



March 18, 2024

Environmental Protection Agency
Data Gathering and Analysis Division
Office of Chemical Safety and Pollution Prevention
1200 Pennsylvania Ave. NW, Washington, DC 20460-0001

Via Regulations.gov

RE: Comments of the International Code Council to the Environmental Protection Agency (EPA) regarding the Draft Approach for Implementation of the EPA Label Program for Low Embodied Carbon Construction Materials; EPA-HQ-OPPT-2024-0038

The International Code Council – a nonprofit organization of roughly 700 employees driven by the engagement of its more than 60,000 members – facilitates the development of model building codes for adoption at the national, state, or local level. The Code Council’s suite of International Codes (I-Codes) are updated every three years and developed through a consensus-based process, bringing together expertise from the public and private sector to capture the latest science and technology. Most U.S. states and communities, federal agencies and many global markets choose the I-Codes to set the standards for regulating construction and major renovations, plumbing and sanitation, fire prevention and energy conservation in the built environment. The Code Council also offers conformity assessment solutions and provides manufacturers with independent and comprehensive evaluation and certification that their products meet specific sustainability targets through Environmental Product Declarations (EPD).

The International Code Council is dedicated to providing the building industry with the tools necessary to realize safety, sustainability, and resilience goals. This includes achieving decarbonization goals through the effective use of materials with low embodied carbon (LEC) to achieve greenhouse gas (GHG) emissions reductions across the construction sector.

Recognizing the need for a coordinated and deliberate approach, in September 2022, the Code Council Board of Directors approved [*Decarbonization of The Built Environment: Solutions from the International Code Council*](#), which recognizes the significant impact of buildings on the environment and the need for a coordinated set of solutions to support the achievement of energy and GHG reduction goals set by governments. The report also calls for expanded activities that support a coordinated approach across the I-Codes, standards, and other solutions. This highlights the Code Council’s ongoing commitment to deliver the tools that communities and the federal government need to realize their climate-related goals.

The Code Council’s comments regarding the Environmental Protection Agency’s (EPA) Draft Label Program Approach for LEC materials are captured below.

- i. **EPA should lean on the expertise of conformity assessment bodies (CABs) and require participating CABs and environmental product declaration (EPD) verifiers to be accredited as EPD Program Operators pursuant to relevant ISO standards**



There are already a number of trusted conformity assessment bodies who assist manufacturers and the marketplace in providing the necessary tools to develop Product Category Rules (PCRs) and verify Environmental Product Declarations (EPDs). For example, the ICC Evaluation Service (ICC-ES) is an accredited EPD Program Operator by the American National Standards Institute (ANSI) National Accreditation Board (ANAB), providing the tools necessary for development of PCRs and verification of EPDs and stands ready to assist manufacturers in expanding the availability of EPDs.

In addition, ICC-ES evaluates products for their compliance with building codes or relevant industry standards to ensure not only the environmental impact is understood but these innovative materials deliver the level of structural performance required by the building code. The ICC-ES label is already a well-known and trusted stamp of approval across industry stakeholders. The International Code Council urges EPA to lean on the expertise of accredited CABs in standing up and implementing their labeling program.

As EPA moves forward with their labeling program, EPA is strongly encouraged to require that all EPDs that serve as the basis of the label are verified by EPD Program Operators and Conformity Assessment Bodies that are accredited in order to provide credible and trusted conformity assessment or verification services under this label program. **EPA should require EPD Program Operators to demonstrate expertise, capability, capacity, and impartiality through accreditation to ISO 14020 (*Environmental labels and declarations — General principles*), ISO 14025 (*Environmental labels and declarations — Type III environmental declarations — Principles and procedures*), and ISO 21930 (*Sustainability in building construction — Environmental declaration of building products*). It is important to note that the ISO 17000 standards (toolbox standards) are no longer used by the ANSI ANAB to accredit EPD program operators.**

The International Code Council encourages EPA to leverage ICC-ES' expertise in report criteria and development in standing up their labeling program. EPA is further encouraged to include relevant, accredited industry experts in the process of standing up their IRA programs to leverage their expertise and understanding of the gaps of existing procurement programs. EPA should continue to engage accredited EPD Program Operators, like ICC-ES, and LCA professionals in the process to ensure consistency and best practice are established.

ii. EPA should require CABs to be accredited by recognized accreditation bodies pursuant to ISO standards

EPA should assure that EPD Program Operators verifying EPDs and participating in the labeling program are accredited by an accreditation body which operates in accordance with ISO/IEC 17011 (*Conformity assessment – General requirements for accreditation bodies accrediting conformity assessment bodies*) and are signatories to international arrangements. Accreditation provides a level of assurance that the service provider has the requisite expertise and technical competence. At a time of anticipated growth in the demand for EPDs, it is important that such EPDs are verified by an accredited EPD Program Operator. It is important to note that not all EPD Program Operators are accredited to the relevant ISO Standards, and EPA is encouraged to promote further requisite accreditation qualifications for CABs and EPD verifiers who participate in the labeling program.

