

REPORT

In accordance with Section 7.1 of Council Policy 1 (CP 1), the following is the report of the International Code Council Appeals Board on the appeal of scope and intent submitted by the American Gas Association (AGA), American Public Gas Association (APGA), Leading Builders of America (LBA), and the National Association of Home Builders (NAHB). All appeal related documents, including the appeals, have been posted on the appeals [webpage](#).

The appeal was conducted in accordance with Council Policy 1 Appeals. The hearing was held virtually via Webex Event on September 3, 2020, at approximately 9:25 a.m. Central. The Appeals Board consisted of:

- Cindy Davis, CBO, Appeals Board Chair (ex-officio, nonvoting), Code Council Board of Directors Vice President
- Anne Anderson, P.E., S.E. Green Mountain Structural Engineering
- Henry Green, Hon. AIA, Retired, Past President of the Code Council; Former President & CEO of National Institute of Building Sciences
- John Terry, CBO, Retired, Former Assistant Director of Division of Codes and Standards, New Jersey Department of Community Affairs; Past Chair of ICC Codes and Standards Council

APPEALS BOARD RECOMMENDATIONS

Facts:

- The Appeals Board's authority to take action is limited to violations of process or procedure as required by CP 1.
- R101.2 of the International Energy Conservation Code (IECC) – Scope states, “This code applies to residential buildings and the building sites and associated systems and equipment.”
- R101.3 of the IECC – Intent states, “This code shall regulate the design and construction of buildings for the effective use and conservation of energy over the useful life of each building.” Section N1101.2 of the IRC includes identical language.
- C101.2 of the IECC – Scope states, “This code applies to commercial buildings and the buildings' sites and associated systems and equipment.
- C101.3 of the IECC – Intent states, “This code shall regulate the design and construction of buildings for the effective use and conservation of energy over the useful life of each building.”

Findings:

- The Appeals Board acknowledged the outcome of the 2019 Group B code cycle with respect to RE147-19 (requiring electric readiness) and CE217-19, Parts I and II (requiring electric vehicle charging equipment).
- The Appeals Board finds that the inclusion of code provisions that are not within the stated scope and intent of a code is a violation of process and procedure.
- In the case of RE147-19, the Appeals Board finds that the code change in question is outside the current scope and intent of the energy provisions of the IECC and International Residential Code (IRC).
- In the case of CE217-19, Parts I and II, the Appeals Board finds that the code changes in question are outside the current scope and intent of the energy provisions of the IECC (Parts I and II) and IRC (Part II).

Recommendations on RE147-19:

The Appeals Board recommends sustaining the appeals and recommends that the Code Council Board of Directors find the following:

- In accordance with the provisions noted in Section 1.3 of CP 28, the proposed code change in question is not within the current “general purpose and scope” of the IECC and Chapter 11 of the IRC. The language should be excluded from the 2021 I-Codes.
- The issue of scoping should be reviewed for future editions of the I-Codes.

Recommendation on CE217-19, Parts I and II:

The Appeals Board recommends sustaining the appeals and recommends that the Code Council Board of Directors find the following:

- In accordance with the provisions noted in Section 1.3 of CP 28, the proposed code changes in question are not within the current “general purpose and scope” of the IECC and Chapter 11 of the IRC. The language should be excluded from the 2021 I-Codes.
- The issue of scoping should be reviewed for future editions of the I-Codes.

APPEAL PARTICIPANTS

The following individuals participated in the appeal hearing:

Appellants**AGA/APGA:**

- Jim Ranfone, AGA
- Ted Williams, AGA
- Renée M. Lani, APGA

LBA:

- Ken Gear, LBA
- Amanda Hickman, Rep: LBA
- Bill Koffel, Rep: LBA

NAHB:

- Craig Drumheller, NAHB
- Megan Berge, Legal Counsel
- Joshua Lee, Legal Counsel
- Jared Wigginton, Legal Counsel

Participants

- David Beahm, County of Warren, VA
- Sharon Bonesteel, Salt River Project
- Amy Boyce, IMT
- Kim Cheslak, NBI
- Dave Collins, AIA

- Bill Fay, Energy Efficient Codes Coalition
- Chuck Foster, EEI
- Matt Frommer, Southwest Energy Efficient Project
- Bryan Holland, NEMA
- Shaunna Mozingo, Mozingo Code Group
- Chris Perry, ACEEE
- Steve Rosenstock, EEI
- Tim Ryan, IABO
- Brian Shanks, Beezer Homes
- Joe Starr, Beezer Homes
- Lauren Urbanek, NRDC
- Jason Vandever, SPEER

Code Council Staff

- Mike Pfeiffer, Senior Vice President of Technical Services
- Melike Oncu, General Counsel

APPEAL PRESENTATIONS AND TESTIFIERS

The following testified at the appeal hearing. Those who provided formal presentations are noted with the file name of the presentation in parenthesis following their name. The file is posted on the appeals web page.

