



January 11, 2021

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

I am writing 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. I am concerned that the proposal disenfranchises the critical voices of governmental members for whom the IECC is developed by removing the governmental consensus voting process. In addition, changing the IECC from a code to a standard prevents Pennsylvania from incorporating it into its regulations. **For these reasons, I encourage the ICC Board to reject the proposed framework and maintain the governmental consensus voting process in future code adoption cycles.**

Changing the IECC from a code to a standard prevents Pennsylvania's Energy Programs Office (EPO), the U.S. Department of Energy-recognized Pennsylvania State Energy Office, from participating in the development process. As an ICC Governmental Member, the EPO regularly provides expertise and input through the governmental consensus voting process. This ensures that updates to the IECC, which forms the basis of state and municipal energy codes, are based upon the most up-to-date information.

In addition to EPO regularly providing expertise and input through the governmental consensus voting process, EPO has been supporting the codes adoption and enforcement process. EPO, using State Energy Program funds, provides annual training sessions on both the residential and commercial building energy codes and supports programs to identify and remove barriers to local codes enforcement. The knowledge and expertise of EPO in building science including energy efficiency and conservation is important to formulating and implementing building codes that meet the needs of Pennsylvanians. Therefore, this proposed change without any details of future involvement or input by government consensus voting is unconscionable as it would, at a minimum, limit the input of the very people who are responsible for implementing and ensuring compliance with the code. On the contrary, the current process is flexible, diverse and successful enough such that it has become the basis for energy codes across the entire United States.

Pennsylvania has used standardized building codes to increase the efficiency and resiliency of buildings for owners and operators for over 20 years. The way codes have been developed has saved over \$60 billion for homeowners and businesses in the U.S., based on data from the U.S. Department of Energy.¹ The Pennsylvania Construction Code Act (PCCA) (Act 45 of 1999), also known as Pennsylvania's Uniform Construction Code (UCC), establishes codes and standards for work requiring a construction permit. The UCC Administration and Enforcement regulation has adopted 11 international and national codes, including the International Building Code 2015, the National Electric Code, and International Energy Conservation Code 2015. In May of 2018, the Pennsylvania Uniform Construction Code Review and Advisory Council voted in favor of adopting the 2015 International Energy Conservation Codes with minimal

Secretary

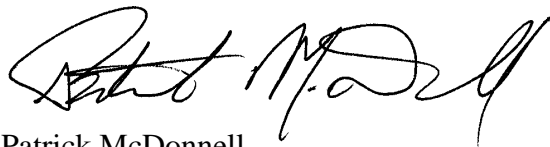
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Pennsylvania-specific amendments. Since the PCCA only permits incorporation of the ICC codes into the UCC, if the IECC is changed to a standard, it cannot be incorporated into the UCC unless it is referenced by other ICC codes. This complicates code adoption and education, making an IECC standard less likely to be enforced or followed in Pennsylvania.

We know governments are the largest collective owner of real estate in the U.S. Pennsylvania is no different and as such we have the responsibility to taxpayers to ensure their buildings are resilient, safe and operating in a cost-effective manner. On January 8, 2019, the Governor of the Commonwealth of Pennsylvania, Tom Wolf, signed Executive Order: 2019-01 – Commonwealth Leadership in Addressing Climate Change and Promoting Energy Conservation and Sustainable Governance. This Executive Order established Climate Goals for Pennsylvania to reduce net greenhouse gas emissions by 26 percent by 2025, and 80 percent by 2050 from 2005 levels. One of the essential tools available to our state and local governments for meeting these climate goals is improving energy efficiency through buildings and implementing improved building codes and standards. Limiting the representation of government in code development through this proposed framework could undo the years of consistency built through the current process and harm progress towards achieving our Climate Goals.

Thank you for the opportunity to provide comments in your proceedings. I am hopeful that the ICC's thorough code development process will continue to directly incorporate the feedback, expertise, and input of the governmental members who base their own codes on the product of this process. **I urge you to reject the proposed framework and maintain the governmental consensus voting process in future code adoption cycles.**

Sincerely,



Patrick McDonnell
Secretary
Pennsylvania Department of Environmental Protection

ⁱ <https://www.energy.gov/sites/prod/files/2016/12/f34/Codes%20Fact%20Sheet%2012-28-16.pdf>