



**American Public  
Gas Association**

August 16, 2021

Mr. Joseph W. Sollod  
International Code Council  
500 New Jersey Avenue, NW  
6th Floor, Washington, DC 20001

*Submission via email*

**Re: Comments in Response to ICC Staff Draft of Electric Vehicle Charging Code Language**

Dear Mr. Sollod:

The American Gas Association (AGA) and American Public Gas Association (APGA) respectfully submit these comments in response to the International Code Council's (ICC) request for comment pertaining to its staff draft of electric vehicle (EV) charging code language (staff draft).

AGA, founded in 1918, represents more than 200 local energy companies that deliver clean natural gas throughout the United States. There are more than 76 million residential, commercial, and industrial natural gas customers in the U.S., of which 95 percent — more than 72 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 thirty percent of the United States' energy needs.

APGA is the trade association for approximately 1,000 communities across the U.S. that own and operate their retail natural gas distribution entities. They include municipal gas distribution systems, public utility districts, county districts, and other public agencies, all locally accountable to the citizens they serve. Public gas systems provide 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, including electricity generation.

Our members are committed to providing reliable and affordable energy, while protecting the environment and with minimal disruption to consumer choice. As stakeholders engaged in the development, implementation, and enforcement of building energy codes, AGA and APGA offer the below comments in response to the staff draft.

***Comments***

Because building energy codes are adopted at all levels of government, transparent and robust procedures are critical to their success. AGA, APGA, and our member systems have historically participated in building energy code development processes through the ICC, and we intend to continue

our engagement moving forward. We believe that future editions of the model International-codes (I-codes) should continue to be developed through their existing, broad-reaching stakeholder engagement. Accordingly, we recommend removing all the model code language included in the staff draft.

While we are supportive of ICC's intent to develop resources for its members and other jurisdictions interested in exploring different routes to approach energy use and decarbonization in their codes, proposing model code language outside of the already established consensus code development process is not an appropriate path forward. Instead, we recommend that all language pertaining to the model code language be removed from the staff draft – the remaining language discussing the code provisions related to EV charging infrastructure that other jurisdictions have implemented remains useful information that can inform others who might be considering similar provisions.

Because the model code provisions pertaining to EV charging infrastructure in the staff draft have been developed and are intended to be finalized by ICC staff outside of the predetermined consensus process set forth by the ICC Board of Directors, the staff draft would be in violation of Code Council Policy #28-05 – Code Development (CP28-05). The ICC Board adopted CP28-05, as mandated by ICC's Bylaws, to dictate the code development process in order to ensure a transparent and robust consensus process for all interested stakeholders. ICC staff developed the staff draft with the apparent intention of jurisdictions adopting the model code language. Because the model code language is intended to modify the I-Codes, developing it outside of the existing consensus-based code development process that ICC has detailed in CP28-05 and its new International Energy Conservation Code's (IECC) code development process would put ICC in violation of its own policies. Adherence to the existing procedures ensures that all stakeholders have sufficient notice and opportunity to engage, and that only code provisions developed through the Board-approved process are endorsed as ICC-developed code language.

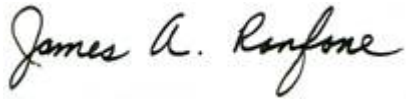
Additionally, the model code provisions outlined in the staff draft would impose construction costs on those jurisdictions that adopt them for reasons not relevant to building energy efficiency. While the ICC has updated the IECC scope and intent to allow for the incorporation of greenhouse gas reduction measures, including EV charging, these changes do not go into effect until the 2024 edition, which is under development now. Therefore, the proposed code language in the staff draft is currently outside of the 2021 IECC's scope and intent (as well as earlier versions), as determined by the ICC Appeals Board and confirmed by the ICC Board of Directors in 2020 in response to an appeal of similar provisions by AGA, APGA, and others. Instead, the model code language in the staff draft can be considered by the new IECC code development committees as possible additions to the 2024 IECC.

Building energy codes should continue to remain flexible enough to be utilized by the broadest range of jurisdictions. Supplemental resources, such as the staff draft with suggested amendments, can be helpful tools for jurisdictions or individuals with the resources and capability to consider implementing certain stretch code options. However, every jurisdiction has different resources and needs to serve. ICC must follow its existing code development procedures to ensure that its model codes continue to provide adopting authorities with economical and safe building and energy codes that can help further a community's decarbonization goals.

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Thank you for your review and consideration of these comments. AGA, APGA, and our members look forward to further engaging with the ICC and code development committees. If you have any questions regarding this submission, please do not hesitate to contact us.

Respectfully submitted,

Handwritten signature of James A. Ranfone in black ink.

Jim Ranfone

Managing Director, Codes and Standards  
American Gas Association

Handwritten signature of Renée M. Lani in black ink.

Renée M. Lani

Director of Regulatory Affairs  
American Public Gas Association