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August 24, 2020

Mr. Greg Wheeler, CBO
President, International Code Council
City of Thornton
9500 Civic Center Drive
Thornton, CO 80229

Mr. Dominic Sims
CEO, International Code Council
500 New Jersey Avenue, NW
6th Floor, Washington, DC 20001

Dear Mr. Wheeler and Mr. Sims,

This letter is in response to the request for written comments, by August 26, regarding the potential changes that would restrict state participation in the building code development process.

The Vermont Public Service Department (PSD) has actively been expanding its participation in the code development process. This includes sharing our knowledge and experience updating and modifying the codes to better suit Vermont with other state energy offices, as well as participating in as many committee hearings as possible. Additionally, we provide commentary and support by working with parties that are actively contributing to code change proposals. Our experience of working with ICC and other interested parties informs these comments.

The Online Governmental Consensus Vote (OGCV) process is extremely important to Vermont as it ensures that the state continues to have a voice in the process of advancing codes. Vermont's primary concern with the energy code updates is to ensure that the code maximizes potential building efficiency while still being cost-effective to implement. While the current five-day hearing schedule can be considered inclusive, it is not practical for many states or municipalities to participate directly due to staffing resources and budgetary concerns. Proposed changes that could lead to an increase in the number of days these hearing take, in addition to the elimination of the OGCV, would be detrimental to both code development and code adoption throughout the country because they would significantly reduce the opportunity of those

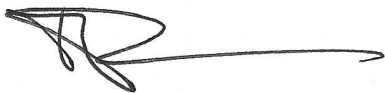
impacted by the codes to shape them. As such, the Department strongly recommends against any changes to the current hearing structure and the removal of the OGCV process.

The Vermont PSD appreciates the clear bylaws and deadlines provided by the International Code Council (ICC) for participation. This structure helps identify and co-ordinate staff efforts. For example, under these bylaws the PSD could have as many as twelve Governmental Voting Representatives (GVR); but, as also described within the bylaws, only five staff members qualify to be considered as voting representative. In the past, the PSD followed the rules and guidance provided by the ICC and voted in a manner consistent with the state's energy goals to benefit the citizens of Vermont. The Department finds the current scaling of the number of potential GVRs, relative to the size of the community served, is both practical and reasonable, as is the allowance of the members to determine which staff or contractors would qualify as a GVR.

The current OGCV structure ensures that the opinions of states like Vermont and diverse communities across the country, who are ultimately responsible for the codes within their jurisdiction, are given the weight they are due. While there is seldom universal agreement on every proposal, all of those that vote acknowledge the importance of building codes and express that importance by voting. A determination that the OGCV is not valid or a dilution of the potential impact of GVR votes, would be a step backwards from the inclusivity originally sought by the creation of the OGCV. By reducing access to those who are responsible for adopting and implanting the codes, smaller states like Vermont, as well as less well funded interest groups, would have lesser input into code development. Lesser input will dilute the quality of the ICC and the code process. The OGCV in its current format has successfully empowered smaller states and municipalities, ensuring that their interests and goals are addressed throughout the code development process.

Vermont PSD appreciates the ICC's continued commitment to an inclusive process for building energy codes development. We look forward to continuing that work with you. Together, let us ensure that building codes advance with broad stakeholder input while supporting the safety, resilience, and energy efficiency of buildings in the United States. The ICC can best do this by keeping the current hearing structure and the OGCV process.

Thank you for the opportunity to comment. Please feel free to contact our office with any questions or concerns.



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