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U.S. Department of Energy
Office of Energy Efficiency and Renewable Energy
1000 Independence Avenue SW., EE-5B
Washington, DC 20585

Submitted Electronically

RE: Department of Energy (DOE) Request for Information (RFI) on Resilient and Efficient Codes Implementation (RECI), DE-FOA-0002755

The International Code Council (ICC) is a nonprofit organization, with more than 63,000 members, that is dedicated to helping communities and the building industry provide safe, resilient, and sustainable construction through the development and use of model codes (I-Codes) and standards used in the design, construction, and compliance processes. Most U.S. states and communities, federal agencies, and many global markets choose the I-Codes to set the standards for regulating construction, plumbing and sanitation, fire prevention, and energy conservation in the built environment. The Code Council's response to DOE's RFI on RECI is provided below.

Category 1: Technical Requirements

1.1 How can a potential RECI FOA support a professional workforce that is trained on the latest codes, as well as skilled in advanced technologies, decarbonization, construction practices and building science that can be sustained over time? How should DOE prioritize training a new workforce entering the job market versus training the existing workforce on the latest in energy code and building construction trends?

DOE should support development of a curriculum and deployment efforts focused on multiple career pathways (code officials, contractors, designers) leading to an advanced energy workforce. Energy codes, including the International Energy Conservation Code (IECC), should be embedded across all pathways to build capacity and support compliance. DOE should bring together existing resources including the Code Council's [Safety 2.0 Technical Training Program](#) and resources developed under DOE grant programs including BENEFIT, EMPOWERED and others. Where gaps in existing resources exist, DOE should support initiatives to fill those gaps. While the curriculum should include initial exposure to energy topics in elementary and middle school, it should start in earnest in high school creating a continuum from high school to post-secondary schools (trade schools, community college, etc.) and then into the workforce with ongoing learning and continuing education including certifications. DOE should also support outreach to parents and guidance counselors on the career opportunities in codes and energy efficiency, including potential incomes. Expanding national competitions to include high schools, with a focus on codes, could help expose more students to the exciting opportunities.

A balance of focus on new entrants and existing workers is necessary. The industry needs new entrants to replace retiring workers, and the existing workforce still needs to keep up to date on the latest technologies and practices. New entrants are typically more receptive to technology changes and can be primed for long-term engagement. Technology and the societal impacts of careers in these fields should be highlighted. DOE should ensure that funding is used for training

and certification programs that are accessible and attainable for historically underserved communities, including communities of color.

Personnel certification for both new entrants and existing workers provides an opportunity to assure ongoing learning and should be a focus for the Funding Opportunity Announcement (FOA). Certifications require continuing education to remain active, leading to sustained results. DOE should prioritize funding for certifications and further incentivize states to adopt certification requirements, weighting that aligns with the emphasis on certification provided to the Department in Energy and Water FY22 report language.

Although about two-thirds of states require code official certifications, only 7 states require certification on energy code provisions. DOE residential field studies have demonstrated that adequate training is one of the keys to effective implementation—after training and education in 7 states, annual energy costs due to varying levels of code compliance decreased by an average of about 45 percent. Of the 7 states studied, only Pennsylvania required code official certification to the Commonwealth’s energy code. Pennsylvania’s improvement, post training, was among the smallest observed (5.9 percent), which means that, due to its training requirements, the Commonwealth was among the best at capturing the savings provided by the code. The certifications are typically portable state-to-state and cost a fraction of the time and money that must otherwise be invested in obtaining a post-secondary degree.

1.2 How can DOE effectively support long-term state and local energy code compliance improvements (e.g., compliance tools, compliance training, etc.)? Are there any successful compliance improvement models that can be emulated? If so, what makes them successful?

