January 29, 2024

Secretary Granholm
U.S. Department of Energy
1000 Independence Avenue SW
Washington DC 20585

Re: Letter of support for EV provisions in the 2024 IECC

Dear Secretary Granholm:

On behalf of the Electric Vehicle Charging for All Coalition, the Alliance for Transportation Electrification, Tesla, the Electric Vehicle Association, the Alliance for Automotive Innovation, Acterra, and 34 other US-based companies and organizations, we are providing an update on, and a request for your support of, the 2024 International Energy Conservation Code (IECC), finalized on November 2, 2023. Both the Residential and Commercial versions of the 2024 IECC include EV Power Transfer Infrastructure provisions; however these essential and long-awaited provisions – along with many others related to building electrification and decarbonization – are now facing several active appeals.

The 2024 IECC for residential buildings requires that new single-family homes and townhouses with parking provide either one electric vehicle EV-capable, EV-ready, or electric vehicle supply equipment (EVSE) installed space per dwelling unit. Additionally, the new code requires multi-family buildings (apartments and condominiums) of three stories or less to provide either EV-capable, EV-ready, or EVSE installed spaces for 40 percent of the dwelling units or parking spaces (whichever is fewer). For commercial buildings, the 2024 IECC also requires varying amounts of EVSE installed, EV-capable,and EV-ready spaces, depending on occupancy type.

These mandatory codes were established to begin future-proofing new buildings, both residential and commercial, to prepare for the growth of electric vehicles and significantly reduce the costs of adding EV charging equipment. It has been demonstrated[1] that retrofitting an existing parking facility to add EV charging is much more expensive than installing this infrastructure during new construction.

These codes were developed through a rigorous, consensus-based process that meets the scope and intent of the IECC. Both the commercial and residential model codes provide standardized code language, with definitions consistent with the National Electric Code. Moreover, many of these requirements are purposely located in the main body of the code, ensuring that the greatest number of state and local governments can benefit from adopting them in full or in part. Importantly, these codes provide state and local governments standardized definitions and requirements, relieving them of having to develop their own and minimizing a national patchwork of different requirements. Already today, over fourteen states

[1] https://www.energycodes.gov/sites/default/files/2021-07/TechBrief_EV_Charging_July2021.pdf

and fifty local jurisdictions have adopted EV readiness codes, many with differing definitions and requirements[2]. As such, the 2024 IECC EV readiness code provisions will support code clarity and compliance.

In addition to EV readiness, the 2024 IECC includes mandatory requirements for on-site renewables, grid integration, and energy storage-readiness. It also provides model code language requiring all-electric construction and electric-ready infrastructure in an Appendix. These codes represent a monumental shift towards a more climate-friendly and electrified future. They are poised to help the code catch up to modern-day building technology and practices, reducing millions of metric tons of carbon emissions and bringing down energy bills for renters, homeowners, and business owners. Moreover, they can help achieve the goals of the Biden Administration's National Initiative to Advance Building Codes, the White House effort to help communities adopt the latest, modern building and energy codes and standards; improve climate resilience; and reduce energy costs.

However, several appeals put these momentous gains at risk. Groups that have a financial stake in the status quo of new buildings, including the American Gas Association, the American Public Gas Association, the Building Owners and Managers Association, the National Multifamily Housing Council, and ICC Region VI, have proposed to overturn many of the 2024 IECC's climate-friendly provisions, including those relating to EV Power Transfer Infrastructure[3]. The appeals largely rely on claims that the EV provisions are in conflict with the scope and intent of the IECC, and that due process was violated during the code development process. In short, the arguments of the appellants are without merit and do not meet the requirements laid out by the International Code Council (ICC) in *ICC Code Development Principles*[4] to be considered in the appeals process. The issues related to scope and intent have been decisively determined on several occasions by the ICC consensus committees and ICC staff, following ICC's mandated procedures to develop the 2024 IECC. However the ICC Board is the sole and final arbiter of whether or not these appeals are upheld.

As you may know, during the 2021 IECC code-making process, many of these same groups appealed the EV readiness provisions on similar grounds. Disappointingly, the ICC Board decided to sustain the appeals at that time. In the aftermath of the 2021 code cycle, the ICC Board released a new energy framework, *Leading the Way to Energy Efficiency: A Path*

[2] http://chargingforall.org/toolkit
[3] https://www.iccsafe.org/products-and-services/i-codes/code-development/2024-iecc-appeals/
[4] https://www.iccsafe.org/products-and-services/i-codes/code-development/code-development-procedures

Forward on Energy and Sustainability to Confront Climate Change[5], committing to develop and support the tools needed to achieve the energy priorities of communities and the building industry. This pivotal document revised the scope and intent of the IECC, as well as procedures for the IECC development committees, opening the door for EV readiness to be reintroduced in the 2024 code cycle. Despite this important clarification from the ICC, we are greatly concerned that history will repeat itself and that the ICC Board will again side with the gas and housing industry, and repeal the approved EV Power Transfer Infrastructure provisions yet again. Failing to adopt EV readiness in this code cycle would set our nation's building stock back by years, leaving it unprepared for the inevitable future of electric vehicles.

The challenges made through the IECC appeals process[6] will be addressed during Appeals Board hearings. **We respectfully urge you to contact David Spencer, ICC Board Vice President and Appeals Board Chair, at dspencer@iccsafe.org, to inquire about the status of the current appeals and to encourage the Board to reject them.**

Sincerely,

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EV Charging for All Coalition

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Tesla, Inc.

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Dan Bowerson, Vice President, Energy and Environment
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Katherine Garcia, Clean Transportation for All Campaign Director
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Beth Osborne, Director
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[5] https://www.iccsafe.org/wp-content/uploads/ICC_Leading_Way_to_Energy_Efficiency.pdf
[6] https://www.iccsafe.org/products-and-services/i-codes/code-development/2024-iecc-appeals

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