2024 IECC Appeals
Appeals Board Report
to ICC Board of Directors

March 4, 2024
www.icc-safe.org
Executive Summary

The 2024 International Energy Conservation Code (IECC) Appeals Board hearings were conducted on February 21-23, 2024. The Appeals Board followed ICC Council Policy 1 (CP-01), which lays out the procedures for appeals. Details regarding the appeals can be found on the 2024 IECC Appeals website.

The Appeals Board considered nine appeals filed by five appellants and is providing its findings on each individual appeal filed. The following is a list of the appeals filed.

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Number of Appeals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air-Conditioning, Heating, and Refrigeration Institute (AHRI)</td>
<td>1</td>
</tr>
<tr>
<td>American Gas Association (AGA)</td>
<td>1</td>
</tr>
<tr>
<td>American Public Gas Association (APGA)</td>
<td>1</td>
</tr>
<tr>
<td>Building Owners and Managers Association (BOMA) and National Multi-Housing Council (NMHC)</td>
<td>4</td>
</tr>
<tr>
<td>Region VI ICC</td>
<td>2</td>
</tr>
</tbody>
</table>

The appeals raised several thematic issues. The Appeals Board, in coordination with the International Code Council staff, decided to divide the hearings into four groups based on the themes of (1) scope and intent, (2) consensus building approaches, (3) procedural specific issues, and (4) subject specific issues.

A Notice of Hearing was issued in accordance with CP-01. Forty-five viewpoint papers were submitted and over 100 individuals registered to speak as an appellant or interested parties in support or in opposition of the appeals filed.

CONCLUSION

With respect to each of the nine appeals, the Appeals Board finds that the appellants have not demonstrated a material and significant irregularity of process or procedure, and therefore recommends the ICC Board of Directors deny each appeal. (See Table 2 Appeals Board Findings and Recommendations for Filed Appeals.)

Based on the information provided during the appeals process, the Appeals Board is also offering three recommendations for the Code Council’s Board of Directors for consideration to help (1) clarify the scope and intent provisions of the IECC codes, (2) educate the public about important differences between the code and standards development process, and (3) explain staff’s role with respect to in cost impact statements submitted by proponents of code changes. (See Table 3 Appeals Board Recommendations.)
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2024 IECC Appeals Board Report

In accordance with Section 4.1 of Council Policy 1 (CP-01), the following is the report of the International Code Council Appeals Board addressing the appeals related to the 2024 International Energy Conservation Code (IECC). The Code Council received appeals from the following appellants:

1. Air-Conditioning, Heating, and Refrigeration Institute (AHRI) (1 appeal)
2. American Gas Association (AGA) (1 appeal)
3. American Public Gas Association (APGA) (1 appeal)
4. Building Owners and Managers Association International (BOMA) and National Multifamily Housing Council (NMHC) (4 appeals)
5. ICC Northeastern Region Coalition (Region VI) (2 appeals)

All appeal related documents, including the appeals, have been posted on the 2024 IECC Appeals webpage https://www.iccsafe.org/products-and-services/i-codes/code-development/2024-iecc-appeals/. The appeal hearings were conducted in accordance with CP-01. Given the significant crossover between many of the topics identified in the submitted appeals, the Appeals Board elected to organize the hearings by topical area and considered the appeals in the four following groups:

1. Scope and Intent (AGA, APGA, NMHC/BOMA, Region VI)
2. Consensus Building Approaches (AGA, APGA, Region VI)
3. Procedural Specific Issues (AHRI, APGA, Region VI)
4. Subject Specific Issues (AHRI, NMHC/BOMA, Region VI)

The hearings were held virtually via Webex Event and followed the schedule and topics as outlined in the table below.

Table 1 Hearing Schedule and Topics

<table>
<thead>
<tr>
<th>Appeal Basis</th>
<th>Hearing Date/Time</th>
<th>Category Related Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scope and Intent</td>
<td>[Day 1] February 21 at 7 am Pacific Time</td>
<td>1. Whether the IECC residential and commercial scope and intent statements permit provisions aimed at encouraging decarbonization of buildings or greenhouse gas reduction to be placed in the main code text or require such provisions to be placed in appendices</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Whether specific code changes fall within scope based on definition of terms “building,” “occupant,” or “occupancy”</td>
</tr>
<tr>
<td>Consensus Building Approaches</td>
<td>[Day 2 Part A] February 22 at 7 am Pacific Time</td>
<td>1. Whether the consensus building approach utilized by the IECC residential consensus committee was consistent with ICC’s policies</td>
</tr>
</tbody>
</table>
### Appeal Basis

<table>
<thead>
<tr>
<th>Appeal Basis</th>
<th>Hearing Date/Time</th>
<th>Category Related Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>2. Calling of votes (Robert’s Rules)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Cost analysis approach</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. Commenting (substantive change procedures)</td>
</tr>
<tr>
<td>Subject Specific Issues</td>
<td>[Day 3] February 23 at 7 am Pacific Time</td>
<td>1. Cost effectiveness</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Increasing efficiency</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Principle of not prioritizing any fuel sources</td>
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<td></td>
<td></td>
<td>4. Consistency with other codes, including the IBC</td>
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<tr>
<td></td>
<td></td>
<td>5. Feasibility of implementation</td>
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<tr>
<td></td>
<td></td>
<td>6. Any other subject specific issues</td>
</tr>
</tbody>
</table>

### Appeals Board Members

The Appeals Board consisted of:

1. David Spencer, CBO, ACO Appeals Board Chair (ex-officio, nonvoting), Code Council Board of Directors Vice President
2. Thomas Allen, CBO, MCP, CFM, LEED AP, Building Official for Orange County, Florida
3. Alex “Cash” Olszowy III, Retired, Past President of the Code Council
4. Michael Shannon, PE, CBO, Development Services Director for the City of San Antonio, Texas
Scope and Intent

SUMMARY & DESCRIPTION

Appeals submitted by the American Gas Association (AGA), the American Public Gas Association (APGA), National Multifamily Housing Council (NMHC) and Building Owners and Managers (BOMA) jointly, and the Region VI Chapter of ICC (Region VI) objected to the inclusion of greenhouse gas reduction resources in the main text of the codes rather than in non-mandatory appendices.

