



STATE OF DELAWARE

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF CLIMATE, COASTAL AND ENERGY

STATE STREET COMMONS

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DOVER, DELAWARE 19904

**ENERGY POLICY &
PROGRAMS**

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January 11, 2021

Mike Pfeiffer P.E.
Senior Vice President of Technical Services
International Code Council
500 New Jersey Avenue, NW, 6th Floor
Washington, DC 20001
mpfeiffer@iccsafe.org

Dear Mr. Pfeiffer:

The Delaware Department of Natural Resources and Environmental Control (DNREC) Division of Climate, Coastal and Energy (ICC Organization # 9386879) submits these comments in reference to the ICC's proposal to eliminate the International Energy Conservation Code (IECC), and replace it with a standard developed through the ICC standards process rather than the established code cycle process that includes the governmental consensus process.

It was DNREC's confidence in the ICC code development process that led to statewide adoption of the unamended 2018 IECC in Delaware last year. The proposed framework for IECC development disenfranchises governmental members from voting on IECC improvements and undermines our trust in the ICC and the I-Codes. The governmental consensus process currently used balances the construction industry's instinct to resist IECC content that strengthens energy efficiency requirements. The governmental consensus process during the development of the 2021 IECC development resulted in the most efficient energy code to date that delivers an impressive 10 percent increase in energy efficiency over the 2018 IECC. The Department is not confident the proposed framework would produce a similarly ambitious IECC in future cycles.

In addition, the rushed timeline for stakeholders to submit comments on the proposal (only 3 weeks), the timing of the announcement occurring in mid-December, and the limited information provided to members by the ICC about the proposal deeply concerns the Department. The ICC must make a case for why this change is necessary, prudent, or beneficial to the states and the overall integrity of the IECC. It is incumbent upon the ICC to provide a full explanation of the proposal, a case for why it is a necessary change, and details for how it will speed progress on state energy and environmental goals as the ICC has suggested to other stakeholders. Failure to do this has led to DNREC's objection to the proposed changes.

DNREC strongly supports the three steps outlined by the National Association of State Energy Officials (NASEO) in its letter to the ICC Board on December 21, 2020:

1. Extend the written public comment on the standard proposal to not less than 90 days – after completion of items 2 and 3 below.
2. Publish a description of the process for standard development, including:
 - a. Criteria and process for the selection of individuals to serve on the standard development committee, identification of the number of members and make-up of the committee, and the number of seats that will be granted to various industry and state government energy official representatives;
 - b. Specify the timeline for standard development, and affirm that energy efficiency rollbacks will not be permitted from the baseline of the 2021 IECC; and;
 - c. Explain how the committee will accept comment on standard development changes.
3. Provide information on how ANSI will treat the creation of a second residential energy conservation standard (i.e., alongside ASHRAE's 90.2).

DNREC opposes the proposed changes until these steps are completed. Moving forward with the proposal without taking the opportunity to fully engage the ICC membership will be viewed as a significant threat to the transparent, inclusive, and robust code development process used by the ICC for several code cycles. This action will also undermine Delaware stakeholders' confidence in the future editions of the IECC.

Thank you for your consideration.

Sincerely,

Robert G. Underwood
Energy Programs Administrator