

RE4-09/10

EECC Requested Final Action: Approved as Modified by Assembly Floor Action

EECC Public Comment:

RE4 should be approved as modified by assembly action.

As everyone who uses both the IECC and IRC and/or participates in the current code development process realizes, having energy conservation requirements in the IRC that differ from the IECC present a continuing problem that must be resolved.

A series of proposals submitted by a number of different stakeholders this cycle were aimed at addressing the fundamental problems created by the IRC's divergence from the IECC in terms of energy efficiency (specifically proposals RE1 through RE4). As individual proponents of two of these proposals (RE1 and RE2), we support the floor action recommending approval as modified for RE4 and, as modified, believe that RE4 is the best solution to the problem.

Last code cycle, a similar proposal by the Energy Efficient Codes Coalition received over 60% of the vote at the Final Action Hearing. Unfortunately, this was insufficient to overturn the IRC Committee. In this cycle, the IRC committee voted 6 to 5 not to approve this proposal. However, assembly action overturned the IRC Committee on this issue. As a result, approval as modified will only take a majority vote at the upcoming Final Action Hearing.

RE4 as modified is intended to permanently resolve the growing inconsistencies between the IECC (which is also referenced in the IBC) and the IRC by referencing a single set of energy efficiency requirements for all three codes – the IECC. The proposal also makes code compliance and enforcement more uniform and streamlined.

It should be recognized that code consistency is a major objective of the ICC Code Development process. According to Section 1.3.1 of the ICC Code Development Process CP#28-05, "The provisions of all Codes shall be consistent with one another so that conflicts between the Codes do not occur." This section also provides that "Duplication of content or text between Codes shall be limited to the minimum extent necessary for practical usability of the Codes" This code proposal will serve to accomplish this objective in the most efficient manner.

The Problem: The problem of an inconsistent IRC and IECC, where the IRC energy provisions are weaker and less rigorous than the IECC, is well-known. The IECC and IRC are reviewed by two different code development committees. Proposals must be heard twice (using substantially more resources and prolonging the hearings by days), and the outcome is frequently different. It is then up to the code officials at the Final Action Hearing to sort through the two committees' differing opinions and decide on the best course. As long as there are two codes and two committees, inconsistency will continue to grow, creating problems for jurisdictions that seek to adopt and implement a single national model energy code for residential buildings.

The Solution: This proposal presents the best long-term solution for code consistency and uniform enforcement. Just as IBC Chapter 13 references the IECC for its energy efficiency requirements, IRC Chapter 11 would reference the IECC. If deemed helpful, to preserve the convenience of a single volume residential code, ICC can choose to reprint the relevant sections of the IECC at the end of the IRC. In subsequent cycles, as the IECC is updated, IRC Chapter 11 would be automatically (and identically) updated by virtue of the reference to the IECC.

The general approach of replacing the IRC energy chapter with a reference to the IECC has already been tested in several states. In fact, the IRC already references the IECC for the performance path (N1101.2), so any state that adopts the IRC already automatically adopts the requirements of the IECC as a compliance option. Several states have already taken the step suggested by this proposal by exclusively referencing the IECC for energy efficiency requirements.

The IECC Is the Best Single Energy Efficiency Standard: The IECC is recognized in federal law and nationwide as the comprehensive model energy code for all residential and commercial buildings. Many states have adopted the IECC as their mandatory statewide energy code. National, state and local policymakers are demanding a substantially improved level of energy efficiency in building energy codes to meet the nation's security, environmental and energy cost needs. At the same time, building officials demand uniformity and consistency in the International family of codes.

Under the federal Energy Policy Act of 1992, the US Department of Energy (DOE) is required to review each new version of the IECC and determine if it is an improvement in energy efficiency over previous versions. (IRC Chapter 11 does not undergo such a rigorous assessment by DOE. Nonetheless, DOE has indicated that the 2009 IRC is not as energy efficient as the 2009 IECC.) States are also required by federal law to undertake a review of the state energy code and determine whether state energy efficiency requirements meet the stringency of the IECC every time the Department of Energy makes a determination on the updated IECC.

The IECC also serves as the basis for federal tax credits for energy efficient homes, energy efficiency standards for federal buildings, and qualification for FHA mortgages. The IECC is also referenced in LEED and many other state and federal programs. Most recently, the adoption of the 2009 IECC was designated by Congress as a threshold requirement for states to receive \$3.2 billion in State Energy Program funds through the American Recovery and Reinvestment Act (Stimulus Bill). None of these programs even references the IRC.