Appeals submitted by NMHC and BOMA jointly and Region VI argued that provisions related to demand responsive controls, electric vehicle charging infrastructure, and electrical infrastructure for electric vehicles do not relate to “buildings” and are therefore outside the scope of these codes.

FACTS

1. C101.2 contains the Board approved scope of the IECC-Commercial code and states: “This code applies to the design and construction of commercial buildings.”
2. C101.3 contains the Board approved intent statement of the IECC-Commercial and states: “The International Energy Conservation Code-Commercial provides market-driven, enforceable requirements for the design and construction of commercial buildings, providing minimum efficiency requirements for buildings that result in the maximum level of energy efficiency that is safe, technologically feasible, and life cycle cost effective, considering economic feasibility, including potential costs and savings for consumers and building owners, and return on investment. Additionally, the code provides jurisdictions with supplemental requirements, including ASHRAE 90.1, and optional requirements that lead to achievement of zero energy buildings, presently, and through glidepaths that achieve zero energy buildings by 2030 and on additional timelines sought by governments, and achievement of additional policy goals as identified by the Energy and Carbon Advisory Council and approved by the Board of Directors. Requirements contained in the code will include, but not be limited to, prescriptive- and performance-based pathways. The code may include non-mandatory appendices incorporating additional energy efficiency and greenhouse gas reduction resources developed by the Code Council and others. The code will aim to simplify code requirements to facilitate the code's use and compliance rate. The code is updated on a three-year cycle with each subsequent edition providing increased energy savings over the prior edition. This code is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve this intent. This code is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances.”
3. R101.2 contains the Board approved scope statement of the IECC-Residential and states: “This code applies to the design and construction of residential buildings.”
4. R101.3 contains the Board approved intent statement of the IECC-Residential and states: “The International Energy Conservation Code-Residential provides market-driven, enforceable requirements for the design and construction of residential buildings, providing minimum efficiency requirements for buildings that result in the maximum level of energy efficiency that is safe, technologically feasible, and life cycle cost effective, considering economic feasibility, including potential costs and savings for consumers and building owners, and return on investment. Additionally, the code provides jurisdictions
with optional supplemental requirements, including requirements that lead to achievement of zero energy buildings, presently, and, through glidepaths that achieve zero energy buildings by 2030 and on additional timelines sought by governments, and achievement of additional policy goals as identified by the Energy and Carbon Advisory Council and approved by the Board of Directors. The code may include non-mandatory appendices incorporating additional energy efficiency and greenhouse gas reduction resources developed by the Code Council and others. Requirements contained in the code will include, but not be limited to, prescriptive and performance-based pathways. The code will aim to simplify code requirements to facilitate the code’s use and compliance rate. The code is updated on a three-year cycle with each subsequent edition providing increased energy savings over the prior edition. The IECC residential provisions shall include an update to Chapter 11 of the International Residential Code. This code is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve this intent. This code is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances.

5. The IECC-Commercial and Residential define the term “building” as: any structure used or intended for supporting or sheltering any use or occupancy, including any mechanical systems, service-water heating systems and electric power and lighting systems located on the building site and supporting the building.

6. On February 22, 2022, ICC staff issued a memorandum in response to “confusion within the Committees on what topics can be addressed within the body of the IECC or IRC Chapter 11 as minimum requirements as opposed to an IECC or IRC appendix in part.” The memorandum stated that: “Any content within the scope and intent of the code may be included either in the body of the code as minimum requirements or as an adoptable appendix based on the determination of the responsible Consensus Committee. Where content is to be included in an adoptable appendix, the appendix must include mandatory enforceable language.”

**FINDINGS**

1. The appellants and opponents presented arguments supporting their respective positions.
2. The intent statements in the IECC-Commercial and IECC-Residential codes permit, but do not require, energy efficiency and greenhouse gas reduction resources to appear in appendices.
3. The memorandum issued by ICC staff on February 15, 2022, provided clarification on how the scope and intent statements should be read and did not change the intent statements. It is neither unusual nor improper for ICC staff to provide such a clarification during the code/standard development process.
4. The provisions regarding demand responsive controls, electric vehicle charging Infrastructure, and electrical infrastructure for electric vehicles fall within the scope of the IECC codes.
5. The timing of the staff memorandum was not problematic. The Consensus Committees had not taken any votes on Electric Vehicles, Electric Readiness and Demand Response prior to the staff memo.
6. There is no clear evidence of a significant violation of process or procedure.

**RECOMMENDATIONS**

Based on the testimony provided during the appeals hearings, it is evident that there are opportunities to clarify the scope and intent provisions of the IECC codes as currently written.
Following completion of the 2024 IECC and preceding commencement of development of the 2027 IECC, the Appeals Board recommends that the ICC Board of Directors should work with staff to clarify the scope and intent of the IECC codes, while preserving the outcomes of the consensus process.
Consensus Building Approaches

SUMMARY & DESCRIPTION
Appeals submitted by AGA, APGA, and Region VI alleged that meetings by committee members that took place outside of official committee meetings and the combination of multiple proposals into a single item for balloting purposes violated due process safeguards.

FACTS
1. The IECC Committee Procedures require the development process for the IECC to be “an open, transparent and deliberative process” in accordance with Section 8 of the ICC Consensus Procedures. All meetings of the Committee and Subgroups must be open with adequate notice provided.
2. ICC Consensus Procedures require Committee meetings to be “open to all members and others having a direct and material interest” and for the ICC Secretariat to provide adequate notice of such meetings.
3. The balloting instructions for Consensus Committee members are included within each issuance of the committee action report. A ballot report containing all comments is included with the recirculation ballot to Consensus Committee members. Items receiving the requisite number of negative comments are included on an agenda for the Consensus Committee to resolve. All comments on those items are included in the meeting agenda.
4. After the first committee ballot, in which many proposed code changes received a significant number of negative comments, one Residential Consensus Committee member reached out to all committee members to gauge if there was an interest in reaching a compromise position on some of the issues on the ballot. A series of meetings ensued – which the group called the Consensus Building Forum.
5. The Consensus Building Forum participants ultimately reached an agreement regarding twelve of the sixteen proposals that had received one-third or more negative votes in the first ballot.
6. They submitted a proposal for resolution of continued negative ballots on the second recirculation ballot (ballot #3). This proposal combined twelve of the outstanding proposals at issue within one large proposal (REPI-33-21) and recommended that the other eleven items receive negative votes.
7. All IECC Residential committee members were able to see the specific language of REPI-33-21 through the ballot report and in the agenda for the September 26-27, 2022 Consensus Committee meeting, which was circulated two weeks in advance.
8. All IECC Residential committee members were also able to see all comments submitted on REPI-33-21 and how other committee members were voting on this proposal and all other proposals. At the meeting to discuss negatives, there was open discussion of all the comments, including those associated with REPI-33-21.

