International Code Council
500 New Jersey Avenue, NW
Sixth Floor
Washington, DC 20001
tel: 888.icc.safe (422.7233)
fax: 202.783.2348
www.iccsafe.org

October 26, 2014

Docket No. EERE–2014–BT-DET-0030

DOE Preliminary Determination Regarding Energy Efficiency Improvements in the 2015 International Energy Conservation Code

COMMENTS OF:
THE INTERNATIONAL CODE COUNCIL (ICC)
500 New Jersey Ave, NW
Washington, DC 20001

Contact:
David Karmol, dkarmol@iccsafe.org

The International Code Council (ICC) offers the following comments on the EERE Preliminary Determination Regarding Energy Efficiency Improvements in the 2015 International Energy Conservation Code, published on September 26, 2014.

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. Among the codes published by ICC is the International Energy Conservation Code (IECC), which is referenced in the Energy Conservation and Production Act (ECPA), Public Law 102-486, and the Energy Independence and Security Act (EISA) of 2007, and is a national requirement in the American Recovery and Reinvestment Act of 2009. 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.

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, these non-profit organizations developed model codes used throughout the United States. Although regional code development was 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 that the Department of Energy (DOE) Building Technology Program has worked closely with ICC, homebuilders and contractors, and the energy efficiency community over the past five years to help raise awareness of the importance of building energy codes, and the need to adopt and enforce current building energy codes at the state and local level.

As the organization that represents the majority of state and local code officials who are charged by law with assuring compliance with all adopted building codes within the jurisdictions they serve, we look at this issue with a unique perspective, and hope that our comments will assist the Department in successfully achieving its objectives.

Comments

ICC appreciates all the work that goes into the determination regarding the newly published 2015 IECC, performed by the DOE EERE staff, as well as the national laboratories who support the department's professional staff. Both the qualitative and quantitative analyses performed on the IECC are useful and valuable to those who will utilize the IECC both as a design guide as well as a compliance document in the numerous jurisdictions that are expected to adopt the 2015 IECC over the next few years. While the statutory requirement only requires that the Secretary determine that the revised IECC "improves the level of energy efficiency in residential buildings," DOE has traditionally included with that determination a detailed discussion of the various changes in the revised model code, as well as an analysis of the average efficiency gains attributable to each change. This analysis benefits the entire energy efficiency community, and provides grounding for those advocating for the state and local adoption of the new code. ICC is appreciative of the analysis and the associated research done by DOE in this process.

We agree with and support the preliminary determination made by the Secretary. We would suggest that the determination be accompanied by the previously released information regarding the increased efficiency of the 2012 IECC over the 2009 version, and the increased efficiency of the 2009 version over the 2006 version, in order to make it abundantly clear that the efficiency of the 2015 IECC is much higher than versions of the IECC in use in many states and jurisdictions around the nation. We recommend this context, as it is very important for jurisdictions to understand that the increased efficiency of the IECC is cumulative, and for the very many states that are still using the 2009, 2006 and some even the 2003 versions, the increase in efficiency by updating to the 2015 version will be far greater . than just the increased efficiency over the 2012 version, as determined by DOE. In many cases, updating to the 2015 version of the IECC will mean an increase of 16% to as much as 30% greater energy efficiency than the code the jurisdiction is currently using. Such large increases in efficiency are far more likely to persuade officials to take action than the smaller increase indicated in the 2015 IECC determination.

Just as the law does not require the Department to calculate and announce the exact increase in efficiency, we believe that adding the context of the significant energy efficiency increases of the last two versions of the IECC already determined and published by DOE, although not required, is as important as the additional details included by the Department in its analysis of the 2015 code as compared to the 2012 code

The reason for the determination, as set out in the Energy Conservation and Production Act (ECPA), as amended, is to enable states to review their existing building energy code provisions, and make a determination as to whether it is appropriate to revise their code to meet or exceed the provisions of the new code. ICC is supportive of the entire process described in the ECPA, and is hopeful that all 50 states will review the determination, once it is made final, conduct the public notice and hearing required, and then make the written determination regarding whether to update their respective state code, and make such determination known to the public. It is important here that DOE emphasize that states are to compare the provisions of their current, adopted code with the provisions and requirements of the 2015 IECC, and not assume that the increase in efficiency for their respective state will be the same as the 1% increase measured by DOE over the provisions in the 2012 IECC, since many jurisdictions have not updated to the 2012 IECC, and some jurisdictions make amendments which would make DOE's calculation inaccurate for their current adopted code.

We are concerned that it does not appear that all states have complied with the notice, comment and response provisions of the law following previous DOE positive determinations on the IECC, and are hopeful that DOE will engage in efforts to encourage a higher level of compliance, in part by making compliance by the states simple and straightforward. We believe that if each state understood, and fully complied with the requirements of the statute that citizens who are affected by these codes would be made aware of the potential for energy savings based on building energy codes, and would exert pressure on public officials to adopt the more efficient code, and would likewise seek more efficiency in both new and existing homes, as a result of such increased awareness.

To accomplish these goals, we offer the following suggestions:

1. DOE should transmit, with a cover letter offering assistance and cooperation, a copy of the final determination to the governor of each state, with a copy to the State Energy Office, and post a copy of the cover letter template on the DOE Building Energy Codes website.
2. DOE should provide, along with the cover letter and determination, a simple form response "state determination form" in a format that allows the state officials charged with complying with the law the ability to check off whether the state a) has reviewed its code, b) has provided notice and an opportunity for comment in the state, c)has made findings, d) has published such findings and e)if the state has determined to revise its code a description of the new code, and if it has decided not to revise its residential building energy code, a space to provide the reasons for such decision.
3. The cover letter, as well as the proposed form for response to DOE, should prominently note the date on which the response to DOE is due.
4. DOE should publish on its Building Energy Codes website the response received from each state, as well as a list of states from which a response has not been received, updated on a regular basis.
5. Publishing the information on each state, and its response or non-response would allow citizens to become involved and ask questions of their public officials, and otherwise determine whether their state is in compliance with the law.

While none of the specific actions recommended here is specifically required by the statute, each would be consistent with reasonable efforts to assure compliance, and none is specifically prohibited or beyond the scope of reasonable and customary efforts to assure state-federal cooperation in the

achievement of goals in legislation that requires such cooperation. Each would add to understanding and support for DOE's activities, just as the detailed analysis of the section-by-section comparison of the 2015 IECC against the 2012 IECC is not required, but assists in achieving Departmental objectives.

ICC continues to stand ready to work with the Department of Energy in continuing to promote increased adoption and compliance with the 2015 IECC model energy code and the increased energy efficiency that result from adoption and compliance with the code.