Ongoing development of tools and technical support is valuable for continued improvements but does not typically, alone, drive adoption of or compliance with updated codes. The most successful action to date was through \$3.1 billion in American Recovery and Reinvestment Act (ARRA) incentives tied to the adoption and implementation of then current energy codes (e.g., the 2009 IECC). Many states on older editions, and even several that do not adopt other codes statewide, adopted the 2009 IECC (although several states remain on this edition). Tying code adoption and compliance to funding incentives can drive adoptions of updated codes which, where less efficient codes are currently in place, can lead to systemic improvements in energy conservation outcomes.

The Federal Emergency Management Agency (FEMA) places significant emphasis on the importance of codes in reducing the impacts of disasters. The Building Resilient Infrastructure and Communities (BRIC) grant program incentivizes code adoption and enforcement in three ways: a portion of grant funds are available to support code adoption and implementation, a significant number of points in the evaluation process for mitigation projects is tied to the adoption of hazard resistant codes and their enforcement, and BRIC-funded projects must adhere to hazard resistant codes. Several states are considering updating their codes or moving to a statewide code to increase access to these funds. DOE should include a similar approach for grant programs it administers, such as the Energy Efficiency and Conservation Block Grant Program, State Energy Program, and Weatherization Assistance Program.

See also discussion on the importance of personnel certification in response to *question 1.1*.

1.3 How can a potential RECI FOA be designed to foster innovative approaches to code implementation, such as stretch codes, zero net-energy codes, and building performance standards? What key innovative approaches best support building energy code updates? What other applicable example activities should DOE mention for this topic area in a potential FOA?

As part of its evaluation criteria, DOE should clearly indicate its priorities. The early and frequent engagement of stakeholders to help build consensus and gather information on specific needs will be valuable in identifying potential approaches. The Code Council encourages the Department to promote adoption of the International Green Construction Code (IgCC) at the state and local levels. However, we do not believe these and other stretch code efforts should crowd out opportunities for states and localities to update and improve implementation of base codes, like the IECC, particularly where their doing so would provide greater climate benefits than the incremental benefits provided by the adoption or updating of stretch codes in communities that are already leading and may have adopted stretch codes without DOE's engagement.

1.4 How can innovative approaches that address existing buildings (e.g., BPS) complement and be better aligned with energy codes which primarily address new construction? Are there effective models that can be replicated? If so, what are these models and what makes them successful?

A coordinated, continuum approach from building codes through existing buildings policies would support broader acceptance and achievement of desired outcomes. Some building codes and related regulations (e.g., fire codes, boiler and elevator inspections) include provisions that apply retroactively to existing buildings. The acceptance of these ongoing requirements is based on a strong public recognition of the contribution of these measures to public safety. Building a strong public policy basis for ongoing energy requirements may be necessary.

1.5 What should DOE include in a potential RECI FOA to encourage consideration of resilience aspects of energy codes, like passive survivability and grid resilience, in addition to energy and emissions savings?

DOE should provide additional weight to grant applications that address resilience measures beyond energy savings. Passive survivability comes into play when power systems are down, which commonly occurs following a weather or seismic event. The same event that knocked power generation offline will have impacted the built environment of the broader community. Ensuring RECI supports broader community resilience is critical. For this reason, we strongly encourage RECI to support and prioritize proposals that advance adoption and effective implementation of hazard resistant building codes in addition to energy code updates. See response to *question 2.4* below for additional information.

Relatedly, supporting benchmarking and planning processes that show the intersections of energy efficiency and resilience and opportunities for improvement could be valuable. For example, the [Alliance for National & Community Resilience](#) (ANCR) [Community Resilience Benchmarks](#) (CRBs) provide a holistic set of benchmarks that look across social, organizational, and infrastructural functions of communities (including energy, housing and buildings). Funding opportunities to further build out and then pilot the benchmarks should be provided.

Category 2: Supporting State Code Adoption

2.1 How should DOE prioritize code updates? More specifically, should updates to the model energy code be prioritized based on potential energy and/or carbon savings as compared to the current baseline within each state? How should DOE prioritize updating to a code more advanced than the current model code?