FINDINGS
1. The Appeals Board commends the appellants and opponents for their strong advocacy on both sides of this issue.
2. The materials submitted and the hearing testimony demonstrated that the meetings of the Consensus Building Forum were not IECC Residential Consensus Committee meetings. They were not organized by
ICC staff and were not conducted on ICC meeting platforms. The ICC Committee procedures and ICC Consensus Procedures did not apply.

3. No ICC policy prohibits committee members from meeting or discussing the issues raised in committees or from trying to reach compromise positions outside of formal committee meetings.

4. The recent change to developing the IECC through the standards development process was made in part to allow greater opportunities for developing consensus and compromise.

5. No ICC policy prohibits the combination of several proposals into one larger proposal for the purpose of balloting.

6. All committee members were invited to the meetings and informed of the issues that were discussed.

7. Once the compromise proposal was brought into the formal ICC process, all IECC Residential committee members were provided with sufficient notice of all proposals, a transparent display of committee member votes and negative comments, and an opportunity to discuss all negative votes prior to balloting.

8. There is no clear evidence of a significant violation of process or procedure.

RECOMMENDATIONS

Testimony presented during the appeals hearings identified gaps in some stakeholders’ understanding of key aspects of the standards development process and how it differs from the governmental consensus process used for the development of other codes.

The Appeals Board recommends that ICC staff and the Board of Directors provide additional education on the standards development process, the role of the Consensus Committees, and the opportunities for engagement by governmental representatives and other stakeholders.
Procedural Specific Issues

SUMMARY & DESCRIPTION

The APGA, the Air-Conditioning, Heating, and Refrigeration Institute (AHRI), and Region VI submitted appeals in which they alleged that ICC did not comply with its procedures regarding committee balance, voting process, cost analysis, and consideration of comments.

FACTS

1. For purposes of the appeals at issue, the following sections of the IECC Committee Procedures are of particular relevance:
   a. The Consensus Committee Procedures for the Board-appointed Commercial and Residential Consensus Committees require one-third of each Committee to be constituted by members of the Governmental Regulator interest category and that the makeup of the remainder of the Committee consist of “a reasonable balance of interest.”
   b. Subcommittee make-up is at the sole discretion of the Consensus Committees, and “a reasonable attempt at balance is encouraged whenever possible.”
2. To achieve the code’s cost effectiveness intent, the Consensus Committee Procedures provide that all proposed changes shall include a statement on cost impacts consistent with Section 3.3.5.6 of Council Policy 28, and proponents are encouraged to include a cost effectiveness analysis. The Committee may develop a consistent set of parameters for use in a cost-effective analysis and may use the results of a cost-effectiveness analysis as a factor in determining acceptance of a change proposal.

FINDINGS

1. The appellants and opponents presented arguments supporting their respective positions. AHRI presented new evidence with respect to the issue of voting process during the hearings that was not included within their written appeal and therefore was not considered by the Appeals Board.
2. With respect to APGA, AHRI and Region VI’s concerns relative to the balance of interests within the Consensus Committees and Subcommittees, the Appeals Board finds the appointments to the Consensus Committees and Subcommittees (and any alternates or ensuing vacancies) were confined to the pool of submitted applications and fully conformed to all committee balance requirements set forth in the Consensus Committee Procedures.
3. With respect to AHRI’s concerns relative to improper voting procedures, the Appeals Board finds that there was no evidence of a significant violation of process or procedure.
4. With respect to Region VI’s concerns relative to unjustified cost analyses, the Appeals Board finds there is no policy or requirement stating that ICC staff has a responsibility to evaluate submitted cost analyses, rather ICC staff is only responsible for verifying that a cost impact statement has been provided. Each Consensus Committee developed a set of cost analysis parameters to use in their evaluation of any submitted cost analyses, and the committees complied with those parameters.
5. With respect to Region VI’s concerns relative to comments being improperly refused for consideration, the Appeals Board finds that all participants were properly provided advance notice of all applicable
comment periods and that all staff and committee actions taken with respect to hearing comments were properly dispensed with in accordance with the ICC Consensus Procedures, the IECC Consensus Committee Procedures, and Robert’s Rules of Order.

6. Based on the above findings, the Appeals Board finds no evidence of a material and significant violation of process or procedure.

RECOMMENDATIONS

Testimony presented during the appeals hearings identified gaps in some stakeholders’ understanding of key aspects of the standards development process and how it differs from the governmental consensus process used for the development of other codes. There was also confusion regarding the role of staff with respect to cost impact analyses.

See recommendation in Consensus Building Approaches.

The Appeals Board recommends that the ICC Board clarify that the role of ICC staff is to ensure the required elements of the cost impact are provided, and that it is the responsibility of the committee to determine if the cost impact information provided is sufficient to inform the committees decision making process in accordance with applicable council policies.
Subject Specific Issues

SUMMARY & DESCRIPTION

Appeals filed by AHRI, NMHC/BOMA, and Region VI alleged that certain provisions of the codes are not cost-effective, do not increase efficiency, prioritize certain fuel sources over others, will not be feasible to implement, and/or are inconsistent with other I-Codes.

FACTS

Section 6.3.7 of CP-01 states: “Review by the Appeals Board shall be limited to matters of process and procedure. The Board of Appeals shall not render decisions on the relative merits of technical matters.”

