



December 30, 2023

ICC Staff:

On behalf of the American Gas Association (“AGA”), American Public Gas Association (“APGA”), and National Propane Gas Association (“NPGA”) (collectively, “Joint Commenters”), we are writing to urge the International Code Council (“ICC”) to adopt a number of recommendations to improve the development process for the International Energy Conservation Code – Commercial, International Energy Conservation Code – Residential, and International Residential Code – Chapter 11 (collectively, “IECC”).

A. Interests

AGA, founded in 1918, represents more than 200 local energy companies that deliver clean natural gas throughout the United States. There are more than 77 million residential, commercial, and industrial natural gas customers in the U.S., of which 95 percent—more than 73 million customers—receive their gas from AGA members. AGA is an advocate for natural gas utility companies and their customers and provides a broad range of programs and services for member natural gas pipelines, marketers, gatherers, international natural gas companies, and industry associates. Today, natural gas meets more than one-third of the United States’ energy needs.¹

APGA is the trade association for more than 730 communities across the U.S. that own and operate their retail natural gas distribution entities. They include not-for-profit gas distribution systems owned by municipalities and other local government entities, all locally accountable to the citizens they serve. Public gas systems focus on providing safe, reliable, and affordable energy to their customers and support their communities by delivering fuel to be used for cooking, clothes drying, and space and water heating, as well as for various commercial and industrial applications.²

NPGA is the national trade association of the propane industry with a membership of about 2,500 companies, and 36 state and regional associations representing members in all 50 states. NPGA’s membership includes retail marketers of propane gas who deliver the fuel to the consumer, propane producers, transporters and wholesalers, and manufacturers and distributors of equipment, containers, and appliances. Propane, or liquefied petroleum gas, is used in millions of installations nationwide for home and commercial heating and cooking as well as various other agricultural, industrial, and transportation sectors. The variety of appliances powered by propane include the pool heaters subject to the agency’s proposal.

¹ For more information, please visit www.aga.org.

² For more information, please visit www.apga.org.

Joint Commenters provide fuel for the thermal energy needed by the homes and businesses that will ultimately be impacted by these codes. The Joint Commenters have engaged in the new IECC development process from the beginning, both as interested parties and consensus committee members. Accordingly, Joint Commenters and our members are critical stakeholders in this proceeding.

B. Support for ICC's Proposed Changes to IECC Process

Joint Commenters are pleased to see that ICC is actively searching out greater efficiencies in future IECC development processes. Accordingly, Joint Commenters support ICC's decision to both require a two-thirds majority vote of the consensus committee at all phases for future editions of the codes and to make Public Comment Draft #1 and #2 only open for comments on substantive technical changes made to the immediate preceding draft published for public comment. We believe that both of these changes will help to improve the efficiency and effectiveness of the code development process.

C. Recommended Improvements to IECC Process

a. ICC Should Prohibit Any Future Omnibus Processes

The I-code development process has always required a provision to stand on its own. An individual provision must succeed or fail on its own, and a vote on any given proposal has not historically dictated the vote on an unrelated proposal. Unfortunately, this important precedent was broken during the 2024 IECC development process in an extremely concerning and improper manner: a group of consensus committee members scheduled non-ICC affiliated meetings to discuss a number of proposals that would likely have failed balloting individually. This resulted in the development of a conglomeration of unrelated proposals from a number of different proponents that was then put to ballot as one proposal.

Not only were many stakeholders not made aware of these meetings, raising significant concerns surrounding the transparency of the code development process, but the opportunity to provide stakeholder input was also diminished. When viewed as a group, it was also extremely difficult, if not impossible, to evaluate the cost impact of the proposals. Accordingly, ICC should prohibit such a practice from occurring in the future to ensure transparency, fair and due process, and overall adherence to ICC's own procedures.

b. ICC Should Develop a More Straightforward Way to Allow for Universal Changes to the IECC

During the 2024 IECC development cycle, there was no option within cdpaccess to indicate that a code change proponent intended for the proposed change to be universal or, said another way, that the proposed change is intended to replace all instances of a certain word or phrase with another word/phrase (or deleted). Accordingly, a proponent was then required to identify every instance of the proposed change within the relevant code and show the track changes in the proposal. Not only is this an extremely tedious process for a proponent, which could discourage some stakeholders from recommending helpful changes during the code development process, but it was

also very confusing for the consensus committees to review. For instance, even if a code change proponent noted in his/her proposal's explanation that the change was intended to be universal, the consensus committee chose to only review changes that were shown in tracked changes. This meant that some changes that were meant to be universal were not treated as such by the consensus committees.

