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January 4, 2021

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

Re: ICC Board Decision Regarding the Development Process of the ICC Codes

Dear President Wheeler, Vice President Davis, and Members of the Board,

DuPont Performance Building Solutions, formerly Dow Building Solutions has been an active participant in the development of the ICC codes since their inception. As a product manufacturer and building code stakeholder an inclusive, timely, and fact-based development process is very important to us.

Our company has many years of experience with the ICC code development process and with other standard development processes such as those at ASTM, ASHRAE, RESNET, NGBS, etc. Being intimately familiar with both code and standard development we are concerned to hear that ICC is considering changing the development process for the content of one or more codes into a standards development process.

Your response to our previous letter dated December 2, 2020 did not address several of our concerns so we are resubmitting our unaddressed concerns and additional concerns for your consideration:

The processes for code development and standard development are markedly different and the potential ramifications of such a change must be carefully considered. Our concerns include the following:

- Although, standards development promotes longer more in-depth conversations and debate on changes, the involvement of all interested parties is severely limited. Therefore, the participation of ICC's membership and other crucial stakeholders who are impacted by changes would be significantly limited and therefore less influential. By the time proposed standards actions are taken to the public for comment most of the debate has happened and positions of committee members are largely solidified. Contrary to the statement in your response letter, standards development processes do not follow the same tenets of openness and transparency. All ICC Members would not have the same access to the debate and all presentation materials or data as standards committee members would have. ICC members and other knowledgeable stakeholders would have the opportunity to apply for a committee position or submit public comment but they simply would no longer have the same level of understanding or influence as critical decisions are made.
- Standards development requires a balanced committee. Unfortunately, true balance is often questionable. If true balance occurs there is no progress, if balance falls to the side of progression it will move in that direction with those who oppose progression left disenchanted and if balance falls to the side of regression it will become less relevant and those who oppose regression will be left disenchanted. There is no win-win. Fortunately, in the code development process there is collaboration to take baby steps forward that we don't often see in standards development. Your response to our letter states that a standards process would protect against undue influence from one

segment of the industry. This is simply not true. We have witnessed undue influence in several standard development processes.

- In the current code development process the final vote consists completely of governmental members who would now nearly all be left without a vote unless appointed to the standards committee. cdpAccess was implemented so that governmental members to have more opportunity to participate in the process. This move would be a complete and unfortunate abandonment of this value.
- Again, contrary to your response stating that a standards procedure would allow ICC to update the IECC more quickly, our experience has been quite different. Standards development is resource intensive. For example, as a participant in the ASHRAE 90.1 committee and Envelope subcommittee we know that there are typically four in person meetings every year that span several days and at least two virtual meetings every month that last two hours each. This does not include proposal development and administrative tasks required for standard development. The return on this large investment of time has only a fraction of the return that the code development process does. The code development process issues a result on a multitude of proposals in approximately one year whereas a standards development process would take considerably longer, perhaps even several years longer to handle the same volume of proposals. This could lead to a situation where the committee simply does not have enough time to respond to standard change requests in the time allotted by the ANSI process.
- ICC Procedures for Consensus Committees does not define the time for updating standards. Nor does it specify other crucial details that need to be understood before the Board could responsibly decide to move in this direction. If the standard would development process would not be in sync with the development of other codes it could create significant issues with references, enforcement, and compliance.

For these reasons and more we encourage the Board to keep the code development process intact for the IECC all ICC codes.

Thank you for your consideration of our concerns.

Sincerely,



Amy Schmidt
DuPont Safety & Construction
Advocacy Manager, Building Codes and Programs

cc: Dominic Sims, ICC CEO
Sarah Yerkes, ICC Sr. Vice President, Government Relations