1. C101.3 contains the Board approved intent statement of the IECC-Commercial and states: “The International Energy Conservation Code-Commercial provides market-driven, enforceable requirements for the design and construction of commercial buildings, providing minimum efficiency requirements for buildings that result in the maximum level of energy efficiency that is safe, technologically feasible, and life cycle cost effective, considering economic feasibility, including potential costs and savings for consumers and building owners, and return on investment. Additionally, the code provides jurisdictions with supplemental requirements, including ASHRAE 90.1, and optional requirements that lead to achievement of zero energy buildings, presently, and through glidepaths that achieve zero energy buildings by 2030 and on additional timelines sought by governments, and achievement of additional policy goals as identified by the Energy and Carbon Advisory Council and approved by the Board of Directors. Requirements contained in the code will include, but not be limited to, prescriptive- and performance-based pathways. The code may include non-mandatory appendices incorporating additional energy efficiency and greenhouse gas reduction resources developed by the Code Council and others. The code will aim to simplify code requirements to facilitate the code’s use and compliance rate. The code is updated on a three-year cycle with each subsequent edition providing increased energy savings over the prior edition. This code is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve this intent. This code is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances.”

2. R101.3 contains the Board approved intent statement of the IECC-Residential and states: “The International Energy Conservation Code-Residential provides market-driven, enforceable requirements for the design and construction of residential buildings, providing minimum efficiency requirements for buildings that result in the maximum level of energy efficiency that is safe, technologically feasible, and life cycle cost effective, considering economic feasibility, including potential costs and savings for consumers and building owners, and return on investment. Additionally, the code provides jurisdictions with optional supplemental requirements, including requirements that lead to achievement of zero energy buildings, presently, and, through glidepaths that achieve zero energy buildings by 2030 and on additional timelines sought by governments, and achievement of additional policy goals as identified by the Energy and Carbon Advisory Council and approved by the Board of Directors. The code may include non-mandatory appendices incorporating additional energy efficiency and greenhouse gas reduction resources developed by the Code Council and others. Requirements contained in the code will include, but not be limited to, prescriptive and performance-based pathways. The code will aim to simplify code requirements to facilitate the code’s use and compliance rate. The code is updated on a three-year cycle.
with each subsequent edition providing increased energy savings over the prior edition. The IECC residential provisions shall include an update to Chapter 11 of the International Residential Code. This code is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve this intent. This code is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances.

3. IECC Committee Procedures relating to Cost Impact and Effectiveness Analysis state that “all proposed changes shall include a statement on cost impacts consistent with the requirements of Council Policy 28 Section 3.3.5.6 and proponents are encouraged to include a cost effectiveness analysis.” If a cost effectiveness analysis is not provided by the proponent, the committee may request the Department of Energy provide one to support their consideration. The cost effectiveness statement should be clearly documented and should consider the change’s “cost effectiveness for the building owner, occupants and the energy system as a whole including both initial cost and life-cycle cost and savings.”

4. The Committees may use the results of a cost effectiveness analysis as a factor in determining acceptance of a change proposal, but other factors may also be considered, including market-readiness.

5. The IECC Consensus and Subcommittees conducted over 350 meetings covering more than 800 hours an equivalent of over 10,000 manhours.

6. All proposals included the required cost impact statements and the committees received cost effectiveness information when requested by the committee regarding each of the issues appealed.

7. Detailed information was also submitted to the committees regarding the efficiency of ESS programs and the efficiency and availability of demand response controls.

8. PNNL also performed an interim analysis on public draft number one of each code to consider holistically if the drafts increased energy efficiency, which informed the committees' consideration of all proposals.

FINDINGS

1. These arguments raise technical issues, which are most appropriately resolved by the technical committees through the standard development process.

2. The Appeals Board is not authorized to render decisions on the relative merits of technical matters.

3. The discussion in the intent statements for the IECC codes on cost-effectiveness, increased efficiency, and economic feasibility relates to the intent for the codes as a whole to achieve these principles.

4. The committees are tasked with evaluating code change proposals based on the principles discussed in the intent statement using their technical expertise. The final codes represent the committees’ consensus that reflects these principles to the greatest extent possible given the variety of viewpoints and interests represented.

5. The Appeals Board concludes based on the materials submitted and hearing testimony that appellants had the opportunity to raise the issues raised in these appeals regarding cost effectiveness, efficiency, and feasibility in the consensus committees, and that all of these issues were in fact debated at length in committee meetings prior to balloting. The Appeals Board is not permitted to substitute its judgment for the consensus determinations of the respective committees based on their technical expertise.

6. The intent statements for these codes explicitly authorize the inclusion of provisions that reduce greenhouse gas emissions, suggesting that it is acceptable to treat equipment differently based on their associated greenhouse gas emissions.

7. There is no inconsistency between section C405.16.2 and the International Building Code.

8. Based on the above findings, the Appeals Board finds no evidence of a material and significant violation of process or procedure.
# Recommendations to ICC Board by Appeal

The following recommendations are provided by the 2024 IECC Appeals Board to the ICC Board of Directors for motions for final resolution of each individual appeal.

