



## International Energy Conservation Code Consistency and Administrative Subcommittee

### Meeting Minutes (DRAFT)

January 4, 2022  
2:00 PM EST to 4:00 PM EST (2 hours)

[Webex Link](#)

**Committee Chair:** Richard Potts

**Committee Vice Chair:** Rich Truitt

1. Call to order. By Chari Potts @ 2:05 pm EST
2. Meeting Conduct. Staff
  - a. Identification of Representation/Conflict of Interest
  - b. ICC [Council Policy 7](#) Committees: Section 5.1.10 Representation of Interests
  - c. ICC [Code of Ethics](#): ICC advocates commitment to a standard of professional behavior that exemplifies the highest ideals and principles of ethical conduct which include integrity, honesty, and fairness. As part of this commitment, it is expected that participants shall act with courtesy, competence and respect for others.

#### 3. Roll Call.

<b>Sub-Committee Member</b>	<b>Present</b>
Richard Potts	X
Richard Truitt	X
Cliff Davis	X
Ric Johnson	X
Heather Goggin	X
Maureen Guttman	
Andrea Lanier Papageorge	X
Michael Rhodes	X
<b><u>Non-Members</u></b>	
Robert Pegues	X
Jon Cain	X
Eric Lacey	X
Maston Stafford	X
Charlie Allen	X
Paul Messplay	X
Shannon Corcoran, AGA	X

Bob Raymor	X
Joel Martell	X
Gil Rossmiller	X
Amy Boyce	X
Robby Schwarz	X
Robin Yochum	X
Amanda Hickman	X
Steve Orlovski	X
<b><u>Staff Liaison</u></b>	
Kristopher Stenger	X

4. Approval of minutes – December 21<sup>st</sup>. Minutes will be tabled and resent to Sub-Committee members with some modifications. Approval is tabled until next meeting.

5. Action Items – Review Code Change Proposals.

**a. REPI-004-21 Called by Chair Potts**

Discussion

*Amy Boyce* - presenting. Proposal would provide an envelope backstop for above code programs. Replaces current 2009 backstop with new calculation that is consistent with 2021 changes for ERI. Will provide consistency and removes reference to older codes.

*Eric Lacey* - Provided background from 2021 edition hearings. Commented this will provide consistent backstop regardless of path. This proposal is one of the rare instances where the efficiency advocates and the homebuilders found agreement. This proposal makes the backstops more consistent. ERI is used in a lot of above-code programs, so this would make it so that you would be applying the same backstop whether going through ERI or an above-code program approved by the code official.

*Michael Rhodes* - Questioned how was the 1.15 multiplier derived and is this improving standards?

*Eric Lacey* - Responded that this is similar to the original proposal by NAHB for 2021 IECC. This provides flexibility but provides basis for minimal level. This will also keep pace with future editions. The 1.15 basically means that you get about 15% wiggle room when you're doing tradeoffs. This won't allow you to trade down to an envelope that would be extremely inefficient. There's no magic to the 15% but it seems like a reasonable multiplier. As the IECC improves, this will track.

*Amy Boyce* - Clarified this is the same number as the 2021 ERI path.

*Michael Rhodes* - Discussion about unintended consequences. This wiggle room for these trade-offs can impact the thermal envelope of a building in exchange for energy generation on site, however, if 10-15 years down the lines, owners change hands and the system goes down and isn't replaced or fixed, we've now allowed this trade-off and have a building that operates below the intended code requirements.

*Eric Lacey* - Responded that this is exactly why the backstop was put in place. I think we're on the same team on this one. That's exactly why the backstops were put into place. In the IECC the only place you really get credit for onsite energy generation is the ERI. Even then you have a cap and the tradeoff is more stringent than the tradeoff we're proposing. What this proposal does is allow a little more flexibility, but it doesn't allow you to make the envelope too weak.

*Michael Rhodes* – Would it then be an improvement to change that 1.15 to another number? What would be the recommended better value if you were to go better.

*Eric Lacey* – If you made the multiplier smaller it would be more stringent. I'm not the proponent but I'm speaking in support of the proposal.

*Michael Rhodes* – If we're going to be doing this we should be trying to improve at each step. Is there a way that we can leapfrog so we get better each time?

*Rich Truitt* – Can Eric or Amy provide more background as to why this proposal didn't work in the '21.

