



Oregon

Kate Brown, Governor



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MEMORANDUM

To: 2019 Group B Appeals Board
c/o Mike Pfeiffer
Senior Vice President of Technical Services
International Code Council

From: Janine Benner, Director, Oregon Department of Energy

Date: August 26, 2020

Re: 2019 Group B IECC Code Change Appeals

Introduction

The Oregon Department of Energy (ODOE) greatly appreciates the International Code Council's efforts to facilitate an equitable and transparent code development process. ODOE is also appreciative of the opportunity to comment on the current Group B appeals against the 2021 International Energy Conservation Code (IECC), particularly in response to appeals in the following categories:

- Impact of Online Voting
- Voter Eligibility, Validation Process

ODOE's Vision is "a safe, equitable, clean, and sustainable future". Building codes play an increasingly important role in achieving this vision at the state level and represent a key tool for states and local jurisdictions to reduce energy consumption, save consumers money, and reduce greenhouse gas emissions.

ODOE has directly participated in the last two IECC code development cycles, including service on the IECC-Commercial code development committee at the Committee Action Hearing in Albuquerque, NM in 2019 and as Governmental Member Voting Representatives during the Online Governmental Consensus Vote (OGVC) process.

The 2021 IECC as passed out of the OGCV process represents advancement of energy efficiency measures in new construction. **ODOE supports the results of the 2021 IECC, the online voting**

process that led to these results, and the ability of governmental members including state energy offices to continue with the ability to lend our expertise and experience as direct voting members. As such, ODOE urges the International Code Council Appeals Board to reject the appeals.

Impact of Online Voting - Comments

The Online Governmental Consensus Vote is a critical element in the voting process to allow equitable participation of voters. The cost of sending multiple officials to Committee Action Hearings and Public Comment Hearings is prohibitive for agencies and organizations with limited resources and increasingly time-constrained staff. Maintaining the OGCV is critical to maintaining high levels of participation in the development process and maintaining the validity of the code which is based on the high level of participation by ICC's Governmental Members and the open and transparent process of code development. The OGCV allows participation by state and local officials who serve in the public interest and reflects the importance of state and local views. Particularly in today's remote-work environment due to persistent virus concerns, the ability of governmental representatives to exercise their vote online is critical.

The appellants seem to be primarily simply dissatisfied with the outcome of OGVC, and are proposing to invalidate or change the process. Particularly, the appellants seem dissatisfied with measures that were disapproved by the respective committees, but achieved a substantial 2/3 majority vote through the OGVC process to be approved for the 2021 IECC. Setting a higher bar for measures disapproved by the committee, but allowing passage if overwhelming majority of voting members are in favor, seems to be exactly the process as-intended under ICC bylaws. The OGCV is an extension of the Public Comment Hearing that facilitates equitable voting participation, and ODOE believes that the results of the 2021 Group B IECC are in-line with the ICC bylaws. **ODOE urges the continuation of meaningful online voting for Governmental Member Voting Representatives as part of the code development process.**

Voter Eligibility, Validation Process - Comments

State Energy Offices and other Governmental Members, including the Oregon Department of Energy, participated in the International Code Council code development process in accordance with the rules established by the ICC. The State Energy Offices have been experts on energy codes for more than 40 years and have an important role to play in updating codes. Specifically for Oregon, ODOE staff were appointed to and served on the IECC Commercial code committee for the Group B Committee Action Hearings in 2019. In parallel at the state level ODOE staff play a direct role in Oregon's state energy code development as a member of the state's Construction Industry Energy Board, which evaluates state building code standards relating to the energy use and energy efficiency aspects of the state building codes. ODOE also serves as a consultant to our state agency Building Code Division on energy code matters. ODOE staff, similar to other state energy offices, include subject matter experts and licensed engineers who have deep experience and knowledge in building design and energy code issues. Many states, including Oregon, have used the IECC as a benchmark and model code over the years. Any changes to voter eligibility that reduces the ability of states to participate in the code

development process may have a negative effect on the states' ability to use the International Energy Conservation Code and the suite of I-Codes to achieve state goals. **ODOE strongly supports continued eligibility of state energy offices to participate in the ICC voting process.**

Thank you again for the opportunity to comment on the current appeals process. ODOE respectfully submits these comments for Appeals Board consideration. Please do not hesitate to contact our agency should you have any questions or need additional information.

Thank you,

A handwritten signature in cursive script that reads "Janine Be". The signature is written in black ink on a white background.

Janine Benner
Director
Oregon Department of Energy