



NYSERDA

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Governor

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Chair

DOREEN M. HARRIS
Acting President and CEO

August 28, 2020

Mr. Dominic Sims, CEO
Mr. Michael J. Pfeiffer, Senior Vice President of Technical Services
Mr. Greg Wheeler, CBO President
International Code Council
900 Montclair Road, Suite A
Birmingham, AL 35213
Via email: dsims@iccsafe.org, mpfeiffer@iccsafe.org, gwheeler@iccsafe.org

Dear Mr. Sims, Mr. Pfeiffer, Mr. Wheeler and Members of the 2019 Group B Appeals Board,

The New York State Energy Research and Development Authority (NYSERDA) welcomed its opportunity to participate in the 2021 International Energy Conservation Code (IECC-2021) Online Governmental Consensus Vote late last year. We were also reassured to see the Validation Committee and the ICC Board of Directors resolve the challenges to the results of this vote that accommodates fair and open participation among all Governmental Members. The current appeals serve as merely a second attempt to curtail fair and open voting according to ICC Bylaws, and are a disservice to the Validation Committee and ICC Board of Directors, which have already carefully considered and spoken on these objections. NYSERDA submits this letter in its second request for fairness and openness, and requests that you uphold the results of the December 2019 Group B Online Governmental Consensus Vote.

The International Code Council’s (ICC) code development process and the bylaws providing for Governmental Member voting are clear, open and publicly available. This process has been known and understood for many years and has withstood previous challenges to undermine this fundamentally democratic process. With respect to the current appeals, NYSERDA provides the below comments on the three main areas:

- 1) **The attempt to overturn the online vote:** Prior to participating in the Online Governmental Consensus Vote, NYSERDA’s twelve, validated Governmental Member Voting Representatives scrutinized each IECC-2021 proposal—accounting for committee opinion, public comments and video testimony—and consulted internal and external subject matter experts. Every vote was cast according to the rules of the ICC’s voting process. Our votes were cast to support New York State’s needs, and in the best interests our constituents.
- 2) **The attempts to remove electrification measures from the code:** NYSERDA does not share the view of several participants in the hearing’s testimony that the IECC is an inappropriate venue for the proposed measures, particularly with respect to electric vehicle-ready charging. Electrification is a critical piece of environmental policy in New York State and other states and jurisdictions throughout the country and voting to support this position and was informed and deliberate. NYSERDA will continue to support code advancement to help achieve both state and national goals.

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August 28, 2020

Page 2

- 3) **The challenges to voter eligibility and validation:** Based on ICC Bylaws governing the 2021 code development cycle, the online voting process was fair, and we look to the ICC to protect this vitally important process and its results. Additionally, given restrictions on travel to participate in the Committee Action and Public Comment Hearings, the online voting period is an excellent opportunity for NYSERDA to engage in this process.

Thank you to you and your staff for maintaining the integrity of this system and your continued commitment to the advancement of more efficient and economic homes and buildings. I encourage you, again, to uphold the December 2019 Group B Online Governmental Consensus Vote. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Doreen M. Harris".

Doreen Harris
Acting President and CEO NYSERDA
Acting NY State Energy Officer