## Table 2 Appeals Board Findings and Recommendations for Filed Appeals

<table>
<thead>
<tr>
<th>Appeal</th>
<th>Appellant</th>
<th>Recommended Motion</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>BOMA/NMHC</td>
<td>“The Appeals Board finds that the appeal submitted by BOMA/NMHC concerning the Non-Heat Pump Penalty has not demonstrated a material and significant irregularity of process or procedure, and therefore recommends the ICC Board of Directors deny the appeal.”</td>
</tr>
<tr>
<td>2</td>
<td>BOMA/NMHC</td>
<td>“The Appeals Board finds that the appeal submitted by BOMA/NMHC concerning Demand Responsive Controls has not demonstrated a material and significant irregularity of process or procedure, and therefore recommends the ICC Board of Directors deny the appeal.”</td>
</tr>
<tr>
<td>3</td>
<td>BOMA/NMHC</td>
<td>“The Appeals Board finds that the appeal submitted by BOMA/NMHC concerning Electric Vehicle Charging Infrastructure has not demonstrated a material and significant irregularity of process or procedure, and therefore recommends the ICC Board of Directors deny the appeal.”</td>
</tr>
<tr>
<td>4</td>
<td>BOMA/NMHC</td>
<td>“The Appeals Board finds that the appeal submitted by BOMA/NMHC concerning Energy Storage Systems has not demonstrated a material and significant irregularity of process or procedure, and therefore recommends the ICC Board of Directors deny the appeal.”</td>
</tr>
<tr>
<td>5</td>
<td>Region VI</td>
<td>“The Appeals Board finds that the technical appeal submitted by Region VI has not demonstrated a material and significant irregularity of process or procedure, and therefore recommends the ICC Board of Directors deny the appeal.”</td>
</tr>
<tr>
<td>6</td>
<td>Region VI</td>
<td>“The Appeals Board finds that the general appeal submitted by Region VI has not demonstrated a material and significant irregularity of process or procedure, and therefore recommends the ICC Board of Directors deny the appeal.”</td>
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<tr>
<td>7</td>
<td>AGA</td>
<td>“The Appeals Board finds that the appeal submitted by AGA has not demonstrated a material and significant irregularity of process or procedure, and therefore recommends the ICC Board of Directors deny the appeal.”</td>
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<tr>
<td>8</td>
<td>APGA</td>
<td>“The Appeals Board finds that the appeal submitted by APGA has not demonstrated a material and significant irregularity of process or procedure, and therefore recommends the ICC Board of Directors deny the appeal.”</td>
</tr>
<tr>
<td>9</td>
<td>AHRI¹</td>
<td>“The Appeals Board finds that the appeal submitted by AHRI has not demonstrated a material and significant irregularity of process or procedure, and therefore recommends the ICC Board of Directors deny the appeal.”</td>
</tr>
</tbody>
</table>

1. The portion of AHRI’s appeal that included “preemption” is excluded from the Appeal as it is not appropriate for the appeals process. Adjudication of preemption issues is handled through CP-49 Conforming Codes and Standards to United States Federal Law and International Law and should not be considered in the appeals process in accordance with ICC Council Policy.
<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Table 3 Appeals Board Recommendations</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>Appeals Concerning Scope and Intent Issues</td>
</tr>
<tr>
<td></td>
<td>Following completion of the 2024 IECC and preceding commencement of development of the 2027 IECC, the Appeals Board recommends that the ICC Board of Directors should work with staff to clarify the scope and intent, while preserving the outcomes of the consensus process.</td>
</tr>
<tr>
<td>2</td>
<td>Appeals Concerning Procedural Specific Issues</td>
</tr>
<tr>
<td></td>
<td>The Appeals Board recommends that ICC staff and the Board of Directors provide additional education on the standards development process, the role of the consensus committees, and the opportunities for engagement by governmental representatives and other stakeholders.</td>
</tr>
<tr>
<td>3</td>
<td>Appeals Concerning Cost Analysis Issues</td>
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<tr>
<td></td>
<td>The Appeals Board recommends that the ICC Board clarify that the role of ICC staff is to ensure the required elements of the cost impact are provided, and that it is the responsibility of the committee to determine if the cost impact information provided is sufficient to inform the committees decision making process in accordance with applicable council policies and evaluate the validity of the cost analysis itself.</td>
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Appendices

The following information is provided as background information related to the appeals hearings.

Appeals Hearing Speakers

Scope and Intent

Appellants

1. BOMA / NMHC 2024 IECC Appeal 23-01-BOMANMHC | Non Heat Pump Penalty
   Speaker(s): Johnson, Greg (Employer: Self | Representing: National Multifamily Housing Council)
2. BOMA / NMHC 2024 IECC Appeal 23-02-BOMANMHC | Demand Responsive Controls
   Speaker(s): Johnson, Greg (Employer: Self | Representing: National Multifamily Housing Council)
3. BOMA / NMHC 2024 IECC Appeal 23-03-BOMANMHC | Electric Vehicle Charging Infrastructure
   Speaker(s): Johnson, Greg (Employer: Self | Representing: National Multifamily Housing Council)
4. BOMA / NMHC 2024 IECC Appeal 23-04-BOMANMHC | Energy Storage System
   Speaker(s): Johnson, Greg (Employer: Self | Representing: National Multifamily Housing Council)
5. Region VI 2024 IECC Appeal 23-05-RegionVI | Technical Appeal
   Speaker(s): McKinney, William (Employer / Representing: ICC Region VI)
   Steadward, Ray (Employer: Town of Enfield CT | Representing: ICC Region VI)
   Beauregard, Matt (Employer: Town of Chesterfield NH | Representing: ICC Region VI)
6. Region VI 2024 IECC Appeal 23-06-RegionVI | General Appeal
   Speaker(s): Beauregard, Matt (Employer: Town of Chesterfield NH | Representing: ICC Region VI)
   Steadward, Ray (Employer: Town of Enfield CT | Representing: ICC Region VI)
7. AGA  2024 IECC Appeal 23-07-AGA
   Speaker(s): Murray, Michael (Employer / Representing: American Gas Association)
8. APGA 2024 IECC Appeal 23-08-APGA
   Speaker(s): Saulters, Stuart (Employer / Representing: American Public Gas Association (APGA))

Interested parties in support:

9. Ranfone, Jim (Employer / Representing: American Gas Association)
10. Novoa, Sydney (Employer / Representing: American Public Gas Association (APGA))
11. Saulters, Stuart (Employer / Representing: American Public Gas Association (APGA))
12. Demers, Paul (Employer / Representing: ICC Region VI)
13. Gilbert, Greg (Employer / Representing: ICC Region VI)
14. Gontina, Woody (Employer: Good Wood Homes | Representing: Self)

