



National Association of State Energy Officials

August 19, 2024

Dominic Sims, CEO
International Code Council
200 Massachusetts Avenue, NW
Suite 250
Washington, DC 20001

Dear Mr. Sims,

The National Association of State Energy Officials (NASEO) submits the following comments on the Draft 2027 International Energy Conservation Code (IECC) Commercial and Residential Scope and Intent issued by the International Code Council (ICC). Because model codes are often adopted as a matter of state law, many states attempt to provide input on the IECC model code development process to reflect the diverse policy priorities of their governors and legislatures. NASEO's primary concern, given the extraordinarily limited opportunities afforded state governments under the redesigned IECC process, is to ensure all interested states – whatever their policy positions – have the maximum opportunity to provide input. With this context in mind following are recommendations on the IECC draft scope and intent:

- State governments serve all citizens in a balanced manner, including consumers and businesses. For example, states that have more ambitious building energy code goals should be able to rely on the most modern, cost-effective model codes. Similarly states that seek a more gradual approach to code advancement can choose to adopt previous model codes at time intervals of their choosing. This approach affords all states the opportunity to easily choose what works for their citizens and businesses rather than affording unelected members of the ICC to attempt to make that decision for state governments. For these reasons, NASEO urges the ICC to develop energy efficient model codes that meet the needs of states with specific and time bound energy efficiency goals (e.g., net-zero by 2040). ICC's abandonment of its leadership in this area makes it more costly for states to achieve their goals and will result in a patchwork of alternatives to the IECC over time.
NASEO is concerned about the use of subjective language such as "reasonable levels of energy conservation" rather than "maximum levels of energy efficiency" as was used in the 2024 IECC scope and intent. The word "reasonable" does not provide clarity to guide development of the code. In addition, the term "energy conservation" is an outdated term suggesting curtailed energy use due to behavioral change rather than more efficient energy use due to technological advancement to accomplish the same function. A simple example is LED lighting which provides superior lighting options at lower energy and maintenance costs. Subjective

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language, such as the term reasonable, leaves open to interpretation the concept of ignoring commercially available, cost-effective technology solutions that result in superior product value for consumers and businesses.

- The commentary and direction sections of the draft indicate that the code will consider cost impacts to building owners and occupants but doesn't indicate if that is first cost or lifecycle cost. ICC should provide clarity that lifecycle cost will be used, and that cost-effectiveness must consider the impact of code changes on energy affordability for the occupants, including renters.
- NASEO supports ICC's interest in ensuring the model code is simple and adoptable, but this should not come at the cost of reduced utilization of cost-effective energy efficiency in new buildings. We recommend that the commentary and direction section be changed as follows: *"The code is updated on a three-year cycle with each subsequent edition providing increased cost-effective energy efficiency over the prior edition. The code will aim to simplify code requirements to facilitate the code's use and compliance rate."*
- NASEO is concerned that because the 2027 IECC scope pre-determines which proposals will be mandatory, rather than relying on the Consensus Code Committee and Subcommittee members, it will eliminate the ICC's goal of maintaining a fair, consensus-based process. This action will likely stunt market development and technology innovation and associated financial, resilience, survivability, health, and energy savings benefits to building owners and residents. Some external experts suggest that the ICC has already chosen to move away from a consensus-based approach.

Finally, NASEO remains extremely concerned about the ICC's previous actions which have all but eliminated the ability of states to shape the outcome of the model code development process to reflect their governors' and legislatures' policy goals. As a reminder, it is typically state governments which have the authority to adopt and enforce the code for the benefit of all of their citizens. If the ICC continues to refuse to return to a process that allows all states the opportunity to participate in the process virtually and use on-line voting, alternatives to the ICC will be pursued to protect states' rights. Delivering a code that reflects virtually no state input or voting is diminishing remaining trust in the ICC. This situation can be addressed by reinstating the Online Governmental Consensus Vote and returning control of the final content and form of the IECC to all interested states that adopt the code on behalf of their citizens and businesses.

Best regards,



David Terry, President, NASEO

CC: State and Territory Energy Offices