

AGA and APGA Appeals of Final Standards Actions on the IECC, Proposals RE147-19 and CE217-19, Parts I and II: Issues of IECC Intent

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Underlining Principles of the AGA/APGA Appeal

- Issues Raised in the Appeal Deal with Staff Process, Not Requirements Outcomes of These Two Proposals
- These Issues are Associated with the ICC Process for Considering Proposals that Are Outside the “Intent” Sections of the Residential and Commercial Sections of the IECC
- ICC Should Not Have Proceeded with Processing These Proposals, Given:
 - The Literal Interpretation of the IECC Intent Language in Sections R101.3 and C101.3:

“This code shall regulate the design and construction of buildings for the effective use and conservation of energy over the useful life of each building. This code is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve this objective. This code is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances.” [underscore added for emphasis.]

RE147-19: Salient Issues

- The proposal would impose residential costs of construction upon consumers to comply with requirements for “electrification-ready” electrical wiring and components without justifying its requirements on energy efficiency, conservation, or savings in the building.
- The proponent offers speculative societal benefits of the proposed requirements without the essential justification on energy savings in the building or to other sectors.
- ICC staff should have either ruled that the subject proposal was out of order on the basis of lack of consistency with the Intent statement or referred the proposal to a cognizant ICC committee with the recommendation for ruling the proposal out of order.

CE217-19, Parts I and II: Salient Issues

- As with RE147-19, this proposal would impose costs of construction in commercial and residential buildings by requiring electric vehicle (EV) equipment, EV “capable spaces,” and EV “ready spaces” for reasons neither relevant to building energy efficiency nor justified on the basis on building energy efficiency.
- Here, too, the proponent suggests speculative societal benefits of the proposed requirements without the essential justification on energy savings in the building or to other sectors.
- Again as with RE147-19, ICC staff should have either ruled that the subject proposal was out of order on the basis of lack of consistency with the Intent statement or referred the proposal to a cognizant ICC committee with the recommendation for ruling the proposal out of order.

Concluding Comments

- The Written Appeal Covering These Two Proposals Presents the Essential Issues of the Appeal. No New Claims or Substantial Information is Presented Here.
- As with AGA and APGA Claims Regarding Federal Preemption of Minimum Appliance Efficiencies Argued in Our Previous Appeals Presentation, ICC Handling of These Proposals Presents Issues of Staff Processing of Proposals Prior To and Through the Committee Action Hearing (CAH) and Public Comment Hearing (PCH) Process.
- Prudent and Straight-Forward Staff Action on These Proposals Would Have Been to Not Proceed with Processing of the Proposals and Pursue Responses as Recommended.