



National Electrical Manufacturers Association

The association of electrical equipment  
and medical imaging manufacturers  
[www.nema.org](http://www.nema.org)

**February 5, 2024**

Esteemed 2024 IECC Appeals Board,

The National Electrical Manufacturers Association (NEMA) greatly appreciates the opportunity to submit this public comment in response to the 2024 IECC appeals. NEMA staff and our members were deeply engaged in the development of the 2024 IECC through service on committees and with the sharing of technical expertise. NEMA believes the 2024 IECC development process was the most diverse, inclusive, and transparent cycle in the history of the code. While we acknowledge improvements can be made to the overall process, NEMA found the 2024 IECC code cycle was fair, balanced, and conducted in a professional manner every step of the way. We congratulate ICC staff, the committee members, and all parties that participated in the process.

**NEMA urges the 2024 Appeals Board to trust in the voting action of the IECC committees and reject all appeals on the basis of scope and intent.**

At the conclusion of the 2019 Group B Appeals, the Appeals Board recommended that the scope and intent of the IECC be expanded beyond energy conservation and include other energy related goals such as decarbonization, GHG emissions reduction, and building electrification. This new energy strategy is clearly outlined in the published "ICC Energy Framework" and "ICC Decarbonization Strategy" documents. NEMA believes the new scope and intent was changed to specifically allow EV-ready and other electrification-related changes to the 2024 IECC that were determined to not be in scope for the 2021 IECC. Both committees reviewed and debated the updated scope and intent sections several times during the course of the 2024 IECC development process and based their voting decisions on their understanding of what content could be included in the main body of the code versus that which should be included in the adoptable appendices. If the only changes permitted to be included in the 2024 IECC are the same as those determined to be in scope for the 2021 IECC, then why did the ICC Board feel the need to change the scope and intent? The ultimate decision of what content is within the scope and intent of the code should be left at the discretion of the committees based on their voting action. Any decision to overturn final action on the approved code changes will undermine the integrity and sanctity of the IECC development process. In short, we cannot allow an industry-specific segment of stakeholders steer the direction of the IECC when the majority consensus met the voting thresholds to approve code changes. The 2019 Group B Appeals Board clearly asked the ICC Board to expand the scope and intent of the IECC trusting that a new, diverse, and inclusive mix of committee participants would act in good faith to expand the bounds of the IECC in accordance with all council policies and the substantiation provided in the proposals. Please trust in the voting action of the IECC committees and reject all appeals on the basis of scope and intent.

**NEMA urges the 2024 Appeals Board to reject all appeals on the basis of consensus building approaches.**

NEMA believes the consensus building approach utilized by the IECC residential consensus committee was consistent with all ICC's policies. The grouping of proposals and committee revisions into a single "omnibus package" did not prevent stakeholders and interested parties from participating or contributing to its development. The package underwent many iterations with content being added, removed, and revised

based solely on public comment and new information learned during the many open, inclusive, and transparent meetings. If anything, the consensus building approach utilized by the residence committee exhibits the spirit of collaboration, time management, and code development efficiency that should be modeled for future code development cycles. The code development process cannot be everything, to everyone, all the time. The residential committee's consensus building approach was an earnest effort to achieve this. Please reject all appeals on the basis of consensus building approaches.

**NEMA urges the 2024 Appeals Board to reject all appeals on the basis of procedural specific issues.**

The new IECC development process as recommended by the 2019 Group B Appeals Board was specifically designed to allow more participation and contribution by all stakeholders and interested parties. It was reported that over 10,000 hours of meeting time was devoted to the 2024 IECC development process. No voice was ever silenced, no viewpoint dismissed, no entry or access ever denied. NEMA did not achieve all our objectives during this code cycle, nor do we fully agree with all the changes that were made to the 2024 edition. However, we fully support the final outcome of the code and endorse its timely adoption and robust enforcement at the federal, state, and local levels. NEMA is committed to working with ICC and all interested parties to improve and enhance the IECC development process going forward. NEMA did not experience nor witness any of the claims made in the appeals regarding procedural actions. Therefore, we respectfully ask that all appeals on the basis of procedural specific issues be rejected by the Board.

**NEMA urges the 2024 Appeals Board to reject all appeals on the basis of subject specific issues.**

NEMA does not agree with the concerns raised in the appeals related to subject specific issues. And while we fully respect that the Appeals Board shall only consider matters of process and procedure to sustain an appeal, we believe that many technical inaccuracies have been stated in the appeals, all of which were litigated and refuted during the code development process. Appeals on the basis of subject specific issues, technical issues, and feasibility are an attempt to either rehear or introduce subjects that the committees spent many hours considering in open and transparent meetings. To bring up such grievances now under an appeals format is an attempt to circumvent the entire development process and undermine the committees that considered all perspectives and met all scheduled commitments in the development process. We do not believe the code prioritizes any fuel source over another, but simply includes code requirements that provide an energy source that is cost-efficient, resilient, and sustainable. The IECC has been trending towards more sustainable, GHG emission reducing energy sources with each new edition. As noted above, this new energy strategy is clearly outlined in the published "ICC Energy Framework" and "ICC Decarbonization Strategy" documents and is clearly the direction provided in the new scope and intent of the code. The changes to the 2024 IECC do not conflict with nor abridge any safety requirements found in the other I-Codes. Where coordination issues were determined during the development process, Group A and Group B proposals have been crafted to realign code requirements. These issues are not unique to the 2024 IECC or this particular code development cycle. NEMA is always concerned with the feasibility of implementation. However, the purpose of the code is to prescribe minimum code requirements. Industry is charged with providing guidance, recommended practices, and user support to ensure code compliance. Not including a code requirement because it is technically challenging or complicated should never be considered if the code requirement has technical merit, demonstrates economic feasibility, and meets the objective of the code. In most cases, new and emerging energy technologies are improving the feasibility of implementation. Please reject all appeals on the basis of subject specific issues.

