



International Code Council IECC Commercial Consensus Committee Draft Meeting Minutes

Meeting Date: February 14, 2024

Committee Chair: Duane Jonlin

Committee Vice Chair: Emily Hoffman

1. Call to order by Chair Duane Jonlin. The meeting was called to order at approx. 2:00 pm Eastern Time.

2. Roll Call. Chair Duane Jonlin, Vice-Chair Emily Hoffman, Ali Alaswadi, John Bade, Jack Bailey, Matt Belcher, Gina Bocra (alt), Payam Bozorgchami, Scott Brooks, Chris Clausing, Shannon Corcoran, Jay Crandell, Thomas Culp, John Dalzell, Sean Denniston, Greg Eades, Charles Eley, Anthony Floyd, Bryan Holland, Greg Johnson, Michael Jouaneh, Andrew Klein, Vladimir Kochkin, Ann Livingston, Emily Lorenz, Hope Medina, Michele Melley, Don Mock, Melissa Moseley, Susan Musngi, Dan Nall, Christopher Perry (alt), Douglas Powell (alt), Laura Petrillo-Groh, , Michael Rosenberg (alt), Steve Rosenstock, Robert Ross, Blake Shelide, Michael Tillou, Amin Tohmaz, Michael Waite, Jeremy Williams,

Committee members in attendance: (39 in attendance 6 absent)

Not in attendance: Paula Cino (alt), Amber Wood (alt), Lauren Urbanek, Vincent Martinez (alt), Drake Erbe, Gary Heikkinen (alt), Richard Burton, Thomas Deary (alt), Zepherinus Church Norbert, Stephen Harris, Kevin Rose, Glenn Heinmiller (alt), James Yeoman,

ICC Staff in attendance:

Kris Stenger, Jerica Stacey, Jordana Rubel, Russ Manning, Ryan Colker

3. Approval of the Minutes from September 13, 2023-motion to approve by Greg Johnson with a second from Michael Jouaneh. Approved unopposed.

4. Approval of Agenda- Motion to approve to approve by Dan Nall with a second from Charles Eley. Agenda Approved unopposed.

5. Action Items-Responses to Board of Director's questions regarding preemption concerns from AHRI

- a) Question 1- Provide documentation regarding whether it is possible to comply with Sections C502.3.7.1 and C406.1.1.1 and Appendix CD (the 2030 Glide Path) for all building types using minimum efficiency equipment. Clarify whether compliance for the referenced occupancy types(restaurants & hotels)/climate zones requires the use of residential equipment. If residential equipment can be

used to comply, is it readily available and are there any reasons why residential equipment should not be used, such as equipment listing limitations?

Initial introduction provided by AHRI and response from PNNL prior to general discussion. Motion by Mike Waite that the committee send the analysis from PNNL which indicates compliance with Sections C502.3.7.1 and C406.1.1.1. And does not require the use of residential equipment. Second from Bryan Holland. Motion passes 19-16-3

- b) Question 2- If further discussion clarifies that it is not possible for certain building types (restaurant & hotel) to comply with the credit thresholds in Sections C502.3.7.1 and C406.1.1.1, recommend changes to the code to make it possible for all building types to comply.

Based on the action of Question 1 no further response needed for Question 2.

- c) Question 3- Address the assertion that it is not possible for all building types to comply with the 2030 Glide Path thresholds listed in Appendix CD using minimum efficiency equipment. If that assertion is correct, provide feedback on how the Board should alert jurisdictions considering adopting these provisions about the advisability of adding trade-offs to mitigate the risk of preemption.

Initial motion by Emily Lorenz with a second from Steven Rosenstock regarding user note was tabled until after discerning if possible for all building types to comply with the Glide Path thresholds. Motion to table by Dan Nall with a second from Emily Lorenz. Motion passed unopposed.

Motion by Michael Jouaneh that the committee believes that is possible to comply with Appendix CD with minimum efficiency equipment. The committee believes that minimum efficiency equipment can be used to comply with performance compliance path of CD. The committee did not reach consensus on if minimum efficiency equipment can be used to comply using the prescriptive path of Appendix CD. Second from Bryan Holland. Motion passes 22-8-4.

Motion by Emily Lorenz with a second from Steven Rosenstock that the committee did not reach consensus on AHRI's assertions, however, depending on board action, the committee recommends adding the following User note to Appendix CD to address any potential issues of federal and state pre-emption.

User Note: In considering whether to adopt this appendix, please note that state or federal law might be found to preempt the provisions it prescribes. See, for example, the Public Health and Welfare Act, 42 USC 6297: Effect on other law. Whether this appendix or a modification thereof is subject to preemption may depend on court decisions or on whether an applicable waiver has been issued by the US Department of Energy pursuant to subsection (d) of 42 USC § 6297.

Motion passes 22-8-5

- d) Question 4- Provide feedback on how the Board should alert jurisdictions considering adopting the provisions within Appendix CG about the risk that an all-electric solution could face a preemption challenge.

Motion by Steven Rosenstock with a second from Emily Lorenz that the committee did not reach unanimous consensus on AHRI's assertions, however, depending on board action, the committee recommends adding the following User note to Appendix CG to address any potential issues of federal and state pre-emption.

User Note: In considering whether to adopt this appendix, please note that state or federal law might be found to preempt the provisions it prescribes. See, for example, the Public Health and Welfare Act, 42 USC 6297: Effect on other law. Whether this appendix or a modification thereof is subject to preemption may depend on court decisions or on whether an applicable waiver has been issued by the US Department of Energy pursuant to subsection (d) of 42 USC § 6297.

Motion passes 22-9-2

2) Errata/editorial notification-staff notified the committee of editorial corrections that were necessary based on editorial review for the following sections

- a) Appendix CE. Updating of section references and exception list
- b) Section C406.2.3.1.2 W02 Credit. Second equation removal
- c) Fan power tables and sections Table C505.3, Sections C503.3.2 and C503.3.3. The removal of these were in CED1-169-22 and were intended to be included in the committee proposal CECD1-17-22 and were not, however CED1-169-22 was withdrawn.

The committee did not need to take action on these as the resolution will be handled editorially. All three of these are removing existing language in order to avoid concerns that they require public comment.

6. Upcoming meetings. The next meeting is TBD

7. Adjourn. The meeting was adjourned at approx. 5:02 pm Eastern time.

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FOR ADDITIONAL INFORMATION, PLEASE CONTACT:
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