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Governor

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Acting President and CEO

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Secretary of State

January 11, 2021

To the International Code Council (ICC) Board of Directors:

The ICC Code Council has requested written comments regarding the proposed framework to change the International Energy Conservation Code (IECC) and Chapter 11 of the International Residential Code (IRC) from a code to a standard and to update the IECC and Chapter 11 of the IRC using the Consensus Procedures instead of the Governmental Consensus Process. Please accept this letter as the written comments on behalf of the New York State Energy Research and Development Authority (NYSERDA) and the New York State Department of State (DOS).

By removing the governmental consensus voting process, the proposal disenfranchises the critical voices of members like us for whom the code is developed. **We strongly encourage the ICC Board to reject the proposed framework and maintain the governmental consensus voting process in future code adoption cycles.**

Climate change poses a grave threat to the nation, and addressing it is a top priority for New York State. In July 2019, Governor Andrew Cuomo signed the New York State Climate Leadership and Community Protection Act (CLCPA) requiring the State to achieve a carbon-free electricity system by 2040 and reduce greenhouse gas (GHG) emissions at least 85% below 1990 levels by 2050. To achieve these long-term goals, the CLCPA also requires the State to achieve 185 TBTUs of onsite energy savings by 2025. Continued advancement of the State Energy Conservation Construction Code (State Energy Code) is an important tool as New York seeks to drive energy efficiency and reduce GHG emissions across the built environment in the short- and long-term. Because our State Energy Code and local energy codes rely on the IECC as a basis, maintaining the voice of stakeholders – especially governmental members like NYSERDA and DOS – and allowing them to provide expertise and input will be critical.

New York State has relied on the ICC Government Consensus Process for code development for almost 20 years. We rely on the fact that the I-Codes are developed in concert and are coordinated with one another. This proposal represents a significant and unwelcome departure from the proven I-Codes development process relied upon by members, and, if implemented, it is likely to adversely affect the time frame of the code updates and the coordination with other codes and/or standards.

Thank you for the opportunity to provide comments in your proceedings. We hope that ICC's thorough code development process will continue to directly incorporate the feedback, expertise, and input of the governmental members to include critical information gained at the state and local government levels. We urge you to reject the proposed Consensus Procedures framework and to maintain the Governmental Consensus Process in future code adoption cycles.

Sincerely,

Janet Joseph
Senior Vice President, Strategy & Market Development
NYSERDA

Brendan Hughes
Executive Deputy Secretary of State
NYS Department of State