



Northeast Energy Efficiency Partnerships

## **CP-28 MODIFICATIONS TO THE ICC CODE ADOPTION PROCESS**

A White Paper of the NEEP Building Energy Codes Project

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### **The History**

ICC Codes are adopted according to a carefully crafted policy that allows maximum input to the process from any person or party, while reserving final decisions on approvals of code changes to the governmental members of the organization. Voting rules differ somewhat from the standards-making bodies such as ASHRAE and NFIPA, but ICC maintains an open, transparent process where all debates, deliberations, recommendations and decisions are accomplished in fully open public forums.

Since the merger of the three legacy code organizations in 2002, there has been a quantum leap in the number of code changes; largely driven by changes in technology, construction materials and products, together with national and state policies.

The ICC has responded to this unprecedented wave of code changes by altering some procedures for code hearings, still keeping the process open and transparent. The two code cycle/three-year procedure has now been changed to a single, two-track, three-year cycle that eliminates the need for supplemental publications, but retains the three-year cycle period now utilized by many standards-setting organizations. It also assigns code committee responsibility for identical code changes in more than one code to a single code committee with the greatest expertise in the field, except where not otherwise restricted.

Final code actions are governed by a majority/super-majority member vote for disposition of code development recommendations in the code action procedures. The recommendation of a committee to approve, disapprove or to modify requires only a simple majority (50% + 1) to uphold and approve, but a 67% plurality to overturn or to modify.



## **The Problem**

Shortly after the three original legacy codes organizations merged, the new ICC entered into a Memorandum of Understanding with the National Association of Home Builders (NAHB) to publish a single, stand-alone code for one and two-family dwellings (the ICC Residential Code). This code would contain all prescriptive requirements necessary to construct these homes, and ICC would establish residential code committees to hear, to deliberate on, and to recommend changes to this code.

The main body of codes divides into Building, Plumbing, Mechanical, Electrical, Fuel Gas, Existing Buildings and other editions for both clarity and use in constructing the complex structures we inhabit and use. These requirements also reside, for the most part, within chapters of the Residential Code (IRC). Code provisions do differ for dissimilar conditions.

The results of this separation, although mainly favorable, have seen conflicting code recommendations for identical issues approved through the current procedures, creating code requirements that differ from one code to another, with no change in health or safety issues. The reason this has occurred is a faithful compliance with agreements that have created these unforeseen conflicts, and existing rules set forth in the ICC Codes Hearings policy, CP-28.

## **The Solution**

NEEP recognized that the ICC CP-28 hearings policy that now works successfully for most code changes can be modified slightly to prevent these unforeseen conflicts. Therefore, NEEP proposed a small but significant modification to the hearings policy procedures; a change that could bring consistency to all code requirements in as little as a single code cycle.

Identical code change proposals that are now required to be heard through the process for code development by more than one Code Development Committee would still be heard in the same manner. Once recommendations have come forth from the separate committee hearings for final action, they would then be reviewed by staff for conflicting recommendations.

All identical proposals affecting more than one code that have differing recommendations from the code development hearings would be deemed conflicting proposals, and be subject to a revised final voting procedure. The essence of the NEEP modification would establish that:

- Any conflicting recommendations from the code development recommendations would each carry equal weight, requiring only a simple majority for a single disposition of any separate code development recommendation (either approval or disapproval);
- All motions to overturn any of the code development recommendations and seek other action, or to further modify a recommendation from the code development hearings, would still be subject to a super-majority vote for disposition;
- The final vote of the members would then be a single decision that would apply to all codes affected by the identical code change proposals. This not only applies to energy code provisions, but to building, mechanical and other potential code conflicts as well.



## **The Conclusion**

NEEP submits that its recommended changes to CP-28:

- Address and resolve potential conflicts now possible through an outdated procedure;
- Allow the members to resolve all conflicts through a single Final Action vote; and
- Maintain existing ICC agreements.

The full text of recommended changes to CP-28 can be found at the NEEP website:

[http://www.neep.org/energycodes/NEEP\\_comments\\_to\\_CP\\_28.pdf](http://www.neep.org/energycodes/NEEP_comments_to_CP_28.pdf)