DOE should implement a two-pronged approach to encouraging code updates. One priority should be on states or communities that have been on an older edition of the code (e.g., those on the 2006 or 2009 editions or their equivalents) that are updating to more recent editions. Such

applicants are likely to need significant resources to make those transitions and may need additional incentives. Priority should also be given to updates that result in significant energy savings. Such savings should be based on the code content, construction activity, the inclusion of procedures to measure achievement of those savings, and the benefits that updates will have on vulnerable populations. These savings should be based on the update to a model code or measures that represent an improvement as compared to the existing adopted base code. DOE should consider the extent to which incentives are necessary to encourage outcomes, including going beyond current model codes, and whether communities seeking to go beyond current codes (and their appendices) have access to alternative resources to support such measures.

2.2 How should DOE ensure that States have implementation plans to sustain the adoption of model energy codes over time?

An energy code plan, including discussions of updates and deployment strategies, can be valuable in achieving long-term outcomes. Priority should be given to states that submit such a plan with their applications.¹ For recipients without a plan, plan development should be a condition of funding receipt and funding for such plan development should be included in the award. This would be similar to requirements FEMA has for mitigation grant recipients, although our recommendation would have an energy code adoption plan submitted post-funding so that its development would not slow down application development and processing and so that funds from an award can support plan development. DOE is encouraged to provide references to outside resources, including those prepared by code and standards developers, that illustrate models of effective implementation plans.

2.3 Since each funded project is intended to enable updated building energy codes, what should DOE consider to be “updated” codes? Should it include ongoing code updates and/or planned future code updates? How far in the future is it reasonable to consider code updates? Should in-process code updates be prioritized higher than planned updates?

Updated codes should be defined as broadly as possible to support achievement of the funding’s goals. In setting initial requirements for the FOA, DOE should recognize as “updates,” at a minimum, energy codes that were adopted a year prior to the Infrastructure Investment and Jobs Act’s (IIJA) date of enactment. Doing so would ensure jurisdictions that have undertaken recent updates, but which took place prior to the IIJA’s enactment, are not unfairly penalized for their early adoptions. The length of this lookback would also allow RECI grants to meaningfully improve the adopted codes’ implementation.

Funding should be available when an update is triggered, even if not effective until a later date. The transition period from an older code to a newer code is an important time to ramp up training and other support activities—enhancing compliance.

Funding should also be available to support a planned future update activity—where the jurisdiction demonstrates a clear adoption timeline in the near future. In doing so, the funds would support and encourage the planned adoption. To ensure supported adoptions advance, DOE could write provisions into grant requirements that ensure awards are contingent on the adoption.

DOE should also support jurisdictions with regular update processes, for example, once every 3 or 4 years. These jurisdictions with time-certain update processes should be encouraged.

¹ For states or localities with legislative requirements for regular updates, that legislation could be considered in the update portion of the plan. Deployment content would need to reflect current strategies, those identified in the grant application, and additional anticipated activities.

DOE's doing so would also provide an incentive for jurisdictions without such a process to consider it. RECI funding should be available to support technology that enables faster and more regular update processes. To the extent that in-process updates can be influenced to enhance efficiency, they should be prioritized, but balanced with the other considerations above including potential savings, gaps addressed, etc.

2.4 How should DOE consider broader building code updates intended to address resilience in addition to energy as part of the prioritization process? How should DOE prioritize those code updates that include both energy and resilience measures?

Where practical, DOE funding should support updates of energy codes along with other building code updates. This will support coordination and help make the case that energy codes are resilience codes. Building codes are designed to correlate and work best when they are adopted en bloc. The 2021 IECC, for example, includes more than 50 cross references to the 2021 editions of nine other International Codes (I-codes), almost all of which are listed within FEMA's agency-wide building code strategy and are required by FEMA for FEMA-funded post-disaster reconstruction. Following on its intra-agency building codes strategy, FEMA is looking to work with other agencies that have code-related programs to support holistic messaging and coordinated activities. FEMA has several funding programs that support the broad adoption and implementation of codes. DOE should partner with FEMA to help align these funding opportunities and assure that activities undertaken under either funding stream are reinforcing and delivering energy and resilience savings.