*Amy Boyce* – My understanding is that this was approved for ERI. I don't know if it was proposed in this particular area in the last cycle. As to whether the number is appropriate, we are certainly open and willing to discuss bringing that forward and making it more stringent in the future.

*Eric Lacey* – The ERI has had the 2009 IECC as its thermal envelope backstop since the 2015 edition. In 2021 is when the proposal came in to change it to 1.15 times the total UA. The section we're looking at here just got the 2009 IECC backstop so there was no proposal last time to get this in.

*Joe Cain* – Asked to call attention to REPI-128, which is related. In the ERI method, these envelope backstops have been there, shifting and moving, and this particular 1.15 times UA was initiated as an NAHB proposal that others supported. What the solar industry has an issue with is different energy backstops depending on whether or not you have solar. Joe believes this will bring consistency if both this proposal and REPI-128 are brought forward. This proposal could be a good cleanup if the subcommittee wishes to support it.

*Joe Cain* - Discussed REPI 128-21 envelope backstops proposals. In the 2021 edition the backstops are inconsistent between paths. Commented he would like to see consistency.

Chair opened the floor for a motion.

Motion to support proposal since this will provide consistent backstop between all compliance paths when assessing alternative methods by Rich Truitt. 2<sup>nd</sup> provided by Ric Johnson.

Sub Committee Vote.

6 in favor. (Rich Truitt, Heather Goggin, Cliff Davis, Ric Johnson, Michael Rhodes and Andrea Papageorge) None in opposition.

### **b. CEPI-008-21 Part II By Chair Potts**

#### Discussion

*Joe Cain* - Not a member of the BCAAC but was listening to extended discussions on this subject. Does not have a position. Advises group that one issue the solar energy has is that the valuation of a project is not always a good metric for time spent by plan reviewers and inspectors (in a for-profit org, not local gov).

*Ric Johnson* - This is really just a proposal to synchronize all of our codes, so we have the same language as far as the fee section. You'll see this same section already included in the IRC and IBC. They're trying to correlate to make them equal in each path.

Chair opened the floor for a motion.

Motion to approve proposal since this will synchronize the administrative provisions of the IECC with other I-Codes and as the IECC grows there may be a need in the future for Jurisdictions to permit energy related projects without the need for permits from other I-Codes by Rich Truitt.  
2<sup>nd</sup> provided by Heather Goggin

#### Sub Committee Vote.

Vote 6 in favor. (Ric Johnson, Michael Rhoades, Heather Goggin, Cliff Davis, Rich Truitt and Andrea Papageorge) None in opposition.

### **c. REPI-009-21 called by Chair Potts**

#### Discussion

*Robert Peguese* - Speaking on behalf of the proponent. Initially written to address issues with air sealing items being verified at rough-in stage after insulation has been installed. One thing that is run into during energy field inspections after insulation is installed is that most air barrier and air sealing items become very difficult to verify, which translates to difficulty to running blower doors and having those pass. This was written in direct response to that so that those items can be verified when they are verifiable and not after the fact when insulation is installed.

*Michael Rhodes* - If insulation is used as the air barrier, how is this compatible?

*Robert Peguese* - That's one question I have, too. In this instance, the insulation would serve as the air barrier so this would implicitly take care of the insulation and air barrier requirements. So, this would still be in line

*Michael Rhodes* - So the way that it's worded, "Shall be made before the application of insulation" I believe that some adjustments should be made at that point so that insulations that are air barriers aren't disputed.

*Robby Schwarz* - "Application of air-impermeable insulation" as an alternative to the current proposed language in R105.2.2

Chair opened the floor for a motion.

Motion: Motion to approve with modification to add words "Air Permeable" after the word of and before the word insulation in section 105.2.2 by Michael Rhodes. 2<sup>ND</sup> Rich Truitt

This proposal is intended to require the inspection of air sealing provisions prior to those areas being covered which would prohibit inspection. These inspections are critical to ensuring that the structure will be in compliance based upon the required blower door test.

Sub Committee Vote.

