



August 26, 2020

Mr. Mike Pfeiffer, P.E.  
Senior Vice President, Technical Services  
International Code Council  
500 New Jersey Avenue NW, 6<sup>th</sup> Floor  
Washington, DC 20001

RE: Voter Eligibility

Dear Mr. Pfeiffer:

On January 8, 2019, the Governor of the Commonwealth of Pennsylvania, Tom Wolf, signed Executive Order: 2019-01 – Commonwealth Leadership in Addressing Climate Change and Promoting Energy Conservation and Sustainable Governance. This Executive Order set Climate Goals for Pennsylvania - to reduce net greenhouse gas emissions by 26 percent by 2025, and 80 percent by 2050 from 2005 levels. One of the essential tools available to meet our climate goals is improving energy efficiency through improving building standards.

The Energy Programs Office (EPO) is the U.S. Department of Energy-recognized Pennsylvania State Energy Office and has operated within the Department of Environmental Protection (DEP) since 1995. Our function and mission are to maintain the statutory responsibilities of the Pennsylvania Energy Office and to support the development of clean and indigenous energy resources, while striving to achieve the mission of DEP to protect Pennsylvania's air, land, and water from pollution and provide for the health and safety of its citizens through a cleaner environment.

The Pennsylvania Construction Code Act (Act 45 of 1999), also known as Pennsylvania's Uniform Construction Code (UCC), establishes codes and standards for work requiring a construction permit. The UCC Administration and Enforcement regulation has adopted 11 international and national codes, including the International Building Code 2015, the National Electric Code, and International Energy Conservation Code 2015. In May of 2018, the Pennsylvania Uniform Construction Code Review and Advisory Council voted in favor of adopting the 2015 International Energy Conservation Codes with minimal Pennsylvania-specific amendments.

EPO has been supporting the codes adoption and enforcement process for several years by providing annual training sessions on both the residential and commercial building energy codes and supporting programs to identify and remove barriers to local codes enforcement. The knowledge and expertise of EPO in energy efficiency and conservation is important to formulating and implementing building codes that meet the needs of Pennsylvanians.



As an ICC Governmental Member, EPO would be directly impacted by the results of two of the appeals submitted by the Leading Builders of America (LBA) and the National Association of Home Builders (NAHB) of the results of the International Energy Code Development Cycle for the 2021 edition of the code: The appeal related to online voting and the appeal related to voter eligibility. This letter is in response to the appeal related to voter eligibility.

Both appeals claim, but provide no evidence to support, that there was a material and significant irregularity of process or procedure in the IECC's Online Governmental Consensus Vote (OGCV). On the contrary, the process and procedure remains unchanged from the last three code development cycles and clearly followed the ICC's Policy. Therefore, LBA and NAHB have not supported their claim of voter eligibility with "credible evidence" as required under Section 12.1 of CP 28 *Code Development*.

EPO, within our role in DEP, engages in the administration, formulation, and implementation of laws, ordinances, rules or regulations relating to the public health, safety and welfare. EPO participated in the most recent code development cycle, and followed the rules established by the ICC Bylaws. Our votes expressed our professional judgement on which building codes would best benefit the health, safety and welfare of Pennsylvanians.

The appeal of voter eligibility challenges the qualifications of state and local government officials to vote on code change proposals. We want to clearly state that the EPO officials who participated in the most recent code development cycle, and will continue to participate in the future, clearly meet the definitions of Governmental Members and Governmental Member Voting Representatives that are laid out in the ICC Bylaws. Despite NAHB's unsubstantiated claims, EPO officials also clearly understand the impacts of their votes and vote with the public health, safety and welfare of all Pennsylvanians in mind.

In closing, EPO representatives participate in the state's process to administer, formulate and implement energy codes and other rules or regulations relating to the public health, safety and welfare in a variety of ways. Reducing the ability of state energy officials to participate in the code development process would exclude experts in energy use and building science and result in a less useful code. The existing open and transparent process includes robust state and local participation which is in the public interest and reflects the importance of state and local government views.



We respectfully request that the Appeals Committee not overturn the results of the OGCV, as that would lessen the ability of Pennsylvania to be fully represented in the codes development and adoption process.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Althoff Jr." The signature is fluid and cursive.

David A. Althoff Jr.  
Director  
Energy Programs Office