



December 3, 2020

To: International Code Council Board of Directors

**Subject: Potential Changes to the ICC Code Development Process**

Dear Members of the Board of Directors:

After attending the recent Long Term Code Development Process Committee (LTCDP) meeting, we feel compelled to write to you on behalf of our members which include more than 210 city and county governments across the United States. During the November meeting, the LTCDP voted to recommend the elimination of the International Energy Conservation Code and that it be replaced with a standard.

We are deeply concerned that the International Code Council Board of Directors is considering this, and **we strongly urge the Board to reject this change.**

This action would be a major change with significant implications. It would remove a direct mode of participation from local governments who have participated in code development processes for years. The process of developing a standard would remove the final determination of code provisions from the hands of the building safety, code, and qualified governmental professionals who are tasked with implementing its decisions daily, likely shifting to a process more heavily influenced by industry professionals with a vested interest in the content of the standard. The ICC code development process appropriately provides input opportunities to these stakeholders while putting final decisions in the hands of qualified governmental professionals whose jurisdictions must ultimately adopt and enforce the code.

The timing and mode of this conversation is highly concerning. To date, it has been considered with no notification to or consultation with the Governmental Members and Governmental Member Voting Representatives, the individuals and entities that will be most impacted by the change. In all of our recent conversations with local government ICC members, the news that this change has been proposed and is under consideration was a surprise. All have expressed dismay at not having heard about this directly from the International Codes Council (ICC) with an opportunity to consider and comment. We are concerned this decision may be rushed without governmental members having a chance to express their opinions or the ICC being able to conduct its own research on the implications of the change. There has been limited notice and minimal feedback to date even within the venues in which moving from a code to a standard has been discussed.

We are also concerned that this potential change may create negative long-term impacts on the value of the model code and the ICC. There has not been a public exploration and recognition of all the potential ramifications. For example, since the November 20th meeting, we have had several conversations with our members who have been involved with many code development cycles and the ASHRAE 90.1 standards process. They have indicated to us that in their local and state code development processes, the current ICC committee process is viewed more favorably than standards. They expressed concerns about their ability to continue to work with the IECC because they would feel the need to conduct a significant amount of additional vetting before leveraging a standard in the way that they do the model code. One of the purposes of being a governmental member of the ICC is to reduce these burdens. In addition, our members indicated

that ANSI standards committees are difficult for local governments to participate in because of the competing time commitment with their full-time jobs. While an ICC standards process may outline participatory pathways for local governments via committees, practically, many of our members expressed concerns about their ability to participate.

Based on the above, we recommend that this change be rejected outright. Failing that, we request that a public announcement be made regarding the proposal that allows that Governmental Members to weigh in on such a momentous decision via a formal comment period of at least 60 days. Sufficient time is needed to understand the technical, legal and practical implications of this decision. The ICC should outline the technical basis for the standard, the anticipated revision cycle, if the standard will be based on the 2021 IECC, and the criteria for the makeup of the committee that will be advancing the standard before any comment period. Should the ICC move forward with this dramatic elimination of the IECC, we request that the ICC Board publish the result of its vote, including how each board member has voted, and document its reasons for making this change. This would provide needed transparency to governmental members about the process and decision-making.

Our members have valued their participation in the IECC code cycles, and look forward to participating in future code development cycles. We make this request on behalf of our members who have valued the information and transparency that has been central to their previous interactions with the International Code Council.

Respectfully,

A handwritten signature in black ink, appearing to read "Garrett Fitzgerald". The signature is written in a cursive, flowing style.

Garrett Fitzgerald  
Strategic Collaboration Director, Interim co-CEO

CC: Dominic Simms, ICC CEO