Interested Parties in Opposition

15. Rall, Chris (Employer / Representing: Transportation for America)
16. Amann, Jennifer (Employer / Representing: ACEEE)
17. Tempchin, Rick (Employer / Representing: Alliance for Transportation Electrification)
18. Waite, Michael (Employer / Representing: American Council for an Energy-Efficient Economy)
19. Shanks, Brian (Employer / Representing: Beazer)
20. Surana, Shilpa (Employer: 2050 Partners | Representing: CAIOUs)
21. Fischell, Sarah (Employer: re red | Representing: Citizens' Climate Lobby - Lincroft, NJ Chapter)
22. Miller, Stacy (Employer / Representing: City of Minneapolis)
23. Bordelon, Erin (Employer / Representing: D.R. HORTON)
24. Hankins, Rap (Employer / Representing: Drive Electric Dayton)
25. Hutchins-Knowles, Linda (Employer: Self | Representing: EV Charging for All Coalition)
26. Warheit, Vanessa (Employer: EV Charging for All Coalition | Representing: EV Charging for All Coalition (EVCAC))
27. Earley, Jim (Employer / Representing: Edison Electric Institute)
28. Rosenstock, Steve (Employer / Representing: Edison Electric Institute)
29. Burk, Diana (Employer / Representing: Energy Solutions)
30. Fowler, Eric (Employer / Representing: Fresh Energy)
31. Miller, Pat (Employer: Self | Representing: Greater NJ Gateway Chapter of Climate Reality Project)
32. Pierce, Michelle (Employer: Self | Representing: Inland Empire Electric Vehicle Association)
33. Boyce, Amy (Employer: IMT | Representing: Institute for Market Transformation)
34. Crone, Phil (Employer / Representing: Leading Builders of America)
35. Hamilton, Jenna (Employer / Representing: Leading Builders of America)
36. Hickman, Amanda (Employer: The Hickman Group | Representing: Leading Builders of America)
37. Raymer, Robert "Bob" (Employer / Representing: Leading Builders of America)
38. Curti, Julie (Employer / Representing: Metropolitan Area Planning Council)
39. Stone, Mike (Employer: National Electrical Manufacturers Association (NEMA) | Representing: NEMA - National Electrical Manufacturers Assoc.)
40. Rabe, Ben (Employer / Representing: New Buildings Institute)
41. Gonzalez-Laders, Emma (Employer: NYS | Representing: New York State Dept of State)
42. Gupta, Anshul (Employer / Representing: New Yorkers for Clean Power)
43. Tillou, Michael (Employer / Representing: Pacific Northwest National Laboratory)
44. Thesen, Sven (Employer: Self | Representing: Project Green Home)
45. Kocher, Jonny (Employer / Representing: RMI)
46. Hernandez, Michael (Employer / Representing: Rewiring America)
47. Cohen, Josh (Employer / Representing: SWTCH Energy, Inc.)
48. Bomer, Bryan (Employer: Montgomery County Maryland | Representing: Self)
49. Campos, Liz (Employer: City of Ventura | Representing: Self)
50. McKenna, John (Employer / Representing: Self)
51. Miller, Fred (Employer / Representing: Self)
52. Prindle, William (Employer: Better Energy Advisors | Representing: Self)
53. Rosenblum, Stephen (Employer / Representing: Self)
54. Schandelmier, Laurel (Employer: Glumac | Representing: Self)
55. Sung, Alice (Employer: Greenbank Associates | Representing: Self)
56. Van Sickle, Krae (Employer: Town of East Hampton Distributed Energy Advocate | Representing: Self)
57. Vijayakumar, Gayathri (Employer: Steven Winter Associates, Inc. | Representing: Self)
58. Miller, Steve (Employer: Self | Representing: Sierra Club, NJ Chapter)
59. Meyers, Jim (Employer / Representing: Southwest Energy Efficiency Project (SWEEP))
60. Pernick, Anne (Employer / Representing: Stand.earth)
61. Sanchez, Tessa (Employer / Representing: Tesla, Inc.)
63. Amann, William (Employer: M&E Engineers, Inc. | Representing: Various)

**Interested Parties in Support and Opposition**

64. Davies, Billy (Employer / Representing: Sierra Club Missouri Chapter)

**International Code Council**

Ryan Colker

**Written Viewpoints Submitted**

**Written Viewpoints Submitted in Support**

1. American Gas Association – Murray
2. Atmos Energy Corporation
3. Municipal Gas Authority of Georgia – Tolleson
5. National Propane Gas Association – Swieczki
6. ONE Gas Inc – Rhodes
7. Philadelphia Gas Works – Zuk
8. Rinnai – McGuire
9. Self – Guinan
10. Self-Swoape

**Written Viewpoints Submitted in Opposition**

1. 350 Contra Costa Action - Farber
2. AIM Associates - Beeler
3. Alliance for Transportation Electrification – Tempchin
5. CAIOUs – Surana
6. California Electric Transportation Coalition – Corby
7. City and County of Denver – Office of Climate Action, Sustainability and Resiliency – Anderson
8. Drive Electric Dayton – Hankins
9. Edison Electric Institute – Rosenstock
10. Energy Solutions – Burk
11. EV Charging for All Coalition (EVCAC) - Warheit
12. Leading Builders of America – Crone
13. Lutron Electronics Co., Inc. - Jouaneh
14. National Electrical Manufacturers Association (NEMA) - Holland
15. National Glass Association, Aluminum Extruders Council – Culp
16. New Buildings Institute - Rabe
17. RESNET – Baden
18. RMI-Kocher
19. Self – Bunger
20. Self – Collignon
21. Self – Guhl
22. Self – Kostka
23. Self – Penniman
24. Self – Van Sickle
25. Self – Vijayakumar
26. Southeast Sustainability Directors Network – Livingston
27. Southwest Energy Efficiency Project (SWEEP) - Meyers
28. SWTCH Energy, Inc. - Cohen
29. Tesla, Inc. - Sanchez
30. Town of Eagle - Koppel
Consensus Building Approaches

Appellants

1. Region VI 2024 IECC Appeal 23-05-RegionVI | Technical Appeal
   Speaker(s): McWhite, Christopher (Employer / Representing: Region VI)
2. AGA 2024 IECC Appeal 23-07-AGA
   Speaker(s): Murray, Michael (Employer / Representing: American Gas Association)
3. APGA 2024 IECC Appeal 23-08-APGA
   Speaker(s): Saulters, Stuart (Employer / Representing: American Public Gas Association (APGA))

Interested Parties in Support

2. Heikkinen, Gary (Employer / Representing: Self)
3. Murry, Michael (Employer / Representing: American Gas Association)
4. Ranfone, Jim (Employer / Representing: American Gas Association)
5. Novoa, Sydney (Employer / Representing: American Public Gas Association (APGA))
6. Saulters, Stuart (Employer / Representing: American Public Gas Association (APGA))
7. Demers, Paul (Employer / Representing: ICC Region VI)
8. Gilbert, Greg (Employer / Representing: ICC Region VI)
9. McKinney, William (Employer / Representing: ICC Region VI)

