

From: Lee Schwartz <Lee@hbaofmichigan.com>
Sent: Wednesday, January 6, 2021 11:43 AM
To: Member Input <memberinput@iccsafe.org>
Subject: Proposed change to standard development process

TO: Board of Directors

International Code Council

FM: Lee Schwartz

ICC Member #5155474

RE: Proposed Change to Standard process

As both an active participant in the ICC Code Development Process and its hearings since 1999 and as a member of the ICC's Residential Energy Code Development Committee for the 2021 & 2024 IRC, I support the proposed change in ICC procedures to develop the IECC using the ICC's standards process.

The IECC has become a political football where decisions as to its content are no longer made in accordance with their technical or practical merits but rather by which group can amass the most voters to support their proposed code changes. This is not a new phenomenon but has been worsening with each new code cycle as all involved parties, not just any one segment, try to gain an advantage in the final voting, both in person at the previous final action hearings and online through the current cdpACCESS process.

While this has led to a substantial increase in the number of voters representing governmental units, a vast majority of these voters are uninvolved in the ICC's code development process until the time comes for them to cast a final vote, almost always done through following voter guides sent out by the various parties. These votes are cast without the benefit of examining and understanding the various viewpoints and technical issues presented at the code hearings and many of the voters casting them have little to no actual involvement with the code. Often the overarching basis of these votes is philosophical and unconcerned with the merits of these proposals.

One of the more unfortunate results of this ongoing conflict over the energy code is it's being increasingly fought outside of the ICC structure and code development process. Over the last several cycles the reputation of the ICC has been damaged by repeated articles in trade journals and in national publications such as the New York Times portraying the ICC as an opponent of energy efficiency and chastising the organization for the "oversized and unbalanced" influence of some of its member organizations. This issue has also spilled over into Congress with attempts to allow the Department of Energy to either set goals for the energy code or, preferably, allow DOE to write its own, nationally mandated, energy code.

While the ICC has made a number of significant adjustments over the years in an attempt to resolve the administrative issues surrounding the development of the energy code, they have proven to be less effective than many had hoped. You need to look no farther than the 21 proposed changes to the energy code, some of which were quite drastic in nature, which were rejected both by the balanced 2021 RECDC and at the subsequent Public Comments Hearings only to be resurrected through the cdpACCESS voting.

The decision of the Code Council Board to put forward a framework for the updating of the IECC and Ch. 11 of the International Residential Code (IRC) using the ICC standards process as recommended by the Appeals Board and the Board Committee on the Long-Term Code Development Process offers a solution to many of these issues.

This change will allow for more comprehensive in-depth discussion of each proposed change, how the change was arrived at and will work (show your homework) and the merits of each. While the current hearing process involving the RECDC allows for voluminous public comment, the necessary strictures on both Q&A and the time allowed for each speaker act to prevent thorough examination of each proposed code change. Frequently the information offered in the monograph and through the testimony is insufficient, particularly when speaker after speaker address the same point in slightly different fashion. Moving to a standards process will allow for more productive in-depth discussion and examination of each proposed change.

The creation of a balanced committee in accordance with the standards development process will help quell the issue of any single group in the industry having too much influence while allowing for ample public participation. I cannot remember ever hearing complaints about the makeup of the ASHRAE 90.1 standards committee. It will also allow for stakeholders to have a final vote in the committee's deliberations, eliminating the issue of who can turn out the most votes and uninformed voters simply following the voting guide. This new procedure will also lessen the perceived need from some groups to attack the process in the media and in Congress in order to motivate their potential voters.

Finally, as long as the final content of the IECC and Chapter 11 remain susceptible to the type of machinations discussed above, they will continue to be a political football to the detriment of the ICC and the people, organizations and governments it is intended to serve.

With warm regards,

Lee Schwartz