The existing conformity assessment infrastructure provides value and trust across the industry. The International Laboratory Accreditation Cooperation (ILAC) and International Accreditation Forum (IAF) Mutual (or Multilateral) Recognition Arrangements (MRAs/MLAs) provides significant technical underpinning to the calibration, testing, medical testing and inspection results, provision of proficiency testing programs and production of the reference materials of the accredited conformity assessment bodies. IAF signatories accrediting to international conformity assessment standards delivers confidence in the acceptance of services and results. These established standards provide a strong framework for ensuring the credibility and reliability of environmental claims, which are critical in promoting sustainable practices across industries. To this end, EPA should require participating CABs to be accredited by recognized accreditation bodies pursuant to relevant ISO standards and international arrangements such as IAF MRAs/MLAs.

iii. EPA must lean on CABs expertise and include other metrics of performance outside environmental impacts to ensure products and materials meet robust building safety requirements

One concern the industry is facing is whether materials with lower environmental impact than traditional versions of the material deliver a similar level of performance. In addition to being an EPD Program Operator, ICC-ES also evaluates products for their compliance with building codes or relevant industry standards. Marrying EPDs with product evaluations can be a valuable tool to address multiple performance requirements. **To ensure environmentally preferable products continue to deliver on other traditional (physical, mechanical, thermal, chemical, etc.) performance properties, EPA should ensure materials and products that qualify under the labeling program demonstrate both an acceptable EPD from an accredited Program Operator as well as an acceptable evaluation report or listing that demonstrates the material/product meets the traditional performance requirements required in the I-Codes.**

ICC-ES develops ICC-ES Evaluation Reports (ESRs), which verify that new and innovative building products comply with code requirements including information about what code requirements or normative documents were used to evaluate a product, and how the product should be identified, installed and much more. As an example, ICC-ES developed a normative document on the performance of low-carbon alternative cements for use in concrete (Acceptance Criteria 529). ICC-ES has also signed a Memorandum of Understanding with the American Concrete Institute to help advance the achievement of carbon neutrality in cement. The ICC-ES label is a trusted mark of conformity across the industry.

iv. EPA should expand the product categories covered by the labeling program and include other metrics of environmental performance outside of Global Warming Potential (GWP) to ensure the program captures the entire lifecycle of a material's impacts

Furthermore, all construction materials have embodied GHGs and should be included in EPA's labeling program. The International Code Council encourages EPA to expand the material types included in the final version of the labeling program and future LEC Material Standards established by the Federal Government. The General Services Administration's (GSA) Facilities Standards for the Public Buildings Service (P100) already includes EPD requirements for a comprehensive catalogue of product categories, like gypsum board, and flooring, which could be leveraged to expand EPA's programs as well.



EPA should also take into account and consider addressing other environmental impacts, beyond just GWP, through the labeling programs. ICC-ES already verifies EPDs with consideration of environmental impacts beyond just GWP. Within Chapter 9, Materials and Resources, of the Code Council's International Green Construction Code (IgCC) there are requirements related to the environmental and human health impacts that go beyond solely GWP. The IgCC also includes material and resource requirements related to resource conservation, impacts on the atmosphere, product transparency, and waste management in addition to reduced life cycle impacts of building materials. While it is important to focus on GWP as the key area for reducing the impact of construction materials and products, it is also critical to address other environmental impacts due to the cyclical nature of environmental systems and health, and the subsequent impacts they have on society like human health. The International Code Council encourages EPA to leverage the ongoing material and resource solutions already contained within the IgCC and implemented by ICC-ES' Environmental Program to ensure comprehensive reduction of environmental and human health impacts associated with buildings and construction processes.

A label based strictly on embodied GHG could be misleading. A label should support multi-attribute determinations. For most building products/materials, decisions on usage will be made by professionals who are looking at whole project attributes, which an individual label would not benefit. Currently, GWP maximum levels are being set by multiple jurisdictions within their Buy Clean Programs. Uniformity in targets is an effective first step to ensure uniformity in program development and implementation. Reliance on accredited and experienced conformity assessment bodies is essential. As EPA builds out its low carbon construction materials solutions, we encourage robust stakeholder consultation with experts like ICC and ICC-ES.

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Thank you for the opportunity to provide comments. If you have any questions concerning these recommendations, please do not hesitate to contact us.

Sincerely,

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