“Resilience” is a listed priority criterion within RECI. That's because resilient building infrastructure is critical to addressing challenges due to climate change. Because of climate change, hazard risk is increasing markedly. [Per FEMA](#), adoption and effective implementation of hazard-resistant building codes is the most effective mitigation measure against hazard risk. Absent stronger codes, thousands of buildings will sustain avoidable damage, in many instances, irreparably so, resulting in significant environmental costs that are associated with building new replacement infrastructure and repairing existing infrastructure. Buildings built to strong energy codes that are highly energy efficient or even net zero energy will not realize climate benefits if they are damaged or destroyed because they were not constructed to withstand hazard risk.

Requiring current hazard-resistant codes—i.e., the International Residential Code (IRC) and International Building Code (IBC), which FEMA and the National Institute of Building Sciences (NIBS) use as their basis for modeling—could prevent roughly \$14,000 in losses per building in areas where codes have not been updated in the past two decades, an [\\$11 to \\$1 return on investment](#). [Per FEMA](#), in recent years, 30% of new construction has occurred in these areas. Ensuring future construction is resilient provides corresponding loss avoidance benefits [equivalent](#) to preserving 15,000 new homes, and avoiding 1.5 million metric tons of CO₂ emissions, annually. The losses avoided in constructing buildings to the International Wildland Urban Interface Code (IWUCI) has the annual equivalent value of preserving about 4,800 new homes and avoiding 500,000 metric tons of CO₂ emissions.

DOE should also encourage states and localities to specifically update, alongside their energy codes, their plumbing code and adopt water efficiency and reuse codes like the IgCC, CSA B805-2018/ICC 805-2018 Rainwater Harvesting Standard, and RESNET/ICC Standard 850 on Water Performance of One- and Two-Family Dwellings. The International Plumbing Code (IPC) and IRC provide requirements governing the construction, installation, alteration, and repair of on-site nonpotable water reuse systems, nonpotable rainwater collection and distribution systems, and reclaimed water systems. The IgCC, a collaboration between the Code Council, the

American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), the U.S. Green Building Council, and the Illuminating Engineering Society, establishes maximum plumbing fixture consumption rates, which reduce potable and nonpotable water use. The IgCC encourages water reuse by requiring greater utilization of nonpotable water for irrigation systems, prohibiting the use of potable water for roof spray systems, limiting once-through potable water use in HVAC systems, and requiring water consumption monitoring. As DOE has recognized and as captured in IJJA, the energy-water nexus is an important consideration and an area where policy coordination is important.

Category 3: Partnerships, Eligible Entities, and Evaluation Criteria

3.1 What types of strategic partnerships should DOE emphasize that can help best address challenges facing states, local governments, and the broader industry in energy code implementation (e.g., network of states and local governments to enhance implementation, national energy codes collaborative to provide thought leadership on codes activities, etc.)?

DOE should prioritize partnerships where the state and local entity charged with adopting and/or enforcing the state's building and energy codes are co-parties. In more than 75 percent of states that adopt building energy codes statewide, energy codes are adopted by administrative bodies distinct from state energy offices, like State Fire Marshal's Offices, Departments of Public Works, and Building Code Commissions. Most local governments do not have dedicated energy offices. These building offices are most closely tied to the challenges of adopting strong energy codes and ensuring they are effectively implemented.

Partnerships with national or local organizations representing building and energy code officials are also critical. These organizations represent the constituency charged with adopting and enforcing building and energy codes. They lead the charge for code updates. They work with state and local departments on best practices for implementation that consider local practices. They know firsthand the enforcement challenges. They have meaningful and longstanding relationships with the broader ecosystem of construction professionals.

The above referenced bodies are and should be recognized in RECI as essential partners. Ensuring their buy in and participation at the state and local level will foster improved energy code adoption and implementation outcomes. Not engaging these bodies risks the converse.