Instead, Joint Commenters urge ICC to adopt a feature in cdpaccess that clearly and easily allows the proponent to indicate that the proposed change is meant to be universal. For instance, other code/standard development bodies have a check box in their proposal submission form for proponents to indicate whether a proposed change is a "Universal Change." This will streamline universal change proposals for both proponents and consensus committees. It may also behoove ICC to provide clarifying guidance on what qualifies as a universal change and to encourage proponents to identify all sections of code where s/he is aware that the change must be made in the spirit of encouraging efficiency without limiting the intended breadth of the proposal.

c. ICC Should Develop a More Formal Process to Keep Code Change Proponents Aware of the Status of Their Proposals

While the IECC consensus committee and subcommittee chairs worked to provide sufficient notice to code change proponents when their proposals would be discussed and potentially voted on at a meeting, failures in communication still occurred during the 2024 IECC development cycle and there was no formal process to alert a proponent to how a committee ultimately acted on his/her proposal and the associated reason statement. To prevent this in the future, Joint Commenters urge ICC to develop a platform that tracks all code change proposals and their current status. This will ensure that all committee members and code change proponents can easily track the status of the proposals. Joint Commenters also urge ICC to provide a running red-line draft throughout the development process to provide committee members and code change proponents an accurate draft as changes are approved.

d. ICC Should Reevaluate Committee Balance and Interest Categories

According to the Procedures for ICC Consensus Committee ("the Procedures"), the membership of any consensus committee "shall be sufficiently diverse to ensure reasonable balance without dominance or imbalance by a single interest category, individual or organization." The Procedures continue on to say that "[n]o single interest category should constitute more than 1/3 of the membership of any committee." While the 1/3 rule did not appear to be violated, there was not "reasonable balance" on either of the consensus committees, nor the subcommittees, as a few interest categories significantly dominated membership over others.³ Furthermore, there was at least one instance in which a representative from one interest category had an alternate that not only was *not* from the same organization but was from a completely different interest category

³ E.g., out of 49 members on the IECC-R consensus committee (includes Chair and Vice Chair), 16 (or just under 1/3) are Government Regulators, despite there being 9 different interest categories represented. <https://www.iccsafe.org/wp-content/uploads/2021-Energy-Consensus-Committee-Residential-Website-Roster-53123.pdf>.

altogether.⁴ This practice should also be avoided in the future, as it raises a number of conflict of interest concerns.

e. ICC Should Require All Necessary Data Be Included in Proposals

This past IECC development cycle, there was at least one proposal submitted and placed before a consensus committee for consideration that was incomplete. For instance, this particular proposal included a table for which no values were provided. Instead, “TBD” was a value indicated in most cells of the table. This is unacceptable and should not be permitted in the future. Incomplete proposals such as this one are clearly not ripe for consideration before the IECC consensus committees. Accordingly, moving forward, ICC staff should not process incomplete proposals. If a proposal cannot be submitted in full, with all relevant table data, before the public input deadline, then that proposal should not be processed and instead resubmitted during the next public comment opportunity. Allowing incomplete proposals to be finalized well after the public comment deadline puts unnecessary pressure on the consensus committees to review what are often complex proposals with insufficient time and resources.

f. ICC Should Clarify and Limit When New Proposals Can Be Introduced in the Process

During the 2024 IECC development cycle, ICC did not provide an upfront, clear timeline for when either the public or the consensus committees could introduce new proposals. This differed from other I-code development processes, as the public is generally given only one deadline by which to submit new code change proposals, with the committees able to put forth proposals until a later date. Joint Commenters felt that the submissions deadlines were not clearly communicated during the 2024 development cycle, which made it more difficult to appropriately engage in the process. Moving forward, ICC should publish a clear timeline for the code development process, including deadlines for both public and committee-developed proposals, similar to the timeline that ICC releases for the other I-code development cycles.

At the very least, ICC should prohibit proposals that have already been rejected during the current code development cycle from being reintroduced again later in the cycle without any substantial changes from the original proposal. This happened on at least one occasion during the 2024 development cycle, and Joint Commenters are concerned that if ICC allows this practice to continue, it will only lead to unnecessary delays in the code development process. Joint Commenters believe the ICC’s proposal to make Public Comment Draft #1 and #2 only open for comments on substantive technical changes made to the immediate preceding draft published for public comment will help alleviate this concern moving forward.

⁴ *E.g.*, an ACEEE staff person has been listed as the alternate for the U.S. Department of Energy on the IECC-C consensus committee. <https://www.iccsafe.org/wp-content/uploads/2021-Energy-Commercial-Consensus-Committee-Website-Roster-72723.pdf>.

g. ICC Should Work to Bring the IECC Development Process into Compliance with ANSI-Approved Standard Development Procedures

Finally, and importantly, Joint Commenters urge ICC to bring the IECC development process into compliance with ANSI-approved standard development procedures, and even encourage ICC to strive for ANSI accreditation of the code itself. Doing so will help ensure the integrity of the code development process and ensure that the core tenants of transparency and due process are maintained.

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We appreciate your consideration of these requests. Please do not hesitate to contact any of us directly if you have questions.

Respectfully submitted,

American Gas Association
American Public Gas Association
National Propane Gas Association