



Department of Energy
Washington, DC 20585

February 15, 2026

International Code Council
500 New Jersey Avenue, NW
Washington, DC 20001

Subject: Development of the International Energy Conservation Code

Dear International Code Council Board of Directors:

The U.S. Department of Energy (DOE or the Department) writes to convey serious concerns regarding the recent trajectory of the International Energy Conservation Code (IECC) and related International Code Council (ICC) activities. DOE supports building energy codes that increase affordability for American households and businesses, safeguard consumer choice, and respect the rule of law. Recent proposals and process changes—particularly those that move the IECC into areas of energy generation and greenhouse gas emissions—risk contravening federal law and undermining the Department’s objectives.

This letter sets forth DOE’s priorities and identifies specific actions the Department expects ICC to take in anticipation of the 2030 IECC development cycle.

Recognition of the IECC Under Federal Law

The IECC’s purpose at inception and for several decades after, was to provide model building codes for state and municipal governments based on minimum design requirements that provide energy efficiency gains to their communities. This was the case when the Energy Conservation and Production Act (ECPA), as amended, adopted the IECC as the national model energy code for residential buildings. In recent years, the IECC has expanded into new areas beyond its traditional focus on beneficial and practical energy efficiency code changes and into specific code requirements outside of its historical scope and into areas such as onsite energy generation infrastructure requirements, electric vehicle charging infrastructure, and included greenhouse gas emissions as a criteria.

DOE urges ICC to return the IECC to its traditional scope and intent and focus on building energy efficiency. The IECC’s energy efficiency provisions should target practicable and measurable improvements in energy efficiency that provide clear cost

savings and beneficial efficiency advances to the consumer and do not violate federal laws.

In support of this objective, ICC should clarify the title of the proposed “IECC-X” and rename that portion of the code so as to avoid confusion in the market. In addition to federal laws, many U.S. states and local municipalities have adopted the IECC in its traditional scope, and the proposed naming of IECC-X has the potential for ambiguity, confusion and misrepresentation. DOE urges ICC to rename IECC-X to something that unmistakably distinguishes it from the traditional IECC, as recognized under ECPA and many existing laws.

U.S. Department of Energy Priorities for Building Energy Codes

1. Affordability for American Households and Businesses

- **Prioritization of consumer costs:** Energy codes must demonstrably lower costs and improve affordability for households and businesses. Development of the model energy codes, including the IECC, requires defensible analysis that reflects real-world purchase, installation, operating, and maintenance impacts. Any revisions to the IECC should support affordability and consumer choice, not impracticable requirements with high upfront costs or requirements that merely break even over long-term payback periods.
- **Transparent cost data and analysis:** The IECC’s technical analysis and decision-making must be grounded in transparent market data that accurately accounts for expected consumer costs. The ICC should continue to rely on the cost analysis methods developed by DOE for the purpose of evaluating building energy codes, as well as other commonly accepted guidance (e.g., OMB Circular A-94 for conducting benefit-cost analysis). The cost-benefit framework as currently proposed by ICC will be difficult to implement and is not expected to result in comprehensive cost-benefit analysis that sufficiently represents the consumer perspective.

2. Safeguarding of Consumer Choice and Federal Preemption of Regulated Appliance and Equipment Standards

- **No fuel-switching mandates:** DOE supports fuel-neutral building energy code provisions, which allow consumers to meet efficiency targets using technologies best suited to their location, resources and circumstances. DOE is strictly opposed to building energy code requirements that impose bias based on fuel type and can operate as *de facto* efficiency standards subject to federal preemption under the Energy Policy and Conservation Act (EPCA), as amended.

- **Separation of building energy codes and federal equipment efficiency standards:** Recent building energy codes have blurred the line between building energy efficiency standards and federally preempted equipment efficiency standards. For covered products under EPCA, federal energy efficiency standards preempt state and local regulations. 42 U.S.C. § 6297. DOE opposes building energy efficiency codes that conflict with federal energy efficiency standards.
 - **Gas bans and recent litigation:** Categorical “gas bans” or measures that effectively prohibit the use of gas-fueled covered products and equipment regulated under EPCA raise significant preemption concerns. EPCA preempts state or local regulations concerning the energy efficiency or energy use of covered products and equipment, including building codes or similar rules if those codes effectively prohibit the use of gas-fueled covered products and equipment. Notably, the U.S. Court of Appeals for the Ninth Circuit recently held that EPCA preempted a local building code that would prohibit installing natural gas piping within new construction. *Cal. Rest. Ass’n v. City of Berkeley*, 89 F.4th 1094 (9th Cir. 2024). DOE opposes model energy efficiency provisions that effectively prohibit the use of gas-fueled covered products and equipment.
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Path Forward

ICC should immediately:

1. **Return the IECC to its traditional scope of energy efficiency** and remove provisions that regulate energy generation or greenhouse gas emissions from IECC model energy efficiency codes, including appendices.
2. **Publish a comprehensive cost-benefit framework**—full transparency in data and methods—that aligns with the DOE methodology for evaluating the energy costs and savings associated with building energy codes. DOE expects to review its current methodology in the coming months in advance of the 2030 IECC development process.
3. **Establish a clearer name for “IECC-X”** that is separate and more distinguishable from the traditional IECC and cannot be confused with the traditional IECC, as referenced in federal and state laws.
4. **Adopt procedures that ensure continued integrity throughout the entire IECC development process**, including committee and board composition, as well as actions that enhance transparency, technical rigor, and consistency of

outcomes. These procedures will provide DOE and other stakeholders with documentation of these parameters and reasonable assurances for the future.

DOE stands ready to collaborate with ICC and other key stakeholders to restore the IECC's focus on cost-effective and fuel-neutral building energy efficiency. DOE remains committed to fulfilling the agency's statutory responsibilities to provide transparent analysis for consumers and stakeholders of both costs and savings during the model energy code development process and to provide technical assistance to states as they review their building energy codes.

We request a written response within 30 days detailing ICC's plan to address the concerns raised by the Department and outlined in these comments.

We appreciate ICC's longstanding role in model code development. A disciplined return to the IECC's statutory purpose and principles will protect affordability, preserve consumer choice, and maintain the legal integrity of the model energy code as an instrument for state and local adoption.

Sincerely,

Audrey Robertson
Assistant Secretary of Energy (EERE)
Critical Minerals and Energy Innovation

Statutory References:

- Energy Conservation and Production Act (ECPA), 42 U.S.C. §§ 6831–6837.
- Energy Policy and Conservation Act (EPCA), 42 U.S.C. § 6297.