



January 11, 2021

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

Submitted Via Email To: memberinput@iccsafe.org

Re: Future of the International Energy Conservation Code (IECC)

Dear President Wheeler, Vice President Davis, and Members of the Board,

The American Chemistry Council (ACC) thanks the Board for the opportunity to provide comment on the future of the IECC. The following letter recaps our position outlined in our December 3, 2020 communication and provides further detail on our concerns. ACC is a national trade association representing a diverse set of companies engaged in the business of chemistry. Our membership includes approximately 150 U.S. chemical and plastic manufacturers. Our members are committed to the safety of their products and public health through Responsible Care® and other beneficial programs. Over 96% of all manufactured goods are directly touched by the business of chemistry, making this industry an essential part of our nation's economy and building and construction.

ACC strongly supports state and federal policies that promote consensus-based model building codes with a focus on supporting the International Energy Conservation Code (IECC). The chemical and plastics industry supplies many products and materials to the building and construction value chain, including those that deliver energy efficiency throughout the entire building structure. The IECC is a key driver to establishing a baseline of energy efficiency in new construction and is a critical tool to reducing greenhouse gas emissions over the long term.

Our engagement and support for the IECC includes extensive participation in the code development process through the Plastics Division Center for the Polyurethanes Industry Spray Foam Coalition and Plastics Division Foam Sheathing Committee. ACC is also actively supporting the IECC across all fifty states in regulatory and legislative adoption proceedings. We support the IECC in national policy discussion with Congress and the federal agencies, and regularly work alongside ICC to advance common goals and objectives.

We are extremely concerned at the recent recommendation to abandon the IECC code development process and move to a standards process. We strongly oppose this recommendation and believe it would severely undermine decades of demonstrable progress and work to educate local, state, and federal policymakers about building energy codes. We are concerned that the change will negatively impact both the substance of the IECC and its public acceptance, and that the change will set back the cause of building energy efficiency by years, perhaps decades, as

confusion and debate over new standards intersect with long development and adoption timelines.

ACC believes that the public accountability of the governmental members is a fundamental asset which needs to be maintained. ACC variously proposes, supports, and opposes code changes in each cycle. We put science at the center of our work, but more than any other of the I-Codes, decisions about energy efficiency are at their heart public policy decisions and not simply engineering decisions. While the technical basis for safely achieving energy efficiency must be correct, the question of the ‘right’ amount of efficiency, the progressiveness or conservatism of the code, and the cost implications of the code are not questions of physics. Removing the governmental members from this process destroys the value proposition of the IECC. Indeed, the evidence from the 2021 IECC suggests governmental member interest in the IECC is rising because of its importance to public policy, not in spite of it.

ACC has long argued for increased standardization across jurisdictions, urging uniform adoption of the most recent editions of the I-Codes. ICC has noted they intend to maintain the publication schedule of the IECC along with the other I-Codes, but we are skeptical that the standards process will allow for such neat timing. Disruptions of the timeline of the new energy standard from the rest of the I-Codes will, without consideration of the content of that standard, clearly and predictably result in local jurisdictions and states ceasing updates, considering alternative codes or standards, or developing independent codes. This will increase costs for builders and manufacturers, slow innovation, and divert resources to complicated compliance issues.

In ICC’s letter to ACC dated December 9, 2020, ICC explained how the change to a standard process may be implemented, but provided a limited justification of why it is necessary: ICC claims it will allow a quicker response to growing concerns about climate change.

We are not clear on how it would be quicker. If, on one hand, the publication timeline remains in lockstep with the other I-Codes, then new editions will arrive no faster than business-as-usual. There is no upside to the change. There is however significant downside risk. The standards process may easily become contentious, proposals stalemated, publications delayed, the governmental members may lose their sense of ownership, and stakeholders may abandon the process if they are not included on the standards committee. Why do concerns about the allowed time for deliberation apply only to the IECC?

We are also unclear on how the standards process would be more pro-climate than the current process. It is our understanding that this proposal was first raised by those who had appealed the pro-efficiency proposals approved by ICC Governmental Member Voting Representatives. While it is impossible to know all the motivations at the heart of the standards-process proponents’ desire for change, it is certainly possible that proponents expect that the standards process will yield less efficiency than the status quo, which would be the exact opposite of ICC’s stated intent.

For all these reasons, we urge you to reject the Committee's proposal. Thank you for your time and consideration of our perspectives. We value our relationship with ICC. My colleagues and I are available to answer any questions or provide further information if it is helpful to your deliberations.

Sincerely,

A handwritten signature in black ink, appearing to read "Joshua Baca". The signature is fluid and cursive, with a long horizontal stroke at the end.

Joshua Baca
Vice President, Plastics Division
American Chemistry Council

CC: Dominic Sims, ICC CEO
David Mann, Senior Director, Building & Construction, ACC