



April 3, 2024

Environmental Protection Agency  
Data Gathering and Analysis Division  
Office of Chemical Safety and Pollution Prevention  
1200 Pennsylvania Ave. NW, Washington, DC 20460-0001

*Via Regulations.gov*

**RE: Comments of the International Code Council to the Environmental Protection Agency (EPA) regarding the Draft Criteria for Product Category Rules to Support the Label Program for Low Embodied Carbon Construction Materials; EPA-HQ-OPPT-2024-0075**

The International Code Council – a nonprofit organization of roughly 700 employees driven by the engagement of its more than 60,000 members – facilitates the development of model building codes for adoption at the national, state, or local level. The Code Council’s suite of International Codes (I-Codes) are updated every three years and developed through a consensus-based process, bringing together expertise from the public and private sector to capture the latest science and technology. Most U.S. states and communities, federal agencies and many global markets choose the I-Codes to set the standards for regulating construction and major renovations, plumbing and sanitation, fire prevention and energy conservation in the built environment. The Code Council also offers conformity assessment solutions and provides manufacturers with independent and comprehensive evaluation and certification that their products meet specific sustainability targets through Product Category Rules (PCR) and Environmental Product Declarations (EPD).

The International Code Council is dedicated to providing the building industry with the tools necessary to realize safety, sustainability, and resilience goals. This includes achieving decarbonization goals through the effective use of materials with low embodied carbon (LEC) to achieve greenhouse gas (GHG) emissions reductions across the construction sector.

Recognizing the need for a coordinated and deliberate approach, in September 2022, the Code Council Board of Directors approved [Decarbonization of The Built Environment: Solutions from the International Code Council](#), which recognizes the significant impact of buildings on the environment and the need for a coordinated set of solutions to support the achievement of energy and GHG reduction goals set by governments. The report also calls for expanded activities that support a coordinated approach across the I-Codes, standards, and other solutions. This highlights the Code Council’s ongoing commitment to deliver the tools that communities and the federal government need to realize their climate-related goals.

The Code Council’s comments regarding the Environmental Protection Agency’s (EPA) Draft Criteria for PCR to support the Label Program for LEC materials are captured below.

- i. **EPA should lean on the expertise of conformity assessment bodies (CABs) and require participating CABs and PCR developers to be accredited as EPD Program Operators pursuant to relevant ISO standards**



There are already a number of trusted conformity assessment bodies who assist manufacturers and the marketplace in providing the necessary tools to develop PCRs and verify Environmental Product Declarations (EPDs). For example, the ICC Evaluation Service (ICC-ES) is an accredited EPD Program Operator by the American National Standards Institute (ANSI) National Accreditation Board (ANAB), providing the tools necessary for development of PCRs and verification of EPDs and stands ready to assist manufacturers in expanding the availability of EPDs.

In addition, ICC-ES evaluates products for their compliance with building codes or relevant industry standards to ensure not only the environmental impact is understood but these innovative materials deliver the level of structural performance required by the building code. The ICC-ES label is already a well-known and trusted stamp of approval across industry stakeholders. The International Code Council urges EPA to lean on the expertise of accredited CABs in standing up and implementing their PCR criteria in support of their labeling program.

As EPA moves forward with the PCR criteria to support their labeling program, EPA is strongly encouraged to require that all PCRs and EPDs that serve as the basis of the label are verified by EPD Program Operators and Conformity Assessment Bodies that are accredited in order to provide credible and trusted conformity assessment or verification services under this program. **EPA should require EPD Program Operators to demonstrate expertise, capability, capacity, and impartiality through accreditation to ISO 14020 (*Environmental labels and declarations — General principles*), ISO 14025 (*Environmental labels and declarations — Type III environmental declarations — Principles and procedures*), and ISO 21930 (*Sustainability in building construction — Environmental declaration of building products*). It is important to note that the ISO 17000 standards (toolbox standards), including ISO/IEC 17065 (*Conformity assessment — Requirements for bodies certifying products, processes and services*), are no longer used as key documents by the ANSI ANAB to accredit EPD program operators.<sup>1</sup>**

The International Code Council encourages EPA to leverage ICC-ES' expertise in report criteria and development in establishing the PCR criteria to support the standing up of their labeling program. EPA is further encouraged to include relevant, accredited industry experts in the process of standing up their IRA programs to leverage their expertise and understanding of the gaps of existing procurement programs. EPA should continue to engage accredited EPD Program Operators, like ICC-ES, and LCA professionals in the process to ensure consistency and best practice are established.

