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2020-2021 ASHRAE President

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January 8, 2021

Board of Directors
International Code Council
500 New Jersey Avenue, NW, 6th Floor
Washington, DC 20001

Re: ASHRAE Comments on IECC Transition to a Standard

Dear ICC Board Members,

Thank you for your response to our December 15, 2020 correspondence regarding ASHRAE's concerns about the ICC's Plan to transition the International Energy Conservation Code from a code to a standard. We've attached a copy of that letter for your reference. As many of our concerns were not addressed, ASHRAE is requesting the opportunity to verbally address the ICC Board in January. As we requested previously, we again respectfully request that the ICC Board of Directors not make such a decision in without discussion with ASHRAE as an ANSI materially affected party by this potential change which is inclusive of conflict and duplication of an already existing standard scope.

ASHRAE staff and volunteers have actively participated in the ICC Code revision process for many years and previously provided feedback on potential improvements to the ICC revision process. In addition to this feedback regarding process ASHRAE has provided a multitude of its copyrighted technical material for inclusion in the I-Codes to promote harmonization of the industry and the betterment of society. This content is not limited to one Standard from ASHRAE but is inclusive of numerous valuable technical resources that are copyrighted by ASHRAE. However, if the ICC continues towards the path of developing the IECC as a standard ASHRAE will be forced to request the retraction of the copyrighted content that was provided to the ICC.

ASHRAE previously expressed the following concerns of converting the IECC into a standard that have not yet been addressed:


- The potential to disrupt the harmonization of the technical provisions of the IECC and ASHRAE Commercial Building Energy Efficiency Standard 90.1 during the code hearings process, causing frustration within both the building codes and building standards communities.
- The impact on ASHRAE copyright permissions presently provided to ICC for the use of selected content from the ASHRAE Commercial Building Energy Efficiency Standard 90.1.
- The duplication of ASHRAE Commercial Building Energy Efficiency Standard 90.1 and the proposed IECC standard, in violation of the ANSI conflict and duplication rules – while ICC is applying for ANSI Audited Designator status.
- Conflicting requirements between ASHRAE Standard 90.1 and the IECC which could eliminate the option of achieving compliance with both.
- The appearance of a conflict of interest for ICC to develop standards and then adopt those standards into I-Codes.
- The creation of market and jurisdictional confusion between building codes and standards that could have an adverse effect on energy and emissions savings, the industry and the environment.

ASHRAE and ICC have a history of innovative collaboration, underscored by the merging of ASHRAE High Performance Building Standard 189.1 and the International Green Construction Code. ASHRAE respectfully requests that the concerns listed above be addressed and again that you consider the request for the prompt appointment of a joint ICC/ASHRAE Task Force of senior volunteers and staff to fully explore the potential relationship between ASHRAE Standard 90.1 and the IECC before any decisions are made regarding the conversion of the IECC to a standard.

We respect the work of the ICC and provide these comments again in the highest spirit of respect and cooperation, and a desire to maintain and improve the ICC/ASHRAE cooperative relationship to the mutual benefit of our respective stakeholders while having a greater impact on our environment and the planet.

Thank you for your time and consideration.

Sincerely,



Charles E. Gullledge III, P.E., FASHRAE, HBDP, LEED AP
2020-21 ASHRAE President

cc: Mr. Jeff Littleton, ASHRAE Executive Vice President



Charles E. Gulledge III, P.E., FASHRAE, HBDP, LEED AP
2020-21 President

Environmental Air Systems, LLC
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December 15, 2020

Board of Directors
International Code Council
500 New Jersey Avenue, NW, 6th Floor
Washington, DC 20001

c/o:

Mr. Greg Wheeler
President
International Code Council

Mr. Dom Sims
CEO
International Code Council

Dear ICC Board Members,

ASHRAE is concerned about ICC's apparent plan to transition the International Energy Conservation Code from a code to a standard. In the strongest manner possible, we respectfully request that the ICC Board of Directors not make such a decision in a closed session of the Board on December 16th, 2020 and provide an opportunity for partner organizations and other stakeholders to discuss and comment on the ramifications of this change.

ASHRAE understands that ICC may want a more aggressive, continuous process for updating the IECC and acknowledges the work of the ICC Board Committee on the Long-Term Code Development Process (Blue Ribbon Committee). However, the conversion of the IECC into a standard is a problematic solution. Possible concerns regarding the conversion of the IECC to a standard include:

- The potential to disrupt the harmonization of the technical provisions of the IECC and ASHRAE Commercial Building Energy Efficiency Standard 90.1 during the code hearings process, causing frustration within both the building codes and building standards communities.
- The impact on ASHRAE copyright permissions presently provided to ICC for the use of selected content from the ASHRAE Commercial Building Energy Efficiency Standard 90.1.
- The duplication of ASHRAE Commercial Building Energy Efficiency Standard 90.1 and the proposed IECC standard, in violation of the ANSI conflict and duplication rules – while ICC is applying for ANSI Audited Designator status.
- The appearance of a conflict of interest for ICC to develop standards and then adopt those standards into I-Codes.

- The creation of market and jurisdictional confusion between building codes and standards that could have an adverse effect on energy and emissions savings, the industry and the environment.

There also is significant unexplored *potential* for a more harmonious and mutually beneficial relationship between ASHRAE Standard 90.1 and the IECC.

ASHRAE and ICC have a history of innovative collaboration, underscored by the merging of ASHRAE High Performance Building Standard 189.1 and the International Green Construction Code. In addition to the opportunity to comment and participate with the ICC Board at a public forum, we request the prompt appointment of a joint ICC/ASHRAE Task Force of senior volunteers and staff to fully explore the potential relationship between ASHRAE Standard 90.1 and the IECC before any decisions are made regarding the conversion of the IECC to a standard.

These comments are provided in the highest spirit of respect and cooperation, and a desire to maintain and improve the ICC/ASHRAE cooperative relationship to the mutual benefit of our respective stakeholders while having a greater impact on our environment and the planet.

Thank you for your time and consideration.

Sincerely,

Handwritten signature of Charles E. Gullledge III, PE in black ink.

Charles E. Gullledge III, P.E., FASHRAE, HBDP, LEED AP
2020-21 ASHRAE President

cc: Ms. Mel Oncu, ICC General Counsel
Mr. Jeff Littleton, ASHRAE Executive Vice President