

From: Harold Jepsen <harold.jepsen@legrand.us>
Sent: Monday, January 11, 2021 6:59 PM
To: Member Input <memberinput@iccsafe.org>
Subject: Legrand - Energy Efficiency Code ICC Consensus Procedure Public Input

ICC Board of Directors,

Legrand appreciates the opportunity to be involved with ICC code development and to submit comment on this important energy efficiency code process consideration.

It is difficult to fully grasp the impact and implication of changing the IECC and IRC chapter 11 from the Governmental Consensus Process, to a standards procedure. Legrand would like the Board of Directors to consider the following concerns, observations and recommendations.

- The first announcement of this recommendation by the LTCDP for public input was on Friday, December the 18th, right before the year-end holidays. This timing has not granted much opportunity to fully study and make a position on such an important proposed change. Much is at stake for the energy efficiency of all buildings in the future, and at a time when climate change action and energy efficiency improvements needs continue to grow. Such a decision is worthy of suitable time to study and understand its impact. We believe the Board should consider lengthening the time to make this decision.
- Our understanding is this recommendation would impose the change on the 2024 code cycle. The 2024 code cycle has already begun. Timelines have been published and committees formed. Our organization, and we believe many others, are counting on our participation and work in line with these timelines. Efforts are already ongoing in support of the published timelines. Attempting to change the process, while underway, creates undue pressure on the transition process, is disruptive to the good framework the ICC operates, and is burdensome to those invested in the current process. The Board should consider making this decision for the 2027 code development cycle and not attempt to “rebuild a plane already in flight” by forcing it upon the 2024 development cycle.
- Changing to a standards development process will directly change who has the ultimate responsibility and ownership of this important code, the governmental voting members. Removal of the governmental vote component puts at risk the IECC’s ability to meet the objectives of those who expect the IECC and IRC chapter 11, to meet their efficiency goals. Any change to the development process needs to better sustain this key group’s input to the code’s development. The Board should not consider a change to the standards consensus procedure without assuring the same, or similar governmental member effect on its development. Without this, the ICC would clearly be taking a position against its key owner of the energy efficiency code. The Board of Directors should first consider how to maintain the energy efficiency code development ownership, before considering changing the development process. To do otherwise, the ICC would be making a statement that this process change is not about what it has publicly stated, but about negating the governmental members ultimate vote and responsibility for the code’s objectives.
- The announcement of the recommended change from the LTCDP indicted it is in the interest to “keep up with rapid changes and advancements in technology related to energy conservation”.

However, both those in favour of an energy standard process (as shown in the Nov 10, 2020 meeting notes), and ICC itself has indicated this will be a slower and more deliberate process to develop as a standard. This directly goes against the necessity to act quickly in adoption of new and important energy efficiency developments. The Board should not consider a process that would slow down or hamper the introduction and adoption of new methods, technologies or advancements that further progress the energy efficiency of buildings. Instead, the Board should seek for ways to maintain or accelerate adoption of such advancements.

- Isolating the energy efficiency code into a different development process path will reduce the codes importance in the suite of I-codes many jurisdictions have come to adopt in completeness. It would leave the energy efficiency code on its own, reducing the consistency and value of full adoption of the I-Code suite. The Board should decide to maintain the strength of all codes as a complete package and not undermine the value of the IECC by isolating its development to a different process.
- Details of how the ICC Consensus Procedures would be utilized for the IECC development needs further clarification and consideration before the Board should consider selecting it as the right path for the IECC. A few of a number of examples where the ICC Consensus Procedure implementation should have more consideration before a decision are as follows:
 - Clearer definition of the size and makeup of the committee balance. Although section 3.3 outlines much of the committee makeup at a high level, these details remain to be determined and should be determined before the Board considers a decision.
 - Participation by non-committee members is not outlined in the procedure. Subject matter experts and those with participating interests should have access to process. Procedure section 3.5 indicates the project team minimum requirements, but section 3.5, nor its reference to section 6, clearly establishes who outside of the committee can participate and contribute to the work.
 - Procedure section 7.1 addresses open meetings, but does not detail if or how a proponent or objector may address the committee. The current governmental consensus process provides for this. Other than public input comment submitted in writing by form as stated in section 8.3, it is not clear if open meetings would allow direct interaction with the committee to answer questions and present positions either for or against a proposal. Stating that public notice of meetings and access by those with interest, does not indicate any direct participation is available, as is afforded in the governmental consensus process. The Board should sustain this participatory ability in the procedure before casting a process decision.
 - What will be the platform or structure for submitting proposals, accessing or reviewing reports, making comment, modifying or updating language. Our understanding is this it not developed in cdpAccess. The Board should not decide on a new procedure, without a suitable approach to implementation.
 - The process for proposal submission and publishing on a cycle is not clear in the procedure. If the energy efficiency code will follow a continuous maintenance process, how would this process operate, as it is not documented in the procedure? These important procedures should be document and understood before the Board should make a decision to change the development process.

Legrand values the openness and chance to contribute it's comments, concerns and observations to the Board. We are committed to continue our participation in the development the energy efficiency and other codes so they may provide the best in safe, efficient and resilient buildings.

Thank you for the Board of Director's consideration.

Respectfully,

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