For all these reasons, the IECC is the logical selection as the single energy efficiency standard for the International Codes.

The Benefits of the IECC as the Single Energy Efficiency Standard:

True Consistency: This proposal fixes inconsistencies between the IRC and the IECC/IBC that have developed over time, and ensures consistency in the future. Even if all code change proposals in the current cycle were 100% consistent, the IECC and IRC would still be different because of changes made in earlier editions, and would likely be different in the future because two separate committees are reviewing the same code language. This proposal does not expand or reduce the number of compliance options available to builders. It simply consolidates them in the most reasonable place.

The energy efficiency requirements of the IBC, IRC and IECC would be unified into a single set of requirements that comply with all three codes and ensures that all three codes meet the same energy efficiency and building quality standards in the future.

Proposals Reviewed and Approved By a Balanced Committee of Expert Stakeholders and Code Officials Chosen by the ICC: The IECC is currently developed by a committee that it is populated by experts in building energy efficiency and where no organization has more than one voting seat.

Streamlined Enforcement: Once all three I-codes have a unified set of energy efficiency requirements, enforcement will become much simpler. A builder complying with the IRC Chapter 11 will automatically meet the requirements of the IBC and IECC. Builders will only need to follow one set of requirements, and code officials can enforce a single set of requirements.

Less Complicated Code Hearings: This proposal would eliminate a good deal of redundancy in the current code development process by centralizing the energy efficiency requirements in a single committee. Rather than force proponents and code officials to endure hours – even days – of the same testimony before two different committees, this proposal would streamline the process and yield a more consistent result.

Proposal History:

Committee Recommended Action on Original Proposal at Public Hearing:

Disapproved

Committee Reason(s) for Recommended Action:

The proponent's intent with this code change proposal is to utilize the provisions of the International Energy Conservation Code and remove the present provisions of Chapter 11 of the IRC. The committee feels that the energy provisions of the IRC should be decided upon by a committee composed of people that understand the unique characteristics of light-frame residential construction. Therefore, the provisions of Chapter 11 should stay and remain under the control of the IRC B/E Committee.

Assembly Action:

Approved as Modified

Modification to Proposal:

N1101.2 Requirements. Buildings shall be designed and constructed in accordance with ~~Chapter 4~~ of the *International Energy Conservation Code*.

Reason for Modification:

Replacing Chapter 11 with a reference to only Chapter 4 of the IECC would make it difficult to include the provisions of Chapter 3 that should be applicable as well.

Initial Recommendation of EECC: Approve / Prefer RE1

Initial Proposal for Reference:

RE4-09/10

Chapter 11

Proponent: Guy Tomberlin, Fairfax County, VA, representing Plumbing and Mechanical Inspectors/VA Building and Code Officials and ICC Region 7

1. Delete without substitution as follows:

Delete the current text of Chapter 11 in its entirety with the exception of Section N1101.1.

2. Add new text as follows:

N1101.2 Requirements. Buildings shall be designed and constructed in accordance with Chapter 4 of the *International Energy Conservation Code*.

Reason: The process has become far too cumbersome trying to keep these two documents coordinated. There should not be two different sets of rules, that simply goes against the foundation of the energy code. The International Code Council already has a similar situation as this recommended practice set in place and it is working quite well with the International Fuel Gas Code and the International Residential Code Chapter 24 provisions. Maintaining consistency between the commercial and residential provisions should not be a membership function and it is not

reasonable for the members to be responsible for this administrative task. It has become extremely time consuming, not to mention nearly impossible, just trying to cover all the changes applicable to both codes and then come back the next code cycle and attempt to coordinate. In the current process one code or the other is behind a complete cycle while proponents work feverishly to try to catch up. Now with the new policies in place, for the code development hearings between print editions, the current system will equal 3 years of inconsistent regulations. The make-up of the IECC Code Development Committee could easily be altered to accommodate all the interested parties. An added benefit to this proposal would be the time savings during the code change process by just by having a single committee hear all the energy proposals.

Cost Impact: The code change proposal will not increase the cost of construction.

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| Public Hearing: Committee: | AS | AM | D |
| Assembly: | ASF | AMF | DF |

ICCFILENAME: TOMBERLIN-RE-1-CHAPTER 11-2