

ONE HUNDRED SEVENTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

January 19, 2021

Dominic Sims
Chief Executive Officer
International Code Council
500 New Jersey Avenue NW
6th Floor
Washington, DC 20001

Dear Mr. Sims:

Pursuant to Rules X and XI of the U.S. House of Representatives, we write to request information regarding the integrity of the International Energy Conservation Code (IECC), which is the basis for energy building codes around the country. Our Committee holds broad jurisdiction over the energy sector and, as such, has a leading role to play in ensuring building codes are developed in a transparent manner and meet the needs of the American people.

*The New York Times*¹ and other media outlets have reported that the International Code Council (ICC) has a previously undisclosed written agreement with the National Association of Home Builders (NAHB). This agreement allows NAHB disproportionate control over the code development process, including the selection of multiple members on ICC committees that draft model building codes.

Through this agreement, NAHB, an industry trade group representing companies whose work is regulated by the codes, has reportedly blocked changes in building codes intended to make new homes more energy-efficient and resilient to the impacts of a changing climate.² This is particularly concerning because residential efficiency codes play a key role in reducing emissions, with homes reportedly accounting for almost one-fifth of all energy-related carbon dioxide emissions nationwide in 2018.³

¹ *Secret Deal Helped Housing Industry Stop Tougher Rules on Climate Change*, New York Times (Oct. 26, 2019).

² *Id.*

³ *Id.*

The IECC is an important element of national energy policy and a major tool in our efforts to address climate change. These building codes are incorporated, not only into the laws or regulations of many state and local governments, but also into many federal policies. These include federal building standards, a required manufactured housing standard, federal tax incentives, criteria for federally assisted mortgages and public housing, and Federal Emergency Management Agency assistance.

Recently, ICC announced that it is considering changing the process for developing the IECC⁴ in ways that could further increase NAHB's influence. We understand that these proposed changes will be discussed at an upcoming meeting on January 21, 2021. Among the changes being considered is replacing the current government consensus process for developing energy codes with the ICC process for developing energy standards. This has raised concerns among stakeholders that state and local officials could be effectively eliminated from providing meaningful input on future revisions to energy building codes.⁵

In order for us to better understand the process by which the IECC is developed, as well as the role and influence of NAHB and other stakeholders in the current process and under any proposed revised process, please provide responses to the following questions and requests:

1. Why was the decision made to guarantee seats to NAHB representatives on ICC committees? Your response should include an explanation and timeline of the process by which this decision was made and a description of roles and responsibilities of any ICC and NAHB employees, members, or representatives in reaching this decision.
2. Please provide a copy of any written materials, including but not limited to any written agreement or memorandum of understanding between ICC and NAHB, including but not limited to any materials that discuss seating commitments on any ICC committees.
3. Please explain any privileges or authorities currently granted to any organizations or stakeholders with respect to ICC committee membership. Your response should address whether those entities are authorized to appoint or remove members to ICC committees, the process for doing so, and how many appointments or removals are authorized.

⁴ International Code Council, *Public Comment Period on the IECC* (www.iccsafe.org/about/periodicals-and-newsroom/icc-pulse/public-comment-period-on-the-iecc/) (accessed Jan. 12, 2021).

⁵ Letter from National Association of State Energy Officials to International Code Council, Board of Directors (Dec. 21, 2020) (www.naseo.org/Data/Sites/1/naseo-letter-to-icc-comment-period-122120-final.pdf); Letter from New York State Energy Research and Development Authority to International Code Council, Board of Directors (Jan. 11, 2021) (www.iccsafe.org/wp-content/uploads/NYS-Letter-on-IECC-Changes-NYSERDA.pdf).

Mr. Dominic Sims

January 19, 2021

Page 3

4. Has ICC entered into an agreement with any other organization which guarantees committee representation or otherwise affects the IECC development process? If yes, please provide a list of stakeholders and a copy of any agreement.
5. Has ICC conducted any analysis of how changes to committee composition – including, but not limited to, increasing or decreasing industry representation or participation – may impact the development of building codes designed to maximize energy efficiency and achieve significant emissions reductions? If yes, please describe these efforts and provide any materials prepared as part of such an evaluation.
6. The IECC has proposed changes to the code development and voting process which would remove the need for government consensus during future code adoption cycles. Please explain the rationale for this proposal, including whether the IECC has performed any analysis of potential impacts and a description of any stakeholder engagement and input. Please also explain the extent to which any agreements described in questions 1-4 would apply to a revised code development and voting process.

Please provide all requested information no later than February 2, 2021. If you have questions, please contact Tuley Wright or Jon Monger with the Energy and Commerce Committee at (202) 225-2927. Thank you for your attention to this matter.

Sincerely,



Frank Pallone, Jr.
Chairman



Bobby L. Rush
Chairman
Subcommittee on Energy



Diana DeGette
Chair
Subcommittee on Oversight
and Investigations