



National Association of State Energy Officials

December 4, 2020

International Code Council
Board of Directors
500 New Jersey Avenue, NW, 6th Floor
Washington, DC 20001

Dear ICC Board Members:

On behalf of the National Association of State Energy Officials (NASEO), which represents the 56 governor-designated State and Territory Energy Directors and their offices, I wish to express our deep concern that the International Code Council (ICC) Board may be considering the elimination of the International Energy Conservation Code (IECC) and replacing it with a standard. We urge the Board to reject this significant change which would virtually eliminate the opportunity for input from the broad range of state government officials and local and industry stakeholders that have made the IECC the most broadly adopted energy code in the United States. Eliminating the opportunity for broad engagement runs the risk of creating a fractured code environment as state governments and other jurisdictions develop alternative codes to meet their needs.

The elimination of the voting rights of state governments in the IECC process is anathema to the objective of having a transparent framework with maximum, educated participation by individuals acting in the public interest. It appears that if the ICC Board considers moving the IECC to a standards process, it may be attempting to address the interests of a single set of businesses rather than the broad public interest – consumers and businesses of every type – which state and local government officials represent. At a minimum, this approach would risk legal peril under some state and federal laws. Such a move would take the final determination of code provisions from the hands of the building safety, code, and qualified governmental professionals and place it directly within the control of a committee which would include building industry representatives with a vested interest in the outcome of the standard. The input-limiting nature of this proposal is ill-advised.

Most important, this potential action by the Board is being considered without notification to the Governmental Members and Governmental Member Voting Representatives, which are the professionals representing the near- and long-term public interest. Further, this issue should not be considered in the midst of the “darkest days” of a pandemic which limits input from a range of state government officials. The decision to consider this action in the near-term would give the appearance of a rushed, closed, process aimed at preventing broad knowledge of potential ICC decisions. Given the limited notice of this potential action, NASEO was compelled to share this information with States and Territories. The reaction is outrage from states in every region of the nation and from all political perspectives.

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We are concerned that the Board may be rushing into a decision, which would have significant and predictable long-term negative implications regarding the value of the ICC. We recommend that this proposed change be rejected. We also request that a public announcement be made regarding the proposal, and that Governmental Members be provided the opportunity to weigh in on such a momentous decision *via* a formal comment period of at least 90 days. Prior to the comment period, we ask that the details of the standard approach be made public. ICC should describe the technical basis for the potential change and the standard, the anticipated revision cycle under such an approach, and the criteria for the makeup of a standards committee. If the ICC goes forward with the elimination of the IECC, we request that the Board publish the result of its vote, including how each member has voted, and document its reasons for making this change.

We make these requests in the spirit of transparency under which the ICC has previously operated and that NASEO's state government members value as a part of their support for your organization.

David Terry,

A handwritten signature in blue ink, appearing to read 'DTerry', with a stylized flourish at the end.

Executive Director
National Association of State Energy Officials

CC: Dominic Simms, ICC CEO
Melike Oncu, ICC General Counsel
NASEO Board of Directors