Interested Parties in Opposition

10. Amann, Jennifer (Employer / Representing: ACEEE)
12. Crone, Phil (Employer / Representing: Leading Builders of America)
13. Hamilton, Jenna (Employer / Representing: Leading Builders of America)
14. Hickman, Amanda (Employer: The Hickman Group | Representing: Leading Builders of America)
15. Raymer, Robert "Bob" (Employer / Representing: Leading Builders of America)
16. Arreola, Hector (Employer / Representing: Nevada Conservation League)
17. Rabe, Ben (Employer / Representing: New Buildings Institute)
18. Gonzalez-Laders, Emma (Employer: NYS | Representing: New York State Dept of State)
19. Tillou, Michael (Employer / Representing: Pacific Northwest National Laboratory)
21. Meyers, Jim (Employer / Representing: Southwest Energy Efficiency Project (SWEEP))
22. Sanchez, Tessa (Employer / Representing: Tesla, Inc.)
Interested Parties in Support and Opposition

No speakers

International Code Council

Russ Manning

Written Viewpoints Submitted

Written Viewpoints Submitted in Support

1. American Gas Association – Murray
2. Atmos Energy Corporation
3. Municipal Gas Authority of Georgia – Tolleson
5. National Propane Gas Association – Swiecicki
6. ONE Gas Inc – Rhodes
7. Philadelphia Gas Works – Zuk
8. Rinnai – McGuire
9. Self – Guinan
10. Self-Swoape

Written Viewpoints Submitted in Opposition

11. 350 Contra Costa Action - Farber
12. AIM Associates - Beeler
13. Alliance for Transportation Electrification – Tempchin
15. CAIoUs – Surana
16. California Electric Transportation Coalition – Corby
17. City and County of Denver – Office of Climate Action, Sustainability and Resiliency – Anderson
18. Drive Electric Dayton – Hankins
19. Edison Electric Institute – Rosenstock
20. Energy Solutions – Burk
21. EV Chargin for All Coalition (EVCAC) - Warheit
22. Leading Builders of America – Crone
23. National Electrical Manufacturers Association (NEMA) - Holland
24. National Glass Association, Aluminum Extruders Council – Culp
25. New Buildings Institute - Rabe
26. RESNET – Baden
27. RMI-Kocher
28. Self – Bunger
29. Self – Collignon
30. Self – Guhl
31. Self – Kostka
32. Self – Penniman
33. Self – Van Sickle
34. Self – Vijayakumar
35. Southeast Sustainability Directors Network – Livingston
36. Southwest Energy Efficiency Project (SWEEP) - Meyers
37. SWTCH Energy, Inc. - Cohen
38. Tesla, Inc. - Sanchez
39. Town of Eagle – Koppel
Procedural Specific Issues

Appellants

1. Region VI 2024 IECC Appeal 23-06-RegionVI | General Appeal
   Speaker(s): Demers, Paul (Employer / Representing: ICC Region VI)
   McDougal, Benjamin (Employer: Town of Cape Elizabeth, Maine Representing: ICC Region VI)
2. APGA 2024 IECC Appeal 23-08-APGA
   Speaker(s): Saulters, Stuart (Employer / Representing: American Public Gas Association (APGA))
3. AHRI 2024 IECC Appeal 23-09-AHRI
   Speaker(s): Petrillo-Groh, Laura (Employer / Representing: Air Conditioning, Heating, and Refrigeration Institute)
   Carpizo, Marie (Employer / Representing: Air Conditioning, Heating, and Refrigeration Institute)

Interested Parties in Support

4. Heikkinen, Gary (Employer / Representing: Self)
5. Murry, Michael (Employer / Representing: American Gas Association)
6. Ranfone, Jim (Employer / Representing: American Gas Association)
7. Novoa, Sydney (Employer / Representing: American Public Gas Association (APGA))
8. Gilbert, Greg (Employer / Representing: ICC Region VI)

Interested Parties in Opposition

9. Waite, Michael (Employer / Representing: ACEEE)
11. Tempchin, Rick (Employer / Representing: Alliance for Transportation Electrification)
12. Shanks, Brian (Employer / Representing: Beazer)
13. Surana, Shilpa (Employer: 2050 Partners | Representing: CAIOUs)
14. Warheit, Vanessa (Employer: EV Charging for All Coalition | Representing: EV Charging for All Coalition (EVCAC))
15. Crone, Phil (Employer / Representing: Leading Builders of America)
16. Hickman, Amanda (Employer: The Hickman Group | Representing: Leading Builders of America)
17. Raymer, Robert "Bob" (Employer / Representing: Leading Builders of America)
18. Stone, Mike (Employer: National Electrical Manufacturers Association (NEMA) | Representing: NEMA - National Electrical Manufacturers Assoc.)
19. Rabe, Ben (Employer / Representing: New Buildings Institute)
20. Gonzalez-Laders, Emma (Employer: NYS | Representing: New York State Dept of State)
21. Tillou, Michael (Employer / Representing: Pacific Northwest National Laboratory)
22. McKenna, John (Employer / Representing: Self)
23. Schandelmier, Laurel (Employer: Glumac | Representing: Self)
25. Garcia, Katherine (Employer / Representing: Sierra Club)
26. Plummer, Dylan (Employer / Representing: Sierra Club)
27. Sanchez, Tessa (Employer / Representing: Tesla, Inc.)