**Appeal 23-09-AHRI and Appeal 23-01-BOMANMHC**

NEMA strongly opposes these appeals and fully supports the final decision of the commercial consensus committee to provide an incentive to utilize heat pump water heating in lieu of combustion and/or electric resistance water heating. We trust that the analysis completed by PNNL on the cost effectiveness of the two sections in question is true and correct. We urge the Appeals Board to reject this appeal.

### **Appeal 23-07-AGA and Appeal 23-08-APGA**

NEMA strongly opposes these appeals. Both consensus committees heard all the arguments made in these appeals on several occasions during the code development process and overwhelmingly voted to include all the new mandatory requirements and new appendix items this appeal wants deleted from the code. Each one was independently determined to be within both the scope and intent of the code, to be cost-effective, and will improve the overall energy profile of a building. We urge the Appeals Board to reject this appeal.

### **Appeal 23-02-BOMANMHC**

NEMA strongly opposes this appeal. We believe that demand responsive controls, specifically for lighting installations, facilitates minimum system efficiency not captured by other lighting control methods required or permitted by the code. As noted above, many technical inaccuracies have been stated in the appeals, all of which were litigated and refuted during the code development process. We respect that the Appeals Board shall only consider matters of process and procedure to sustain an appeal, so we believe this appeal has no merit and therefore should be rejected by the Board.

### **Appeal 23-03-BOMANMHC**

NEMA strongly opposes this appeal. We believe that electric vehicle power transfer infrastructure installation at time of construction results in the most efficient and cost-effective means to provide energy for EV charging purposes, well within the scope and intent of the code as determined by both consensus committees. As clearly outlined in the published "ICC Energy Framework" and "ICC Decarbonization Strategy" documents, electrified transportation infrastructure at buildings and structures is essential for meeting GHG emission reduction, net zero-energy goals, and community building performance standards. NEMA urges the Appeals Board to reject this appeal.

### **Appeal 23-04-BOMANMHC**

NEMA strongly opposes this appeal. We believe that energy storage systems are a fundamental component of a premises wiring system's energy profile and provides the building owner and occupants energy security, the opportunity for peak-load shaving, and demand-response incentives well within the scope and intent of the code as determined by the commercial consensus committee. As quoted in the ICC Decarbonization Strategy document: "Electrification, the transition from use of fossil-based fuels in buildings to strictly on-site electricity, has been identified as a strategy to reduce GHG emissions." Additionally, energy storage is essential for making the best use of renewable power sources and ensures that excess energy can be stored and used when needed, maximizing the benefits of renewable energy generation resulting in a more energy efficient premises wiring system. NEMA urges the Appeals Board to reject this appeal.

### **Appeal 23-05-RegionVI and Appeal 23-06-RegionVI**

NEMA strongly opposes these appeals. We believe this was the most diverse, inclusive, and transparent IECC development cycle in the 30-year history of ICC. While we anticipated appeals from certain sectors of the construction industry, we are greatly concerned with the statements made by the ICC Northeast Regional Coalition. In particular, we take exception to the statement: "Many of these committee members represented institutions, while claiming "unbiased" general interest, have direct and significant financial affiliations with electric utility or electric product production companies." NEMA and the Edison Electrical Institute (EEI) represented our industries and never claimed to be "unbiased" to those interests. Every committee member represents a perspective and interest. We are not aware of a single committee or subcommittee meeting where a complete mix of stakeholders, including governmental enforcers, were not present nor afforded time to speak on their positions. In fact, the officers and leadership of many subcommittees and both consensus committees were held by governmental enforcers. To suggest representatives from the electroindustry are not a valid stakeholder nor deserve a place at the table flies in the face of diversity, inclusion, and transparency. One of the concerns of the 2019 Group B Appeals Board was that not enough technical expertise or time for technical deliberation was afforded to all parties in the traditional ICC code development process. NEMA believes the new IECC development process, the size and diversity of the consensus committees, and the many opportunities offered for public comment and debate has resulted in an overall improved energy code. We urge the Appeals Board to reject these appeals.

In summary, NEMA believes the facts of the matter and the record of actions taken by the consensus committees clearly indicate there was no material or significant irregularity in the process or procedures to sustain any of the nine appeals. NEMA thanks the Appeals Board for their time and consideration of our public comment. We are happy to answer any questions or respond to any concerns the members of the board may have. Regardless of the appeals outcome, NEMA will remain an unwavering supporter of and advocate for the development, adoption, and enforcement of the IECC and other volumes of the I-Codes.

Respectfully Submitted,

*Bryan Holland*

Bryan Holland, MCP, CStd.  
Managing Director, Technical Field Representatives  
IECC Commercial Consensus Committee Member

*Mike Stone*

Mike Stone  
West Coast Technical Field Representative  
IECC Residential Consensus Committee Member