



CP#49-21 – Conforming Codes and Standards to United States Federal Law and International Law

Approved: 09/18/21 | Revised: --/--/--

- 1.0 Statement of Policy:** It is the policy of ICC that its Codes and Standards should conform to, and should not conflict with, the law and requirements of the United States government. Additionally, it is the goal of ICC that its Codes and Standards should not contain any provisions that would preclude the Codes and Standards from being adopted internationally.
- 2.0 Board Authority:** In accordance with this Council Policy, the ICC Board of Directors shall have the authority to strike any provision of any Code or Standard, or the application thereof, when the Board, acting on the advice of counsel, determines that it is more likely than not that federal law preempts the provision or application. In addition, the Board may identify or move provisions in light of preemption or adoption concerns.
- 3.0 Procedures:**
 - 3.1 During the development or update process of a Code or Standard, any person or entity may provide written notification to the ICC CEO, (i) identifying a US federal law or requirement that they believe preempts a proposed provision of the Code or Standard, or the application thereof, or (ii) identifying a provision that would preclude the Code or Standard from being adopted internationally, and is required to provide supporting documentation. In its discretion, the Board may solicit responses to the written notification.
 - 3.1.1 Preemption or adoption concerns regarding Codes must be received by the CEO within 30 days of the conclusion of the Committee Action Hearing or Public Comment Hearing, as applicable.
 - 3.1.2 Preemption or adoption concerns regarding Standards must be received by the ICC CEO within 30 days of the initial consideration of the provision by the applicable Committee.
 - 3.2 Persons or entities may at any time provide notification to the ICC CEO, (i) identifying a US federal law or requirement that they believe preempts a provision of a published Code or Standard, or the application thereof or (ii) identifying a provision that would preclude a published Code or Standard from being adopted internationally, and is required to provide supporting documentation. In its discretion, the Board may solicit responses to the written notification.
 - 3.3 Notwithstanding the foregoing, the Board may take any action it deems appropriate at any time to address potential preemption or adoption issues.