More broadly, DOE should encourage partnerships at a variety of scales depending on the specific topics being addressed. Some solutions may best be tackled at the national or regional level including a national energy codes collaborative, regional code implementation forum, energy code training or development of software or other tools aligned with the model codes. Some activities may be best focused at the state or local level to address very specific challenges. Partnerships should be designed to capture the expertise necessary to address the challenge—often, a diversity of perspectives can deliver better outcomes. The expertise of building code development organizations with supporting implementation infrastructure would be valuable for most proposals and should be prioritized.

3.2 To what extent should DOE prioritize partnerships between a state agency and other entities over sole applicants (which can only be a state agency)?

Wherever practical, DOE should encourage partnerships. The Code Council would again reference and reiterate its recommendations on essential partners within *question 3.1* above.

Partnerships allow for the capture of multiple perspectives, leverage different expertise, engage stakeholders, and deliver more robust solutions. Partnerships also allow for the development of a multi-pronged strategy rather than focus on one or two priority areas of a state agency.

States should be encouraged to pursue partnerships—especially in states where code adoption is left to local governments. Local governments keen on updating their energy code should be able to leverage RECI resources even where their state has not applied.

3.3 How can DOE best reach local governments in its code development activities? Considering local governments would have to partner with a state in their application for a potential RECI FOA, how can DOE help encourage states to support interested local governments with local policy support, but also connecting with underserved communities at the local level?

DOE funding has the opportunity to make significant code development and implementation improvements at the local level. Allowing easy access to this funding will be essential. While funding must go through a state agency, DOE should allow for a state agency to “sign off” on a local application rather than having the state be a significant partner in the effort. DOE should also encourage regional applications that include a state (not necessarily one where the local jurisdiction is located) for local activities where the home state may not be interested in applying directly. States should be eligible for some amount of administrative funding under a grant to help incentivize their support for local government applications (even if the state is not looking to be significantly engaged).

As stated above, DOE should also prioritize partnerships with national and local organizations representing building and energy code officials. National bodies should be leveraged nationally and regionally. They are the only entities that represent local code adoption/implementation entities. For instance, more than 9,000 departments, agencies, and jurisdictions are Code Council members. These organizations represent the constituency charged with adopting and enforcing building and energy codes. The Code Council would again reference and reiterate its recommendations on essential national and local partnerships within *question 3.1* above.

3.4 What other considerations should be given to applicants (e.g., geographic distribution, rural vs. urban, traditional vs. new activities)? How can DOE ensure fair and representative distribution across key U.S. demographic areas?

To the extent practical, DOE should look to fund a diverse set of activities across the country. Even if a specific community is not funded, being able to look to solutions deployed in similar communities is important for replicability. Focus on geographic distribution should include by climate zone. To help jurisdictions that may have less resources for submitting grant applications or project development, DOE should provide templates for common code implementation programs (e.g., training, personnel certification, digital access to codes). Any potential savings analysis required of applicants should also either be conducted directly by DOE/PNNL for disadvantaged communities or be easily calculated using an online software tool. It is important that DOE also look to areas where new construction is occurring and in communities that have traditionally lacked resources to effectively implement or enforce codes.

DOE should not, however, require a distribution that, if not achieved to perfection, results in a failure to distribute its full \$45 million allocation to deserving applicants in a given grant year.

3.5 What external non-project partners/stakeholders (e.g., tribal groups, state and local governments, state energy offices, equity, and environmental justice groups) will be critical to the success of a potential RECI FOA? What types of outreach and engagement strategies are needed to make sure these stakeholders are involved in the implementation of potential RECI FOA activities? Are there best practices for equitably and meaningfully engaging stakeholders?

All applicants should be encouraged to work with key stakeholders (even if not formally on the team) during the project formulation process and once funding is awarded. The specific stakeholders may vary depending on the project being submitted, but should certainly include those affected by the proposed activities including code officials, local code chapters, affected code developers; architects, engineers, contractors and owners; and building occupants—both owners and tenants, with particular attention to community members who may not typically have the resources or expertise to engage but who are impacted by the outcomes. Equity and environmental justice groups can help provide perspectives from across the community.

