

January 11, 2021

To: Cindy Davis, Kris Bridges

Cc: Erik Johnston, Kyle Flanders, Trieste Lockwood

Re: Future of the International Energy Conservation Code

Dear Ms. Davis and Mr. Bridges,

As members of the International Code Council's (ICC) Board of Directors, we understand that you will soon vote on proposed changes to the ICC procedures for considering and approving energy conservation measures in future building code cycles. **We strongly urge you to oppose these changes.** The proposal being pushed by the building industry would greatly reduce public input on future decisions regarding energy conservation provisions. It is being pushed by builder interests who hope to diminish future progress on energy conservation by burying the standards process in committees they dominate. Since buildings last for many decades, the harms could extend into the next century.

As stated in a December 22, 2020 letter opposing the changes from the Governor of Colorado to the ICC: "Changing the IECC from a code to a standard and eliminating the ability for state and local governments to vote and participate in the code development process will disenfranchise a large constituency of stakeholders who make the ultimate decision to adopt and enforce building codes, while empowering building industry stakeholders. **By removing the state and local government voice, the public interest purpose of the code development process will be substantially weakened.**" We wholeheartedly agree with these statements. Concerns have also been raised by the National League of Cities, U.S. Conference of Mayors, National Association of State Energy Officials, and the Urban Sustainability Directors Network.

Under a combination of ICC and American National Standards Institute (ANSI) rules, the revised approach would require a two thirds majority of a designated committee for "approval or reaffirmation" of standards pertaining to energy conservation. Not only would this deprive state and local governments of a meaningful say on matters affecting their constituents' health, safety and welfare, but it would give further undue power to the National Association of Home Builders (NAHB) and their allies. According to the New York Times, the ICC secretly gave home builders the power to appoint four members to key committees, which is enough to block approvals and reaffirmation of standards with little or no voting support from others ("Secret Deal Helped Housing Industry Stop Tougher Rules on Climate Change," at: [nytimes.com/2019/10/26/climate/building-codes-secret-deal.html?smid=nytcore-ios-share](https://www.nytimes.com/2019/10/26/climate/building-codes-secret-deal.html?smid=nytcore-ios-share)). Since ANSI 4.2.1.3.1 requires administrative withdrawal if a standard is not reaffirmed within five years of initial promulgation, home builders would be able to use their minority voting power to remove even established standards. That unfair bias should be totally unacceptable to Virginia officials as it would be detrimental to residents of Virginia and to the Commonwealth's ability to save energy and reduce climate harms.

We strongly urge Virginia officials to oppose these changes. As provided in Virginia Code 36.99, Virginia's building codes, including energy conservation measures, are supposed to "protect the health, safety and welfare of residents of the Commonwealth" by making home

occupancy safer, healthier and more affordable for decades after the builder has made his sale and walked away. However, builders are notorious for their opposition to energy conservation at the ICC and at every level of government, even though the U.S. Department of Energy has repeatedly proven the substantial savings to residents from IECC provisions approved over builder opposition

(energycodes.gov/sites/default/files/documents/NationalResidentialCostEffectiveness.pdf).

Builders' profits have steadily risen since 2006 notwithstanding strengthening IECC conservation measures (eyeonhousing.org/2019/03/builders-profit-margins-continue-to-slowly-increase/), yet they want to harm future residents and the environment to boost their profits further.

At a time when Virginia and the nation are facing a growing climate crisis and Virginia is spending hundreds of millions of dollars to remedy energy inefficiency in buildings, a move to weaken future conservation improvements would be most inappropriate. As in the past, builders will seek to use the revised procedures to weaken standards already in the IECC.

In sum, we strongly urge you, our Virginia officials, to vote against the proposed changes to the process for developing Virginia's primary source for future building codes. The proposed changes would weaken the ability of public officials and others to influence future IECC improvements, while strengthening builders' power to derail efficiency improvements. For a Virginia official to support such weakening amendments to the ICC's processes would be inconsistent with Virginia law's requirement that building codes be written "to protect the health, safety and welfare of residents of the Commonwealth," including with respect to "energy conservation." It would harm Virginians and undermine the Commonwealth's ability to achieve its energy objectives.

Thank you for your consideration.

Sincerely yours,

Kate Addleson, Director
William Penniman, Sustainability Chair
Sierra Club Virginia Chapter

Eric Goplerud, Chair
Faith Alliance for Climate Solutions

Jo Anne St. Clair, Chair
Climate Action Alliance of the Valley

Sharon Shutler, Co-Chair
Climate & Clean Energy Working Group, Virginia Grassroots Coalition