**ii. EPA should require CABs to be accredited by recognized accreditation bodies pursuant to ISO standards**

EPA should assure that EPD Program Operators participating in their labeling program through the development of PCRs and verification of EPDs are accredited by an accreditation body which operates in accordance with ISO/IEC 17011 (*Conformity assessment – General requirements for accreditation bodies accrediting conformity assessment bodies*) and are signatories to international arrangements.

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<sup>1</sup> Within the draft criteria, there is a note in Section 1.3.C which states that “[...] all EPD verifiers must be associated with an organization that has been accredited to ISO 17065:2012.” It is unclear what “associated with” entails within this context. We recommend EPA define what association means in this instance to provide more clarity to the requirements of EPD verifiers within this criterion.

Accreditation provides a level of assurance that the service provider has the requisite expertise and technical competence. At a time of anticipated growth in the demand for EPDs, and subsequently the rise in development of PCRs to support this growth, it is important that such PCRs are developed and EPDs are verified by an accredited Program Operator. It is important to note that not all Program Operators are accredited to the relevant ISO Standards, and EPA is encouraged to promote further requisite accreditation qualifications for CABs, PCR developers, and EPD verifiers who participate in the labeling program.

The existing conformity assessment infrastructure provides value and trust across the industry. The International Laboratory Accreditation Cooperation (ILAC) and International Accreditation Forum (IAF) Mutual (or Multilateral) Recognition Arrangements (MRAs/MLAs) provides significant technical underpinning to the calibration, testing, medical testing and inspection results, provision of proficiency testing programs and production of the reference materials of the accredited conformity assessment bodies. IAF signatories accrediting to international conformity assessment standards delivers confidence in the acceptance of services and results. These established standards provide a strong framework for ensuring the credibility and reliability of environmental claims, which are critical in promoting sustainable practices across industries. To this end, EPA should require participating CABs to be accredited by recognized accreditation bodies pursuant to relevant ISO standards and international arrangements such as IAF MRAs/MLAs.

**iii. EPA should rely on voluntary consensus standards to support the label program PCR criteria to require disclosure of recycle content of a product in EPDs**

As the Agency notes, “EPA has a strong preference that the organizations developing PCR standards<sup>2</sup> align their processes with the attributes of [voluntary consensus standards](#) over the coming years. This preference is consistent with Section 12(d) of the [National Technology Transfer and Advancement Act \(NTTAA\)](#) and related federal policies, and with EPA’s approach in the Framework for Assessing Environmental Performance Standards and Ecolabels for Federal Purchasing.” EPA is an active participant in several International Code Council codes and standards concerning energy and water use in and around buildings. The NTTAA and Office of Management and Budget (OMB) Circular A-119 also direct federal agencies to use VCS wherever possible in their procurement and regulatory activities in lieu of expending public resources developing government unique standards. The [OMB Circular](#) “directs agencies to use standards developed or adopted by voluntary consensus standards bodies rather than government-unique standards, except where inconsistent with applicable law or otherwise impractical.”

In line with EPA policy and the NTTAA, we believe EPA should utilize Chapter 9 of the International Green Construction Code (IgCC) to support EPA’s program implementation, especially in support of disclosing recycled content of products. The IgCC provides a holistic approach to addressing sustainability—including through materials and energy efficiency and water conservation. The IgCC

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<sup>2</sup> It is important to note that PCRs are rules and not standards, and therefore should not be characterized as a standard. PCRs define the product category and provide a detailed set of procedures for the LCA. The Program Operator is responsible for developing the PCR using a defined process that includes, but is not necessarily limited to, consultation with identified stakeholders with expertise in LCA as well as those knowledgeable about the product and its manufacture.



already includes measures in Chapter 9 on the carbon impacts of materials and the use of EPDs and life cycle analysis.

Chapter 9 of the IgCC includes prescriptive requirements for the reduced impact of materials in [Section 901.4.1](#), which includes requirements for recycled content and salvaged materials. The section includes requirements for Type III EPDs recognized by a Program Operator to ensure cradle-to-gate compliance in accordance with ISO Standards 14025 and 21930, including a verified LCA of a product demonstrating compliance with the goal and scope for cradle-to-gate requirements based on ISO Standards 14040 and 14044. [Section 901.5](#) captured in Chapter 9 of the IgCC includes alternative performance requirements for LCA and reporting on material GWPs. In line with EPA policy and the NTTAA, EPA should utilize the above-referenced sections of the IgCC to support EPA's program implementation.

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Thank you for the opportunity to provide comments. If you have any questions concerning these recommendations, please do not hesitate to contact us.

Sincerely,

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