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2020 Appeal Hearing Agenda Preemption

August 31, 2020



**ICC 2020 APPEAL HEARING
PREEMPTION**

**APPEALS BY AGA/APGA, AHRI, NAHB
August 31, 2020, via Webex Event at 9:00 a.m. Central**

AGENDA

Visit the appeals [webpage](#) on ICCsafe.org for related documentation and information on the 2019 Group B Appeal Hearings.

Virtual meeting note: We will be using Webex Event. Be sure Webex is loaded on your computer. The audio will be limited to the audio on your computer. Call-in via phone is not available. Be sure your computer audio is muted when not speaking. Those who will be testifying utilizing the “?” (Q & A function on Webex Event) (e.g. agenda item 4.2.2) are encouraged to familiarize themselves with the feature prior to the start of the hearing. The chat function will be disabled during the hearing.

For technical issues, please contact Webex Support at 866-229-3239 or email ICC IT support staff at EventSupport@iccsafe.org.

Webex Event will be activated at 8:45 a.m. Central, 15 minutes prior to the start of the hearing.

1. Roll call

Appellants

AGA/APGA:

**Jim Ranfone, AGA
Ted Williams, AGA
Renee M. Lani, APGA**

AHRI:

Caroline Davidson-Hood, AHRI

NAHB:

**Craig Drumheller, NAHB
Megan Berge, Legal Counsel
Joshua Lee, Legal Counsel
Jared Wigginton, Legal Counsel**

Participants

See Appendix A

ICC Staff

**Mike Pfeiffer, SVP of Technical Services
Mel Oncu, General Counsel**

Appeals Board

Cindy Davis, CBO, Appeals Board Chair, ICC Board Vice President

Anne Anderson, P.E., S.E. Green Mountain Structural Engineering

Henry Green, Hon. AIA, Retired, Past President of ICC; Former President & CEO of National Institute of Building Sciences

John Terry, CBO, Retired, Former Assistant Director of Division of Codes and Standards, New Jersey Department of Community Affairs; Past Chair of ICC Codes and Standards Council

2. Call to order - Chair Davis

2.1 Opening remarks

3. Appeal procedure (CP 1)

3.1 Right to appeal (2.0)

3.2 Appeal filing (3.0)

3.3 Notice of appeal (6.1)

3.4 Notice of hearing (6.2)

3.5 Written views received (6.1.3)

3.5.1 See Appendix B

3.6 Hearing participants (6.1.3 & 6.3.12)

3.7 Hearing procedure (6.3)

4. Presentation – Support appeal

4.1 Appellants (30 minutes each)

4.1.1 PowerPoint presentations

4.2 Others in support (5 minutes)

4.2.1 Verbal testimony using Webex Q & A function

5. Presentation – International Code Council

5.1 PowerPoint presentation (30 minutes)

6. Presentation – Oppose appeal (5 minutes)

6.1 PowerPoint presentations

6.2 Verbal testimony using Webex Q & A function

7. Rebuttal – Verbal rebuttal only

7.1 Support appeal

7.1.1 Appellant (10 minutes)

7.1.2 Verbal rebuttal using Webex Q & A function (2 minutes)

7.2 International Code Council (10 minutes)

7.3 Oppose appeal (2 minutes)

7.3.1 Verbal rebuttal using Webex Q & A function

8. Additional questions from the Appeals Board

9. Closing remarks/Identification of next steps

9.1 Appeals Board Executive Session

9.2 Notification of Appeals Board Recommendation

9.3 Code Council Board action

10. Public portion adjourned

APPEAL HEARING AGENDA

APPENDIX A – PARTICIPANTS

The following participants have registered for this appeal hearing via ICC's registration process as of the distribution/posting of this agenda.

| First Name | Last Name | Company |
|-------------------|------------------|----------------------------------|
| David | Beahm | County of Warren, Virginia |
| Sharon | Bonesteel | Salt River Project |
| Amy | Boyce | IMT |
| Marie | Carpizo | AHRI |
| Dave | Collins | AIA |
| Shannon | Corcoran | AHRI |
| Brian | Cothroll | A.O. Smith Corporation |
| John | Couture | Building Official BBRS |
| Bill | Fay | Energy Efficient Codes Coalition |
| Chuck | Foster | EI |
| Bryan | Holland | NEMA |
| Shaunna | Mozingo | Mozingo Code Group |
| David | Pettit | NRDC |
| Steve | Rosenstock | EI |
| Lauren | Urbanek | NRDC |
| Jason | Vandever | SPEER |

APPEAL HEARING AGENDA

APPENDIX B – WRITTEN COMMENTS

The following is a list of individuals/organizations who provided written comments by the deadline of 8/17/2020 in accordance with the Notice of Appeal Hearings. These comments have been distributed to the Appeals Board and Appellant(s) and have been posted on the appeals webpage.

Below are the file names of the posted comments:

Bonesteel_SRP_Preemption
Boros_Rheem_Preemption
Boyce_IMT_Preemption
Collins_AIA_Preemption_RE126
Collins_AIA_Preemption_RE107
Davidson_Hood_AHRI_Preemption
Dennis_NRECA_Preemption_RE126
Drumheller_NAHB_Preemption
Edelson_NBI_Preemption
Fay_EECC_Preemption
ICC Memo to Appeals Board_Federal Preemption_2019_2
Kirschner_NWGA_Preemption
ONeil_energy350_Preemption_RE107
Perry_ACEEE_Preemption
Rosenstock_EEI_Preemption_RE126
Swiecicki_NPGA_Preemption_RE107
Swiecicki_NPGA_RE126
Truskoski_Bradfordwhite_Preemption
Urbanek_NRDC_Preemption