Vote 6 in favor (Heather Goggin, Rich Johnson, Michael Rhodes, Andrea Papageorge, Cliff Davis and Rich Truitt) Non in opposition

#### **d. REPI-010-21 Called by Chair Potts**

Discussion

*Robby Schwarz* - Wrote the proposal because of the reality being seen in the field and the potential confusion with the utilization of third-party inspection agencies out in the field. What we saw to a large extent is that the IRC definition of third-party and IECC definition of third-party are quite different, but they are trying to utilize the third-party inspection agency for a true inspection, where in the IRC they are using it for certification of product or product testing. When you are inspecting in the field, it needs to be really clear what the third-party is allowed to inspect for and what the jurisdiction might be inspecting for because often times both parties are out in the field doing those inspections. There needs to be some recognition that the third-party is given or not given the authority to fail an inspection and call for a reinspection of an item. This proposal is trying to gain better clarity between the AHJ and the third-party inspection agency they desire to work with that hasn't been in place in the code in the past so there's less confusion during inspections in the field and getting confirmation that the requirements of the code have been carried out in the field.

*Rich Truitt* - I do see some value in what you're saying. This is when the jurisdiction picking the third-party and are providing inspection services, or is the property owner/building owner picking the third-party?

*Robby Schwarz* – It doesn't matter who picks the third-party. What matters is what the third-party is doing. A jurisdiction might say that a third-party is responsible for the entire inspection, but that could mean different things to different parties. So, without outlining it more there can be confusion in the field. We are seeing this in Colorado where they've adopted a modified RESNET energy compliance pathways and they've said to the rater, "Certify that this house meets the code." So, they generate an index score for that house, but they aren't looking at the other requirements of the IECC (e.g., The insulation, how the air barrier is installed, HVAC). We're just trying to make sure that everybody is on the same page.

*Gill Rossmiller* – As BO in Colorado we employed a few agencies to do what Robby described. We would approve their qualifications and methods and would give them the authority to pass or fail these energy type inspections. This proposal makes it clear that they are doing energy inspections. And they are very good at what they do. Without this type of language, jurisdictions don't really have the ability to do this.

*Rich Truitt* – I'm still trying to wrap my mind around giving the authority to a third-party inspector.

*Robby Schwarz* – When a third party is not given the authority and a third party fails an insulation inspection, we often hear from the builder that the jurisdiction has either been silent

on the install of the insulation or has said it's okay and ready to go. So, there's a conflict there and they tend to ignore what the third-party has said. So, if there's no teeth to what the third-party is saying in the field and they can't go back to the jurisdiction to get support for the decision they made about the installation, then compliance with the code is marginal when using a third-party.

*Robert Peguese* – I can speak to what Robby is saying. I operate in Texas and there are some municipalities that adhere to this as Robby has written it. I think to Robby's point, having this explicit in the language would make it more consistent. I do have a clarifying question on R105.4.3 especially where the ERI is involved. I think it implies that an ERI confirmed rating report is issued. Can you confirm if that is the intent? And if so, is that going to potentially cause some delays

*Robby Schwarz* – The intent is to report everything before a certificate of occupancy is issued. Some of the things that third parties are asked to inspect are done at a rough stage and some are done at a final stage (eg. Blower door test, ERI score). Yes, an ERI score or blower door test would have to be generated before certificate of occupancy is issued and in Colorado we have not seen that be a delay to the release of the certificate of occupancy.

*Michael Rhodes* – Can we take a quick straw poll to see if we are slightly positive or slightly negative or null before we table?

*Chair Potts* - Indicated a straw poll of subcommittee members in favor of proposal.

*Rich Truitt* – I see value in this proposal for jurisdictions, but I think this is somewhat outside of the bounds of the actual code. Everything they are doing here; I'm already doing as an actual third-party inspection agency for three municipalities within the County I work for. I'm not sure it needs to be validated in the code. I think at this point the code already allows this.

Motion: Motion to disapprove since this proposal attempts to address a contractual issue between the jurisdiction and the third party by Rich Truitt. 2<sup>nd</sup> Ric Johnson

Sub Committee Vote.

Vote in favor 5 (Ric Johnson, Heather Goggin, Andrea Papageorge, Cliff Davis and Rich Truitt)  
0 opposition 1 abstention (Michael Rhodes)

6. Other business.

Discussion regarding Subcommittee developing a determination for proposals.

Reminder to Consensus Committee members of open poll vote.

7. Upcoming meetings.

January 18, 2022

8. Adjourn. Motion Rich Truitt 2<sup>nd</sup> Ric Johnson

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[ICC Energy webpage](#)

[Code Change Monograph](#)