

January 11, 2021

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

Dear the Members of the Board,

We write in strong opposition to removal of the International Energy Conservation Code (IECC) from the ICC's Governmental Consensus Process and Governmental voting and participation.

The IECC is an American success story. Developed since the mid-1990s by the same governmental officials charged with administering, enforcing, and adopting it, the IECC has improved housing affordability and strengthened local, state, and national public policy for energy, housing, and environment.

In 2008, the 1,300 members of the US Conference of Mayors (USCM) unanimously passed the first of what has become six resolutions on the IECC. Citing the importance of building efficiency to owner-occupant affordability, power grid stability, and sound national energy policy, the first of these resolutions endorsed the full adoption of EECC's comprehensive proposal called "The 30% Solution" and encouraged eligible officials to attend the Final Action Hearing to vote for its inclusion in the 2009 IECC.

Since then, ICC's Governmental Members have consistently adhered to the principles embodied in that first resolution, while embracing the benefits of efficient construction to low-income families and national security. Through their votes, they have achieved historic efficiency gains, rejecting all rollbacks. After a new efficiency hurdle stifled efficiency gains in the 2015 and 2018 updates, ICC's Governmental Members adjusted and delivered the super-majorities needed for a 2021 IECC that will produce 8% to 14% gains for new residential and commercial buildings and reduce carbon emissions by 50 MMT by 2030.

Anyone surprised by their resolve wasn't paying attention. The USCM's fifth resolution in 2018 cited a McKinsey Center for Business & Environment finding that optimizing building efficiency represented the most impactful and cost-effective step a city could make to meet Paris Accord targets. Later that year, a representative from the USCM told ICC's Board of Directors that mayors believe a primary obligation of public officials is to protect building buyers, owners, tenants, *and ratepayers* and that the power to develop those dynamic codes is in the hands of the jurisdictions that make up ICC's Governmental Membership.

The representative then said after two consecutive energy code cycles with no residential and only modest commercial building efficiency gains, mayors are increasingly concerned whether or not they can rely on the IECC to deliver the efficiency gains they believe we much achieve.

Finally, the USCM's most recent 2019 resolution encouraged "municipal governments to maximize their jurisdictions' online voting with the International Code Council to improve the 2021 IECC by at least 10% this November and to put future IECC updates on an efficiency glide path of steady progress to net zero building construction by 2050."

They followed an age-old tenet of public service, one recently described by Jeff Shapiro during his presentation on the Canon of Ethics at the January 5<sup>th</sup> virtual meeting of the Committee on the Long-Term Code Development Process when he said that each ICC Governmental Membership belongs to its respective jurisdiction's department or agency. He added that where a jurisdiction has policies regarding code proposals, its representatives are obliged to vote in line with those policies.

It's clear that a growing number of Governmental Members are getting involved. Most significant is the recognition of just how many departments and agencies are affected by building energy policy and the role the IECC can play in achieving their policy goals. The mayor of Geneva, IL took nearly two days out of his busy schedule to attend and testify at the Public Comment Hearing in Las Vegas and the Governor of Colorado was taped giving a pep talk to the state's Governmental Member online voting.

**So what happens when ICC's Governmental Members increase their involvement in the IECC?** Big things, as evidenced by the attached chart of results. Not only have ICC's GMs defeated every efficiency rollback proposal over the past dozen years, but they achieved majority voting for pro-efficiency proposals even when those majorities weren't enough to clear the higher bar ICC had set by reconfiguring the development committees.

The Energy Efficient Codes Coalition was formed to help them achieve their mission to improve the nation's building efficiency. We brought together a broad base of unlikely allies to prepare and evaluate code change proposals, provide comments to improve them, determine whether they improved or weakened building efficiency, and use that simple yardstick to recommend their adoption or disapproval.

After all ICC's Governmental Members have done to improve America's Model Energy Code, it would be a tragedy to bring this success story to a close.

Sincerely,



William Fay