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Docket No. EERE-2010-BT-STD-0031
Fossil Fuel Generated Energy Consumption Reduction for New Federal Buildings and Major Renovations of Federal Buildings

COMMENTS OF:
THE INTERNATIONAL CODE COUNCIL (ICC)
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The International Code Council (ICC) offers the following comments on the Notice of Proposed Rulemaking, Docket No. EERE-2010-BT-STD-0031, published on October 15, 2010.

The International Code Council (ICC) is a membership association dedicated to building safety, fire prevention, and energy efficiency. The International Codes, or I-Codes, published by ICC, provide minimum safeguards for people at home, at school and in the workplace. Building codes benefit public safety and support the industry's need for one set of codes without regional limitations. The International Code Council also publishes the International Energy Conservation Code (IECC), which is referenced in the Energy Independence and Security Act (EISA) of 2007, and is a national requirement in section 410 of the American Recovery and Reinvestment Act of 2009. ICC also has published Public Version 2 of the International Green Construction Code, available for free download at:

<http://www.iccsafe.org/CS/IGCC/Pages/IGCCDownloadV2.aspx?r=igccv2>

Fifty states and the District of Columbia have adopted the I-Codes at the state or jurisdictional level. Federal agencies including the Architect of the Capitol, General Services Administration, National Park Service, Department of State, U.S. Forest Service and the Veterans Administration also enforce the I-Codes for the facilities that they own or manage. The Department of Defense references the International Building Code for constructing military facilities, including those that house U.S. troops, domestically and abroad. Puerto Rico and the U.S. Virgin Islands enforce one or more of the I-Codes.

The International Code Council (ICC) was established in 1994 as a non-profit organization dedicated to developing a single set of comprehensive and coordinated national model construction codes. The founders of the ICC are Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO), and Southern Building Code Congress International, Inc. (SBCCI). Since the early part of the last century,



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these non-profit organizations developed three separate sets of model codes used throughout the United States. Although regional code development has been effective and responsive to our country's needs, the time came for a single set of codes. The nation's three model code groups responded by creating the International Code Council and by developing codes without regional limitations; the International Codes.

Background

We begin by noting with approval the background statement that indicates that DOE is aware that parts of this proposed rulemaking are also addressed by the earlier (May 28, 2010) rulemaking on sustainable design of Federal buildings, and pledges that DOE will "coordinate the final regulatory text between the two rulemakings."

Proposed Rule

Having acknowledged that the rulemaking overlaps with the earlier rulemaking on sustainable building requirements, and that the rule will apply not only to buildings built and operated by the Federal government, but also to buildings leased to Federal agencies, the harmonization of the requirements becomes even more critical.

Regarding the methodology to determine compliance, and DOE's proposed baseline and calculation of the fossil fuel use of Federal buildings, ICC believes that the simpler and more direct the baseline, calculation and estimate of fossil fuel make-up of electricity use, the better. The discussion notes that while the proposal suggests that the electricity fossil fuel generation used in the calculation will be an annual national average, DOE is considering a possible regional approach. ICC would suggest that a regional approach would unnecessarily complicate the calculations necessary to determine compliance and would add little to the goal of achieving more energy efficient Federal buildings. We believe using a national average is a sensible approach, and recognizes that building energy efficiency is not affected by the method of electric generation that provides power to the building, and efficiency should be maximized, regardless of the electrical generation method. Further, the interconnectivity of the electric grid would make any determination of the fossil fuel contribution to a specific building a changing target, and possibly subject to a variety of interpretations or possible calculations. For these reasons, we suggest the current proposed language on this issue is sensible, and should not be modified.

On the other hand, ICC believes that it is sensible to take into account regional climate variations, such as those published in and recognized in the International Energy Conservation Code. Those climate zones are well understood, based on long term climatic conditions and patterns, and are a reasonable and sensible way to differentiate the expected efficiency of various buildings in different locations.



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ICC also endorses the uses of the CBECS and RECS databases to determine the baseline for comparison with 2003 buildings mandated in the enabling legislation. We would note, however that the CBECS and RECS data are in need of upgrading, as is implicit in the discussion that notes the lack of sufficient data to analyze the very different energy consumption characteristics of different building types and functions. At Sec. 435.5, we likewise endorse the use of the Simulated Performance Alternative, found in appendix Sec. 404 of the ICC International Energy Conservation Code (IECC), 2004 Supplement., for analyzing both the baseline and proposed new building. (The Simulated Performance Alternative is now found in Sec. 405 of the 2009 IECC) While we appreciate and understand the need to use the IECC 2004 Supplement in this rule, due to the existing references to this code in existing law, we would encourage DOE to where possible reference later versions of the IECC, both to encourage the use of such later editions, with the greater energy efficiency those versions require, and also to make it easier for contractors and building service providers, who will be more familiar with more current versions of the IECC.

Regarding agency petitions for adjustment, we believe it will be more efficient and promote more energy efficient buildings to simplify the requirements, and smooth the differentials between buildings by avoiding the complexity of individual building calculations of the percentage of electricity generated from fossil fuel, and use a national average, as suggested earlier in these comments. By doing so, we believe that DOE will have to address fewer agency petitions for adjustment. In Sec. 435.4(f), we also believe that DOE should include a timeline for the consideration of these petitions, to inform agencies and others of what requirements for “timely” decision on applications for adjustment DOE intends to follow. The proposed rule is silent on this issue, and agencies and others need to know how long the process for obtaining an adjustment will take.

Finally, we agree that the design of energy efficient buildings involves advanced technologies, integrated design principles, and other tools. We strongly endorse the DOE listing of resources including the International Green Construction Code (including ASHRAE 189.1), which includes minimum and advanced energy saving levels that achieve savings exceeding 30% over the 2004 ASHRAE 90.1 or the 2006 IECC for commercial buildings. In addition, and more importantly, the IGCC is fully coordinated with, and designed to integrate with, the ICC International Building Code, that is the basic construction code utilized by GSA, DOD, Department of State, and most other Federal agencies with responsibility for the design, construction and operation of buildings. As building requirements mandated by Congress and by Federal regulations continue to increase, it becomes increasingly important to offer tools that integrate safety, building sustainability and energy efficiency seamlessly with traditional design considerations. We note that DOE has indicated it plans to list such resources with the publication of the Federal Energy Management Program rulemaking for sustainable buildings, and we would encourage DOE to do the same in this rule.



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