As stated above, in response to *question 3.1*, state and local agencies responsible for code adoption and enforcement (both for energy codes and other building codes) and national and local bodies representing building and energy code officials and facilitating building and energy code development are essential partners for all RECI projects. To the extent they are not included, these stakeholders should absolutely be consulted. In most cases the entity charged with adoption and enforcement is not a state energy office. The inclusion of state code agencies, which are not DOE's typical grantees or partners, will bring both institutional expertise—connections with peer agencies in other states and localities—and access to code development and support organizations.

The NAACP Centering Equity in the Sustainable Building Sector (CESBs) has developed some resources to support inclusion of diverse stakeholders in policy-related activities. The [“Guidelines for Equitable Community Involvement in Building & Development Projects and Policies”](#) is a deep toolkit of explainers, principles, tips and tactics for everyone seeking to bring justice and equity to buildings and development.

Category 4: Funding and Period of Performance

4.1 Is a period of performance of 3-5 years reasonable? If not, what is appropriate and why?

Yes, a 3-to-5-year period of performance tracks with a typical code cycle, allowing applicants to track progress and gather lessons learned for feedback into the next code development process.

4.2 What level of funding would be appropriate to achieve the draft objectives over a 3-to-5-year project period?

The level of funding required on a project level can vary significantly depending on current code adoption and implementation and the extent of activities planned. Using FEMA's grant making programs as a proxy, projects can range from tens of thousands of dollars for smaller jurisdictions to several million for statewide efforts. At a departmental level, DOE should leverage multiple funding sources to build a comprehensive approach. This should include both IJJA and non-IJJA funding. We strongly encourage DOE to continue to support the \$300 million in funding for energy code adoption and implementation included within the House-passed Build Back Better legislation and to assure its existing \$12 million FY2022 appropriation for the Building Energy Codes Program (BCEP) supports that program's core adoption and implementation functions (and not Building Technology Office efforts more broadly). We also encourage DOE to push hard to support requests led by Senator Shaheen, Congressman Welch and others to provide \$30 million for BCEP in FY2023.

4.3 How can this funding best leverage other sources of funding from states, utility programs, and others? Should DOE prioritize projects that leverage other funding sources? How should the applicant's ability to leverage other funding sources be prioritized?

Ideally, activities undertaken with DOE funding should be part of a comprehensive strategy to advance code adoption and implementation. Either in advance of DOE funding or as part of the

funded initiative, the grantees should develop a comprehensive plan for long-term adoption and compliance. The plan should include identification of existing programs or funding sources that can fund elements of the plan. Applicants should demonstrate how they are coordinating across funding sources and implementers to achieve goals in alignment with their comprehensive strategy.

4.4 How could funding under other BIL provisions (e.g., Section 40109: State Energy Program or Section 40552: Energy Efficiency and Conservation Block Grant Program) be leveraged to maximize the impact of the codes BIL funding?

Similar to our response in *question 4.3*, all energy-related funding should be focused on achieving goals identified in a comprehensive plan, which includes other BIL funded programs. Recognizing that the BIL's codes funding may not be able to cover all aspects of code adoption and enforcement, SEP and EECBG funds should be used to cover gaps identified by the comprehensive plan because both funding streams can fund energy code adoption and enforcement activities in the broadest sense. Similarly, SEP and EECBG funding should require applicants to identify how their work supports a broader state-wide energy strategy and the role of codes in meeting the identified goals.

Category 5: Energy and Environmental Justice (EEJ) Priorities

5.1 What EEJ concerns or priorities are most relevant for this Resilient and Efficient Codes potential RECI FOA?

The FOA should include provisions that focus applicants on addressing resilience and energy savings issues from a whole-community perspective. As noted above, requiring current resilient codes along with energy code updates can help avoid \$14,000 in losses over the lifetime of a home. [Research shows](#) that disasters hit underserved communities the hardest because they are more likely to live in homes built in hazard-prone areas or homes with lower quality construction. Consequently, low- and middle-income families are at greater risk of damage to or loss of their homes and are at higher risk of being displaced by a natural disaster. Disasters strike with both a physical and a financial shock, and only about 4 in 10 Americans [can afford](#) to cover an unanticipated \$1,000 expense. That's about one-third of the average [FEMA-verified](#) (not actual) losses post-Hurricane Harvey.

