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January 11, 2021

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

Dear Members of the Board,

I am writing on behalf of the Institute for Market Transformation to express our strong objection to the proposed changes to the International Energy Conservation Code (IECC) development process, and to urge the ICC Board of Directors to reject the motion put forward by the Committee on Long Term Code Development Process.

Our primary objection to this proposed change is that it removes the code officials and governmental employees who administer the code from the final determination of the IECC. While all other I-Codes would be developed through the governmental consensus process that *"leaves the final determination of code provisions in the hands of public safety officials who, with no vested financial interest, can legitimately represent the public interest",* decisions on the IECC would fall to an undetermined Committee selected through ICC's internal process.

In the December 18, 2020 edition of the *ICC Pulse*, the description of the proposal states,

"The 2024 IECC and Chapter 11 of the IRC will be updated using the Code Council's Consensus Procedures. The Consensus Procedures allow for more timely consideration and an in-depth investigation of energy improvements without the time limits imposed in the code hearings."

Implicit in the above statement are the following points:

- The IECC will be the only I-code that is no longer determined by a governmental consensus vote.
- The committee's membership will be selected directly by the ICC Board.
- Industry representatives, who previously were not allowed to take part in the voting process and may have a financial interest in the code's outcomes, could now hold significant sway on the committee and its decisions.

The notice goes on to state,

"The energy provisions will undergo continuous maintenance in order to be responsive to advances in technology. This will result in the update process continuing beyond the publication of the 2024 IECC and IRC."

The current process already provides for significant improvements every three years. Other standards, such as ASHRAE 90.1 undergo continuous maintenance, but hold to both a publication schedule as well as commitment to increased energy performance, neither of which have been presented here.

"The committee will be balanced in accordance with our consensus procedures."

While the consensus procedures include a stated commitment to balance the committee, the procedures provide significant leeway to achieve that commitment. Though nine separate interest categories are listed, there is no requirement to include representation from each. In fact, the only requirement is that no single category represent more than one-third of the committee seats, which could easily lead to a majority of the committee compiled of private sector representatives, all with a vested financial interest in the outcome of the IECC.

Based on the reasons listed above, IMT is concerned that the proposed change is likely to lead to an industry-controlled process with no guarantees of forward progress, and limited representation for the groups most affected by the provisions of the code. As evidenced by the latest voting process, Governmental Members are strongly in favor of a more robust and comprehensive energy code. By changing this process, and removing the final determination of the code from their hands, ICC would be saying that the voices of their members no longer matter.

We strongly urge you to reject this proposal and uphold ICC's commitment to its Governmental Members and the integrity of the code development process as it stands.

Sincerely,

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