Interested Parties in Support and Opposition

29. Davies, Billy (Employer / Representing: Sierra Club Missouri Chapter)

International Code Council

Russ Manning

Written Viewpoints Submitted

Written Viewpoints Submitted in Support

1. American Gas Association – Murray
2. Atmos Energy Corporation
3. Municipal Gas Authority of Georgia – Tolleson
5. National Propane Gas Association – Swiecicki
6. ONE Gas Inc – Rhodes
7. Philadelphia Gas Works – Zuk
8. Rinnai – McGuire
9. Self – Guinan
10. Self-Swoape

Written Viewpoints Submitted in Opposition

11. 350 Contra Costa Action - Farber
12. AIM Associates - Beeler
13. Alliance for Transportation Electrification – Tempchin
15. CAIOUs – Surana
16. California Electric Transportation Coalition – Corby
17. City and County of Denver – Office of Climate Action, Sustainability and Resiliency – Anderson
18. Drive Electric Dayton – Hankins
19. Edison Electric Institute – Rosenstock
20. Energy Solutions – Burk
21. EV Chargin for All Coalition (EVCAC) - Warheit
22. Leading Builders of America – Crone
23. National Electrical Manufacturers Association (NEMA) - Holland
24. National Glass Association, Aluminum Extruders Council – Culp
25. New Buildings Institute - Rabe
26. RESNET – Baden
27. RMI-Kocher  
28. Self – Bunger  
29. Self – Collignon  
30. Self – Guhl  
31. Self – Kostka  
32. Self – Penniman  
33. Self – Van Sickle  
34. Self – Vijayakumar  
35. Southeast Sustainability Directors Network – Livingston  
36. Southwest Energy Efficiency Project (SWEEP) - Meyers  
37. SWTCH Energy, Inc. - Cohen  
38. Tesla, Inc. - Sanchez  
39. Town of Eagle - Koppel
SUBJECT SPECIFIC ISSUES

Appellants

1. BOMA / NMHC 2024 IECC Appeal 23-01-BOMANMHC | Non Heat Pump Penalty  
   Speaker(s): Johnson, Greg (Employer: Self | Representing: National Multifamily Housing Council)
2. BOMA / NMHC 2024 IECC Appeal 23-02-BOMANMHC | Demand Responsive Controls  
   Speaker(s): Johnson, Greg (Employer: Self | Representing: National Multifamily Housing Council)
3. BOMA / NMHC 2024 IECC Appeal 23-03-BOMANMHC | Electric Vehicle Charging Infrastructure  
   Speaker(s): Johnson, Greg (Employer: Self | Representing: National Multifamily Housing Council)
4. BOMA / NMHC 2024 IECC Appeal 23-04-BOMANMHC | Energy Storage System  
   Speaker(s): Johnson, Greg (Employer: Self | Representing: National Multifamily Housing Council)
5. Region VI 2024 IECC Appeal 23-05-RegionVI | Technical Appeal  
   Speaker(s): Greg Gilbert (Representing: ICC Region VI)
6. Region VI 2024 IECC Appeal 23-06-RegionVI | General Appeal  
   Speaker(s): Greg Gilbert (Representing: ICC Region VI)
7. AHRI 2024 IECC Appeal 23-09-AHRI  
   Speaker(s): Petrillo-Groh, Laura (Employer / Representing: Air Conditioning, Heating, and Refrigeration Institute)  
   Carpizo, Marie (Employer / Representing: Air Conditioning, Heating, and Refrigeration Institute)

Interested Parties in Support

8. Ranfone, Jim (Employer / Representing: American Gas Association)
9. Saulters, Stuart (Employer / Representing: American Public Gas Association (APGA))
10. Demers, Paul (Employer / Representing: ICC Region VI)
11. McKinney, William (Employer / Representing: ICC Region VI)

Interested Parties In Opposition

1. Beeler, A George (Employer / Representing: AIM Associates)  
   Tempchin, Rick (Employer / Representing: Alliance for Transportation Electrification)
2. Chiu, Jasmine (Employer / Representing: America is All In Coalition)
3. Waite, Michael (Employer / Representing: American Council for an Energy-Efficient Economy)
4. Shanks, Brian (Employer / Representing: Beazer)
5. Hankins, Rap (Employer / Representing: Drive Electric Dayton)
6. Warheit, Vanessa (Employer: EV Charging for All Coalition | Representing: EV Charging for All Coalition (EVCAC))
7. Earley, Jim (Employer / Representing: Edison Electric Institute)
8. Rosenstock, Steve (Employer / Representing: Edison Electric Institute)
9. Burk, Diana (Employer / Representing: Energy Solutions)
10. Deylami, Neda (Employer / Representing: Environmental Defense Fund)
11. Fowler, Eric (Employer / Representing: Fresh Energy)
12. Hamilton, Jenna (Employer / Representing: Leading Builders of America)
13. Raymer, Robert "Bob" (Employer / Representing: Leading Builders of America)
15. Rabe, Ben (Employer / Representing: New Buildings Institute)
16. Gonzalez-Laders, Emma (Employer: NYS | Representing: New York State Dept of State)
17. Tillou, Michael (Employer / Representing: Pacific Northwest National Laboratory)
18. Bomer, Bryan (Employer: Montgomery County Maryland | Representing: Self)
19. Campos, Liz (Employer: City of Ventura | Representing: Self)
20. Rosenblum, Stephen (Employer / Representing: Self)
21. Schandelmier, Laurel (Employer: Glumac | Representing: Self)
23. Pernick, Anne (Employer / Representing: Stand.earth)
24. Sanchez, Tessa (Employer / Representing: Tesla, Inc.)
26. Amann, William (Employer: M&E Engineers, Inc. | Representing: Various)

**Interested Parties in Support and Opposition**

No speakers

**International Code Council**

Russ Manning

**Written Viewpoints Submitted**

**Written Viewpoints Submitted in Support**

1. Municipal Gas Authority of Georgia – Tolleson
2. National Multifamily Housing Council – Johnson
3. National Propane Gas Association – Swiecicki
4. Self – Guinan

**Written Viewpoints Submitted in Opposition**

5. 350 Contra Costa Action - Farber
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12. Drive Electric Dayton – Hankins
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16. Leading Builders of America – Crone
17. Lutron Electronics Co., - Jouaneh
18. National Electrical Manufacturers Association (NEMA) - Holland
19. New Buildings Institute - Rabe
20. RESNET – Baden
21. RMI-Kocher
22. Self – Bunger
23. Self – Guhl
24. Self – Kostka
25. Self – Penniman
26. Self – Van Sickle
27. Self – Vijayakumar
28. Southeast Sustainability Directors Network – Livingston
29. Southwest Energy Efficiency Project (SWEP) - Meyers
30. SWTCH Energy, Inc. - Cohen
31. Tesla, Inc. - Sanchez
32. Town of Eagle - Koppel