EEJ priorities also include addressing the needs of vulnerable populations and community members that have not previously been engaged in the code development and application process. Building capacity within these populations will be essential. Relatedly, code adoption and enforcement activities should include a focus on opportunities to reduce energy burdens and build resilience in affordable housing.

Ensuring local governments representing EEJ communities have pathways to apply for funding, even where their state declines to apply, is critical.

5.2 How can DOE incentivize partnerships with community partners (such as nonprofits), minority-owned businesses and significant engagement of HBCU/MSI/TCU partners?

In its prioritization of applications, DOE can include the engagement of specific types of organizations as part of the FOA and selection process. These prioritizations should be clearly outlined in the FOA.

5.3 What strategies, policies, and practices can this potential Resilient and Efficient Codes Implementation potential FOA deploy to support EEJ goals (e.g., Justice40)? How should these be measured and evaluated?

All successful projects should include a requirement for measurements and evaluation of outcomes. Specific metrics focused on EEJ goals could include impacts on vulnerable populations and those with higher-than-average energy burdens. Existing tools such as [EPA's Environmental Justice Screening Tool](#) and the data and maps provided by DOE on code adoptions and energy burdens can provide valuable insight on where initiatives could have significant EEJ impacts. Broad stakeholder engagement, as outlined in our response to *question 3.5*, should also be required.

5.4 What measures should project developers take to ensure that harm to communities with environmental justice concerns are mitigated?

Broad community engagement will be essential. This means including equity and environmental justice groups in outreach or as part of the project team. Again, the EPA Environmental Justice Screening Tool and NAACP resources should be included within DOE's guidance to applicants.

5.5 How can applicants ensure community-based stakeholders/organizations (especially underserved communities) are engaged and included in the planning, decision-making, and implementation processes (e.g., including community-based organizations on the project team)?

The NAACP Guidelines provide resources on how to meet these goals. Deliberate approaches to engage community members and providing them with compensation or other accommodations that allow for their participation (transportation, childcare, food) can create possibilities for engagement. DOE funding should be flexible to allow such needs to be covered.

5.6 How can DOE support meaningful and sustained engagement with relevant disadvantaged communities?

As part of long-term planning, DOE could work with state and locality recipients to establish a community stakeholder group that includes all relevant stakeholders (including representatives from communities not traditionally engaged in the codes process). Compensation or accommodations to secure their participation may be required.

Category 6: Other

6.1 How should DOE prioritize projects that will be long-lasting and sustainable beyond BIL funding?

Development and implementation of a long-term strategy for code updates and compliance (through personnel certifications, for example) should be either incentivized or required under DOE funding. This will provide direction for both policymakers and the building industry on future expectations with or without funding. Successful applicants should also be required to document results (see response to *question 6.2* for more information).

6.2 How should DOE track overall outcomes from this funding? What metrics should DOE request from each project team to better understand impacts?

Requirements for demonstration of results should be commensurate with the level of funding and the type of activities funded. For common activities (training, certification, etc.) the Department should provide documentation templates (ideally in conjunction with the FOA). DOE should work with successful applicants to provide easy-to-use tools that help translate compliance results into data points that illuminate the benefits of investments in these types of programs (energy savings, cost savings, emissions savings, jobs created, etc.). Metrics could also include demographic data on the community members impacted. Such analysis will help the successful applicants continue with the momentum created, but would also demonstrate to other states and localities the benefits of such actions. To allow for the best possible projects, the metrics DOE

will use should be outlined up front in the FOA. DOE could also produce a tracking tool to support uniformity in reporting and potentially ease the burden on applicants with limited administration resources. DOE should also produce periodic reports that aggregate the results from funded projects to demonstrate the overall benefits received from BIL-related funding.

