

## **Observations of the International Code Council on the ICC/ASHRAE/ASE/AIA Joint Statement on Section 9031 of HR 3221**

### **ICC has objected to the impact on standards developers of Section 9031 of HR 3221**

- As adopted by the U.S. House of Representatives, Section 9031 of HR 3221 includes a grant of code and standards writing authority to the Department of Energy in opposition to longstanding federal policy of fundamental support for and reliance on standards developed in the non-governmental sector.
- The federal policy of reliance on the non-governmental sector was first formalized in the Presidential circular OMB A-119, and then codified in the National Technology Transfer and Advancement Act (NTTAA) of 1995.
- The policy requires that federal agencies rely on standards developed and maintained in the non-governmental sector. These non-governmental sector organizations that conduct this work are known as standards developing organizations, or SDOs.
- In addition, the timeframes for revision of energy codes were not written in sync with ICC's regular, national democratic process for submission, consideration and public and member action on the model codes. It is through this extensive process that revised editions of the model code are issued each and every 3 years.
- The ICC and many others have communicated to Congress that, as written, Section 9031 would substantially and unproductively alter the application of the NTTAA, and should not be enacted as written. The Senate Energy Bill does not contain this provision.

### **Proposed revisions to Sec. 9031 provide a remedy to ICC's objections**

- Revisions to Section 9031, prepared together with the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), the American Institute of Architects (AIA) and the Alliance to Save Energy (ASE), propose to resolve the specific objections of ICC and ASHRAE, the named model code and standards developers.
- The revisions retain the role of DOE in setting national targets for energy efficiency in newly constructed buildings, and in evaluating whether the model codes and standards prepared by ICC and ASHRAE reach those targets.
- The revision ensures that DOE participates in the process of development of the model codes and standards in a manner that respects those processes and the established schedule for regular issuance of new editions of the model code and standards.
- The revision ensures DOE is required to:
  - set targets in advance of each 3 year code cycle,
  - set targets that are economically reasonable and technologically achievable,
  - offer amendments to the model code necessary to reach the targets,
  - present evidence supporting and defending DOE amendments,
  - provide additional technical support to ICC and ASHRAE to reach the targets.

