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for code development and adoption. Straying outside the confines of the Code Council Policies and underlying principles is a “material and significant irregularity of process or procedure” and therefore the AGA’s appeal should be sustained.

Skirting the public-facing Code Development Process risks eroding the public trust and reliance put upon this, and future, versions of the IECC. To maintain confidence in the Code Council, the following process departures should be acknowledged and addressed:

- First, the “Consensus Building Forum” and the resulting “omnibus proposal” were not

objective of the ICC is “the lessening of burdens of government through the development, maintenance and publication of model statutes and standards for the use by federal, state and local governments in connection with the administration of building laws and regulations. The codes cannot fulfill this purpose if regulators lose confidence in the ICC process and feel that they must closely scrutinize the codes before adoption. Eight states, including the eight served by Atmos Energy, have in effect some edition of IECC.<sup>10</sup>

In addition to the significant procedural issues associated with the 2024 IECC, Atmos Energy is concerned about the real-world effects of the challenged code provisions on homeowners and businesses if the provisions are included in the final 2024 IECC and are implemented by states or local governments. The challenged code provisions would eliminate the use of affordable and efficient gas appliances and products as well as undermine successful energy efficiency rebate programs—and increase costs for consumers.

Natural gas appliances are efficient and affordable, and natural gas itself is efficient fuel.<sup>11</sup> Highly efficient natural gas appliances not only offer significant greenhouse gas emissions reductions but can achieve these reductions at a fraction of the cost of electrification.<sup>12</sup> Atmos Energy offers energy efficiency rebate programs with a proven record of success. Atmos’s SmartChoice rebates incentivize customers to update to new, efficient natural gas appliances. In 2022, nearly 60,000 residential and commercial customers participated in Atmos Energy’s energy efficiency programs, resulting in almost 2 million therms of natural gas conserved and 11,625 tons of carbon dioxide emissions avoided annually.<sup>13</sup> These programs help keep energy costs affordable—a vital consideration for ensuring low-income consumers are not left behind as Atmos Energy and others work toward a more energy efficient future.

The Council must carefully consider that requiring electric or electric-ready buildings would likely increase the fuel cost burden to consumers, potentially increasing the overall cost of housing and commercial buildings. Conversely, allowing for continued use of natural gas appliances—

Atmos Energy sincerely appreciates the International Code Council Appeals Board's consideration of this letter and urges the Appeals Board to sustain AGA's appeal and withdraw the challenged provisions.

Sincerely,

/s/ Eric Tate  
Atmos Energy  
Manager of Public Affairs