



GOVERNOR'S OFFICE OF ENERGY

August 19, 2020

International Code Council
2019 Group B Appeals Board, c/o Mike Pfeiffer, Senior Vice President of Technical Services at mpfeiffer@iccsafe.org
Greg Wheeler, CBO President, International Code Council at gwheeler@iccsafe.org
Dominic Sims, CEO International Code Council at Dsims@iccsafe.org

RE: Response to Appeals of the ICC 2019 Group B Code Cycle Final Action Results

Dear Members of the 2019 Group B Appeals Board, Mr. Wheeler, and Mr. Sims:

The Nevada Governor's Office of Energy (GOE) participated in the 2021 IECC voting process as a Governmental Member actively engaged in the administration, formulation, implementation or enforcement of laws, ordinances, rules or regulations relating to the public health, safety and welfare. GOE representatives both attended the public comment hearing in October 2019 and participated in the online governmental consensus vote. Like many state energy offices, GOE is responsible for the adoption and implementation of the most recent version of the IECC. GOE is writing to respond to the appeals filed with ICC by a number of entities and regarding the final results of the online governmental consensus vote.

To address three main appeals issues:

- 1) **The request to rescind/overturn the results of the online vote:** GOE's voting representatives followed ICC's rules set forth for the voting process, and in doing so, it seems did overturn some proposals that were disapproved at the committee level and at the hearings in Las Vegas. The online votes vastly outweighed the number of votes on the committee or in the room at the public comment hearings. GOE's votes carefully considered each proposal and supported those that moved the IECC forward to meet the needs of our State. GOE voters took into consideration the opinion of the committee, the written proposals and public comments, and the video testimony, and believed that for Nevada, the proposals we supported met our needs. Our needs may be different than those represented by the committee or the members in Las Vegas, but that does not call into question the validity of GOE's needs and resulting votes.
- 2) **The assertion that electrification falls outside the scope and intent of the IECC:** At various points throughout the hearings, GOE heard testimony that the IECC may not be the appropriate venue for adoption of electrification measures. However, GOE, as many parties

did, disagrees. The intent of the IECC, by example of Section R101.3 includes the regulation of design and construction of buildings for the “effective use and conservation of energy over the useful life of each building” with the intent to “provide flexibility to permit the use of innovative approaches and techniques to achieve this objective.” The development and adoption of new technologies is properly the subject of discussion, review and implementation as the IECC evolves during this triennial process. The implementation of new technologies and options such as the installation of electric vehicle charging outlets in CE 217 Parts I and II provide the contemplated flexibility to achieve energy reductions as electric vehicles continue to evolve from transportation to storage to distributed energy systems.

- 3) **The attacks on GOE’s credentials to be voters:** GOE, by state statute, adopts the most recent version of the International Energy Conservation Code, including regulatory processes such as rulemaking and is experienced with code review and analysis. GOE’s staff expended significant effort following the ICC guidelines to become members, register governmental voting representatives, review, analyze and understand the proposals, and vote using the cdpAccess tool. Given limited governmental budgets for travel to participate in multiple iterations of the code development process, the open voting period was an excellent opportunity for our staff to employ its expertise for engagement in this process. We believe it is of great benefit to have a larger percentage of eligible voting members participate in the code development process. GOE believes it followed the rules to become members, and that our voters are informed and knowledgeable on the issues put in front of them and the needs of Nevada. A broad attack on GOE’s understanding of our votes is unfounded.

GOE respectfully requests and encourages you to uphold these voting results. Thank you for maintaining the integrity of this system and for your consideration.

Sincerely,



David Bobzien
Director