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August 6, 2007

The Honorable John D. Dingell
The Honorable Diana DeGette
The Honorable Joe Barton
House Energy and Commerce Committee
Washington, DC 20515

Re: Sec. 9031 of H.R. 3221

Dear Chairman Dingell, Vice Chairwoman DeGette and Ranking Member Barton:

As you work in Conference with the Senate on legislation addressing America's energy efficiency, we encourage you to have the Department of Energy (DOE) continue to recognize and respect the consensus achieved in the development of codes and standards in America's voluntary sector. It is in this manner that federal law has long fostered the strength and national and international utility of democratic standards development in America's private sector.

The House Bill begins by properly requiring DOE to continue its role in voluntary sector consensus on national model energy codes, just like any other public or private sector participant. Allowing the agency to single-handedly veto and rewrite the results, however, would substantially undermine both the process and the public acceptance of the outcome. We believe that the agency's support and participation as a co-equal code change expert and proponent is extremely beneficial in improvement of the code and in development of consensus on reaching national objectives in advancing energy efficiency. Section 9031 of H.R. 3221, however, would give DOE unilateral authority to judge and rewrite voluntary sector standards and to impose those same rewritten standards as requirements for state level energy code adoptions. We believe these additional authorities would be unproductively disruptive to democratic voluntary sector codes and standards development processes and to state and local authority in independent governance of the built-environment.

Our Governmental Consensus Process is the means by which our nationwide membership acts to infuse into the codes the strength and intelligence of thousands of public and private sector professionals devoted to public protection through building safety and fire prevention. Our 42,000 members form an association of building safety and fire prevention professionals that include broad representation from local, state and federal public and private sector interests. The

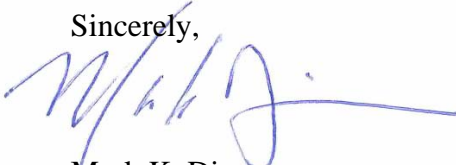
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Code Council's codes, and the infrastructure we provide to support them, are key means by which the design and building industries work together with building safety and fire prevention authorities in protecting and serving America's built-environment. These codes serve as a baseline for the design, construction, operation and maintenance of the majority of both public and private sector buildings in the U.S. They are readily recognized and understood by building owners, product manufacturers, designers, contractors, insurance interests, policy decision-makers, code officials and all others involved in building design, construction, approval, and operation.

Though building codes must be developed with the fundamental priority of ensuring the protection of life through essential standards for building durability and emergency egress, they are also progressive in infusing our country's concerns in energy efficiency. As guardians of the public interest, our members have ensured that methods and materials to accomplish green building requirements are held to the same level of scrutiny and procedural evaluation as any other code element. In this way our membership ensures that the public health, safety and general welfare is safeguarded as green building objectives are achieved, either at the baseline level or at higher levels of complexity and performance. With state and locally adopted building safety and fire prevention codes as a baseline, America's private sector building owners and operators can be encouraged, through federal incentives, such as tax policies or federal program eligibility, to participate in achieving national goals in accomplishing energy efficiency.

Again, we congratulate you on your leadership in advancing energy efficiency in the built-environment, and in promoting and demonstrating effective policies to advance our country's interests in energy efficiency. As you work to achieve these objectives we offer you assistance through our staff and membership, as well as through our work and partnerships with voluntary sector standards developers also focused on energy efficiency in the built-environment.

Sincerely,



Mark K. Dinneen
VP of Congressional Relations