In Support

- Appellant: Craig Drumheller and Megan Berge, Legal Counsel, NAHB (Presentation NAHB Scope and Intent)
- Appellant: Jim Ranfone, AGA (Presentation_AGA_APGA_Scope and Intent)
- Appellant: Ken Gear, Amanda Hickman and Bill Koffel, LBA (Presentation_LBA_Scope and Intent)
- David Beahm, County of Warren, Virginia
- Tim Ryan, IABO

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- Mike Pfeiffer (Presentation_Pfeiffer_ICC_Scope and Intent)

In Opposition

- Sharon Bonesteel, Salt River Project
- Kim Cheslak, NBI
- Dave Collins, AIA
- Bill Fay, Energy Efficient Codes Coalition
- Matt Frommer, Southwest Energy Efficient Project
- Bryan Holland, NEMA (Presentation_Holland_NEMA_Scope and Intent)
- Shaunna Mozingo, Mozingo Code Group
- Chris Perry, ACEEE

- Steve Rosenstock, EEI
- Lauren Urbanek, NRDC (Presentation_Urbanek_NRDC_Scope and Intent)

WRITTEN COMMENTS

The following submitted written comments in accordance with Section 6.1.3 of CP 1. The comments are posted on the appeals webpage, identified by file name in parenthesis.

- David Bobzien, State of Nevada (Bobzien_Nevada_Scope)
- Sharon Bonesteel, Salt River Project (Bonesteel_SRP_Scope)
- Amy Boyce, Institute for Market Transformation (Boyce_IMT_Scope)
- Christine Bunch, City of Seattle (Bunch_Seattle_Scope)
- Kim Burke, State of Colorado (Burke_Colorado_Scope)
- James Cartney, City of Edwardsville (Cartney_Edwardsville_Scope)
- Chris Castro, City of Orlando (Castro_Orlando_Scope)
- Kimberly Cheslak, New Building Institute (Cheslak_NBI_Scope)
- David S. Collins, The Preview Group; Rep: AIA (Collins_AIA_Scope_CE217)
- David S. Collins, The Preview Group; Rep: AIA (Collins_AIA_Scope_RE147)
- Craig Drumheller, National Association of Home Builders (Drumheller_NAHB_Scope)
- William D. Fay, Energy Efficient Codes Coalition (Fay_EECC_Scope)
- Matt Frommer, Southwest Energy Project (Frommer_SWEEP_Scope)
- Amanda Hickman, The Hickman Group; Rep: LBA (Hickman_LBA_Scope)
- Bryan Holland, National Electrical Manufacturers Association (Holland_NEMA_Scope)
- Kathy Kinsey, Northeast States for Coordinated Air Use Management (Kinsey_NESCAUM_Scope)
- Dan Kirschner, Northwest Gas Association (Kirschner_WWGA_Scope)
- Christine Knapp, City of Philadelphia (Knapp_Philadelphia_Scope)
- Flore Marion, City of Pittsburgh (Marion_Pittsburgh_Scope)
- Stacy Miller, City of Minneapolis (Miller_Minneapolis_Scope)
- Zachary Owens, State of Colorado (Owens_Colorado_Scope)
- Chris Perry, ACEEE (Perry_ACEEE_Scope)
- Addison Phillips, State of Colorado (Phillips_Colorado_Scope)
- Jim Riggins, Southeast Colorado Renewable Energy Society (Riggins_SECORES_Scope)
- Natalie Rogers, City of Milwaukie (Rogers_Milwaukie_Scope1)
- Natalie Rogers, City of Milwaukie (Rogers_Milwaukie_Scope2)
- Steven Rosenstock, Edison Electric Institute (Rosenstock_EEI_Scope1)
- Steven Rosenstock, Edison Electric Institute (Rosenstock_EEI_Scope2)
- George W. Schulner, (Schluter_Scope)
- Cheryl Scott, Metropolitan Mayors Caucus (Scott_Mayors_Caucus_Scope)
- Russ Stark, City of St. Paul (Stark_St Paul_Scope)
- Bruce Swiecicki, National Propane Gas Association (Swiecicki_NPGA_Scope_RE147)
- Bruce Swiecicki, National Propane Gas Association (Swiecicki_NPGA_Scope_CE217)
- Lauren Urbanek, National Resources Defense Council (Urbanek_NRDC_Scope)

- Uyen T. Vong, City of Honolulu (Vong_Honolulu_Scope)
- Francesca Wahl, Tesla (Wahl_Tesla_Scope)
- Eric Walker, City of Hood River (Walker_Hood River_Scope)
- Christin Whitco, City of Boulder (Whitco_Boulder_Scope)
- Kimberly White, City of Highland Park (White_Highland Park_Scope)
- Alicia R. Zatcoff, City of Richmond (Zatcoff_Richmond_Scope)
- Luba Zhaurova, City of Worcester (Zhaurova_Worcester_Scope)

NONSPEAKING PARTICIPANTS

These individuals were present on the Webex line but did not provide spoken testimony.

- Amy Boyce, IMT
- Chuck Foster, EEI
- Brian Shanks, Beezer Homes
- Joe Starr, Beezer Homes
- Jason Vandever, SPEER

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