February 5, 2024

RE: Viewpoint Submittal in OPPOSITION to all nine (9) 2024 IECC Appeals (ñScope and Intentò)

Dear Appeals Board,

This letter is submitted in opposition to the 9 appeals which all take issue with proposals that they assert are outside the stated ñScope and Intentò of the 2024 IECC. As noted in the Appeals Hearing Schedule, the question to be discussed in front of the Appeals Board is ñwhether the IECC residential and commercial scope and intent statements permit provisions aimed at encouraging decarbonization of buildings or greenhouse gas reduction to be placed in the main code text or require such provisions to be placed in appendices.ò

When discussing this question, it is important to consider the entire intent statement, not just portions of it, so I have copied it in its entirety below. Nowhere in the intent statement is there language that explicitly states that the appealed provisions are ópROHIBITEDô from the main body of the code or that they shall or must be limited to non-mandatory appendices.

It is stated that ñThe code ____ include non-mandatory appendices incorporating additional energy efficiency and greenhouse gas reduction resources developed by the Code Council and others.ò There is no statement that prohibits the appealed provisions from being in the main code text. The words ñmayò and ñadditionalò imply that these types of provisions are in fact expected in the main code text, with options to go even further in the appendices.

R101.3 Intent (Not subject to public input). The International Energy Conservation Code- Residential Provisions provide market-driven, enforceable requirements for the design and construction of residential buildings, providing minimum efficiency requirements for buildings that result in the maximum level of energy efficiency that is safe, technologically feasible, and life cycle cost effective, considering economic feasibility, including potential costs and savings for consumers and building owners, and return on investment. Additionally, the code provides jurisdictions with optional supplemental requirements, including requirements that lead to achievement of zero energy buildings, presently, and, through glidepaths that achieve zero energy buildings by 2030 and on additional timelines sought by governments, and achievement of additional policy goals as identified by the Energy and Carbon Advisory Council and approved by the Board of Directors. The code may include non-mandatory appendices incorporating additional energy efficiency and greenhouse gas reduction resources developed by the Code Council and others. Requirements contained in the code will include, but not be limited to, prescriptive- and performance-based pathways. The code will aim to simplify code requirements to facilitate the codeôs use and compliance rate. The code is updated on a three-year cycle with each subsequent edition providing increased energy savings over the prior edition. The IECC residential provisions shall include an update to Chapter 11 of the International Residential Code. This code is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve this intent. This code is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances.

Appeals (or portions thereof) referencing ópurposeô should not be sustained by the Appeals Board.

Sincerely,

Gayathri Vijayakumar, Voting Member, Residential Consensus Committee

Principal Mechanical Engineer, Steven Winter Associates, Inc.