

EXPERT BLOG › LAUREN URBANEK

Code Development Changes Could Silence Voter Voices

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This year was a busy one when it came to [defending strong building energy codes](#)—and it looks like the work won't be slowing down any time soon. After approving a 2021 energy code that will be more efficient than ever before, the International Code Council (ICC) is considering changes to the code development process that will eliminate local input. The ICC just announced it wants to change how the nation's model building energy code is developed—moving it from a large, open process to having it be developed by a committee without input from the local government building officials who administer it.



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The ICC—which is the body that manages creation of the building code—recently announced a [public comment period](#) for a proposal to use a standards process to develop the International Energy Conservation Code (IECC), rather than the code development process that has been in place for the past decade and a half. The implications are unclear about what that will mean to the efficiency of future codes, but it's a substantial change to the process used to develop a code that is referenced in federal law and adopted by jurisdictions in every state of the country.

For years the building energy code development process has been dominated by builders and industry interests, with input from environmental groups like NRDC. Governmental members showed up in a big way to develop the 2021 IECC, with voter turnout at its highest level ever. They voted in droves to approve proposals to make the code [the most efficient one ever](#), with improvements in insulation, lighting, and other building components that will reduce energy consumption while lowering energy bills and keeping inhabitants more comfortable.

It's impressive progress, achieved through a process that ultimately puts the final vote in the hands of the code officials and other local government employees who are the ones using the code—not anyone with a vested financial interest in the code's outcome. So why is the ICC proposing such a dramatic change? That's our question, too.

Is there such a thing as too much progress?

Not everyone was as happy as we were with the results of the 2021 IECC, which is set to be published in the coming weeks. In spite of the overwhelming majority vote in favor of increased efficiency and other improvements in the model building code, including transitioning from polluting gas appliances to electric models and electric vehicle readiness, a number of groups with financial stakes in the outcome of the code [brought appeals against 20 proposals](#) that had been voted into the code by the membership.

The appeals (from the National Association of Home Builders, the Leading Builders of America, and the American Gas Association, among others) were largely unsuccessful. Unfortunately, the ICC Board of Directors—which has the final say on the code—ultimately did overturn proposals related to residential electrification readiness (i.e., constructing a home so that it is easy to replace gas appliances with efficient and lower-carbon electric options at a future date), electric vehicle readiness for homes and commercial buildings, efficiency requirements for residential water heaters, and a prohibition on continuously burning pilot lights. NRDC strongly disagreed with these decisions, especially since they were in such blatant disregard to the will of the voters.

Now, some of these same groups are pushing for the code development process to be changed altogether—and it appears to be a thinly veiled attempt to prevent clean energy progress from happening in the future.

And these changes are being pushed through very quickly. The idea of developing the IECC model code through a standards progress was first raised by the ICC board as part of a code appeal [decision](#) in October, in spite of it not having been discussed at all during the appeals process. The recommendation was then taken up by the [Committee on the Long Term Code Development Process \(LTCDP\)](#) in early November, with the motion being made by a representative of the National Association of Home Builders. The LTCDP Committee vote for the change, just 10 days later, was far from unanimous (9 votes in favor, 6 opposed, with 2 abstaining), but it ultimately recommended that the Code Council Board move the IECC from a code to a standard. There had been few additional details provided up until this point, with proponents arguing that this is a minor change. We think that removing voting members from the process is anything but minor.

Public comment period closes January 11

The ICC [has now opened a comment period for the public to weigh in on this change](#), with comments due by January 11. While the ICC's notice gives slightly more information, including that the new standard will be targeted for use in the development of the 2024 IECC, and will follow the [ICC's consensus procedures](#), many questions and concerns remain.

- We've seen no justification from the ICC Board about why such a dramatic change is necessary, and especially how it will result in a better outcome.
- We do not understand the purpose of disenfranchising the voices of thousands of ICC governmental members, when the process as it stands has clearly been successful at developing a strong and relevant final code.
- There has been no assurance from ICC that the code will not be immediately rolled back and made less efficient—which we know some stakeholders want. Builders have made proposals in every recent code development cycle that would reduce the efficiency of the code. The governmental voting members have always soundly rejected those proposals, but this process would not contain those kinds of checks and balances.
- It's highly likely that the committee will be made up of members with a vested financial interest in the code. While the committee must be "balanced," ICC appears to have a lot of discretion as to how that balance is defined. There's no guarantee whatsoever that efficiency advocates or pro-environmental interests will be represented on the committee. Whether or not progress will be made will depend highly on the makeup of the committee, as there is no stated commitment to improving the efficiency of the code.
- Public participation helps to ensure that the code is efficient but also equitable, and

it is not clear how the general public will be able to weigh in on decisions on a regular and timely basis.

If this moves forward, government officials will have little control over the substance of the energy code, to the detriment of the cities and states that rely on the IECC as a crucial policy tool. Buildings are responsible for more than 40 percent of U.S. carbon emissions and we must pick up the pace of progress in order to achieve a zero-carbon economy by 2050. Better new buildings are a critical component of this goal. Governmental officials understand that and have used their votes in favor of efficiency, innovation, and a better future for all. The ICC Board must not silence their voices.



ABOUT THE AUTHORS



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