



INTERNATIONAL
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FAQs on 2024 IECC Appeals



The International Code Council is dedicated to the development of codes that deliver safety, sustainability, and resilience. The Code Council's bylaws provide the Board of Directors with the authority to craft and interpret ICC's appeals procedures, including with respect to the 2024 International Energy Conservation Code® (IECC®) appeals process. Consistent with Office of Management and Budget Circular A-119, the Board's decisions concerning the IECC's development and current appeals process have been guided by existing policies and principles of due process, facilitating broad stakeholder engagement, procedural efficiency, and the judicious use of volunteer time. Below are a few frequently asked questions about the 2024 IECC appeals process.

What is the role of the Appeals Board?

After the appeals are received, they are sent to the Appeals Board for review. Several days of hearings will be held, during which appellants, along with proponents and opponents, can present their views to the Appeals Board. Once the hearings conclude, the Appeals Board will develop a report with recommendations to give to the ICC CEO for the ICC Board of Directors.

When and where will the Appeals Board hearings be held?

The hearings will take place virtually beginning at 7 am Pacific Time (PT) on February 21, 2024, and conclude when completed on February 23, 2024. You can watch in real-time through [this link](#). Focus topics have been selected for each day of the Appeals Board hearings to streamline the presentations and help organize the Appeals Board's deliberations.



Who sits on the Appeals Board?

The 2024 IECC Appeals Board is comprised of four members, including the Appeals Board Chair, David Spencer, CBO, ACO; Thomas Allen, CBO, MCP, CFM, LEED AP; Alex Olszowy III; and Michael Shannon, PE, CBO. You can read their professional bios by visiting the [2024 IECC appeals web page](#).

What happens after the Appeals Board hearings?

The Appeals Board will provide its report and recommendations to the Code Council CEO, who will deliver the report and recommendations to ICC's Board of Directors. The ICC Board of Directors will make the final decision about how to resolve each appeal.

How will the final decisions be made known?

The appellants will be notified of the ICC Board of Directors' decision regarding each appeal. The decisions will also be posted on the [2024 IECC appeals web page](#).

Why did the Code Council extend the appeals deadline from December 3, 2023 to January 2, 2024?

The ICC Board of Directors extended the appeals deadline to address confusion and preserve due process. An [ICC Building Safety Journal article](#) posted October 25, 2023 stated: "Appeals will be accepted for 30 days after the final committee balloting for the respective committee. Final committee balloting is anticipated to occur approximately on December 5, 2023." Given the work of the committees, the close of balloting ended up being in early November. Linking the date for the appeals window to final balloting, as stated in the Building Safety Journal article, rather than setting a specific date caused confusion for multiple parties. Out of an abundance of caution, and consistent with the principles of due process that the Code Council prioritizes – as enumerated in the Office of Management and Budget Circular A-119 – the ICC Board of Directors chose to extend the deadline to file appeals for all stakeholders.

Why did the ICC Board of Directors determine that appeals should be heard directly by the Appeals Board instead of first referring them to the IECC committees or the Codes and Standards Council?

The ICC Board of Directors determined that sending the appeals directly to the Appeals Board would avoid unnecessary, duplicative committee work and avoid a needless delay to the code's finalization. The items appealed had been debated by the committees multiple times with the same outcomes. If the appeals were instead sent to the committees and the committees' additional deliberation did not result in the withdrawal of the appeals by the appellants, the appeals would then have proceeded to the Appeals Board. The Board determined that sending the issues to the committees for further action would be unproductive, as it was unlikely to result in the withdrawal of the appellants' appeals.

None of the appeals submitted had staff actions as the primary issue being appealed. Adjudication of arguments concerning staff actions under section 4.4 of CP-01 would not have eliminated any appeals and, ultimately, were the staff actions upheld by the Codes and Standards Council (CSC) under section 4.4, the current appellants would have been able to restart the appeal of those issues through the current appeals process. For these reasons, the Board



determined that bifurcating the appeals process to establish a separate CSC review for a subset of issues would be unproductive, as it was unlikely to result in the withdrawal of the appellants' appeals or aspects of the appeals concerning those issues.

To ensure procedural efficiency and judicious use of volunteer time, and to avoid further and unnecessary delay of the finalization of the 2024 IECC, the Board determined that all appeals would be processed under Council Policy 1 (CP-01) section 4.1, which sends appeals directly to the Appeals Board and then to the ICC Board of Directors. The decision to process all appeals under section 4.1 was announced in [ICC's Building Safety Journal \(BSJ\) article](#) in October 2023 and is discussed on the 2024 IECC appeals web page.

How will the Appeals Board handle appeals that raise issues outside the area of process and procedure?

Appeals the Code Council has received that address technical issues within the codes have alleged that the technical issues constitute violations of the scope and intent of the IECC. The Code Council has historically interpreted appeals concerning scope and intent as raising process and procedural questions. Thus, these appeals have been sent to the Appeals Board. However, CP-01 makes clear that the Appeals Board "shall not render decisions on the relative merits of technical matters." The Appeals Board will be responsible for determining if these appeals are procedural or technical in nature.