maureen Guttman, FAIA – Senior Fellow, Policy and Ratings



Diana Burk – Engineering Fellow, Policy and Ratings