6.3 Do any of the outlined criteria present limitations to emerging business models? Should other criteria be considered?

The criteria outlined to date are sufficiently flexible to allow for innovative measures. DOE should consider the replicability and scalability of activities it funds.

6.4 Please provide any additional information or input not specifically requested in the questions above that you believe would be valuable to help DOE develop a potential RECI FOA.

Many SLTT governments may not have the resources necessary to respond to the FOA—particularly those representing disadvantaged populations. To help lessen this hurdle we recommend that DOE develop template applications for common activities shown to advance implementation (code official, designer and contractor training; certifications; access to code content; etc.).

Category 7: Draft Application Requirements

7.1 Should the applicant be led by or include a team with a state agency with commensurate qualifications to successfully perform the proposed activity?

While the legislation speaks to a state agency participant, requiring that agency lead the proposal and subsequent project should not be required. Such a requirement would limit applications as most state agencies do not have the expertise to tackle many of the components envisioned alone. Additionally, if it is a multi-state project that includes local governments, only one state participant should be required (not one from each state that has a participating local government). This will allow for the greatest impact—even in states that do not apply. Teams with a diversity of expertise that are focused on a multi-pronged and comprehensive approach should be prioritized.

7.2 Should DOE only consider applications that contain a state or local code update, including energy or building?

While updates to codes can be a valuable intervention point to support activities that lead to better outcomes, it should not limit eligibility for funding. In some instances, significant planning, groundwork, education, tool development, infrastructure development, and analysis may be required before a state or locality can adopt a new code. DOE funding should support these initial foundational activities as well.

7.3 How can applicants show sustained technical support for effective energy code implementation?

Applicants can show sustained support through a variety of means (including job positions or contracts, funding sources outside of DOE including utilities or state funds, engagement with Regional Energy Efficiency Organizations). Development of a long-term, comprehensive implementation plan that includes provisions for technical support can also demonstrate commitments.

7.4 Should DOE prioritize energy codes and building measures that provide long-term energy savings?

Yes, fleeting opportunities will require continual interventions from DOE and others whereas long-term savings can apply over the life of a building with limited need for ongoing funding or other assistance. Considerable priority should also be given to ensuring compliance and enforcement to ensure long-term energy savings are realized.

7.5 How should applicants implement procedures and tools to track and assess the benefits associated with each project?

See responses to *questions 5.3 and 6.2.*

7.6 How should DOE view applications that consider maximizing non-energy benefits such as building and grid resilience, occupant safety and health, water conservation, embodied carbon, and other environmental externalities?

Such applications should receive additional consideration as part of the funding evaluation process.

7.7 Should DOE consider the applicants engagement with a robust group of stakeholders including, but not limited to, builders, contractors, architects, engineers, other design and construction professionals, as well as state and local governments, building officials, academia, research, consumer advocates and NGOs?

Yes, robust engagement with stakeholders will likely lead to better results and the development of relationships that support long-term collaboration to achieve energy and resilience goals.

7.8 What types of buildings should applicants focus on, including new and/or existing residential, multifamily, and/or commercial buildings?

Building types should be flexible based on the specific needs of the community and the potential to realize energy savings.

7.9 How should DOE view applications with innovative solutions to address energy and other inequities within building codes and relevant policies?

Applications that address multiple priorities should receive preference for funding (assuming energy savings is a core priority of the project).

7.10 How can the applicants include meaningful engagement with all communities in the region, with a focus on disadvantaged communities, tribal communities and communities with environmental justice concerns, and communities facing the transition away from fossil fuel economies, as well as with labor unions and other key stakeholders as part of the application process?

Setting up expectations during the application process and requiring reporting on engagements with community members will be essential. Responses to prior questions capture some of the specific recommendations on how to accomplish this.

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Thank you for the opportunity to provide comments. If you have any questions concerning these recommendations, please do not hesitate to contact us.

Sincerely,

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