



July 20, 2015

Daniel Smith

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Department of Safety and Professional Services

Division of Policy Development

P.O. Box 8366

Madison, Wisconsin 53708-8366.

Re: Comments on the Proposed Uniform Dwelling Code Rule Changes (CR 15-041)

Dear Mr. Smith,

The American Chemistry Council (ACC) would like to comment on the Proposed Order on CR 15-041 to amend the Uniform Dwelling Code regulations which will be discussed during the July 21 meeting. Below are updates and notes on three sections of the Proposed Order for CR 15-041: (1) Plain language analysis, (2) Comparison with federal regulations, and (3) Comparison with rules in adjacent states. This new information is valuable for determining the future of Wisconsin's residential code.

We believe that Wisconsin is missing a crucial opportunity to significantly improve its energy goals by failing to update building energy efficiency requirements to the latest version of the International Energy Conservation Code (IECC). Within the next several days, the U.S. Department of Energy will issue its final determination on the effectiveness of the 2015 IECC. **ACC strongly recommends Wisconsin move to the 2015 IECC now.** The current Wisconsin residential energy code is based on the 2006 IECC. Governor Scott Walker is a champion of energy efficiency¹, and Wisconsin's building codes should demonstrate that position. In addition, Wisconsin's Public Service Commission supports Focus on Energy™, which is Wisconsin utilities' statewide energy efficiency and renewable resource program. The Department of Safety and Professional Services should adopt a residential energy standard that is already promoted widely² by Focus on Energy™.

From the Wisconsin Notice

Plain language analysis:

These rules update and clarify the Uniform Dwelling Code to make it consistent with contemporary construction practices, products, and materials. The rules clear up confusing and ambiguous portions of the code. They clarify language relating to stairs, ramps, and landings, and accessory guards and handrails. These rules also update references to national standards and provide flexibility in meeting exiting requirements. They establish safer standards for dryer exhaust and clarify ceiling height, foundation anchorage, and framing and fastening provisions.

Additional information: The analysis above indicates that the rules update references to national standards, however, the rules do not update Wisconsin's standard for energy efficiency in new homes to any of the latest versions of the IECC, which is the national model code establishing energy efficiency requirements for residential buildings. The IECC is revised every 3 years through a code development and consensus process administered by the International Code Council. **The 2012 International Energy Conservation Code and the 2015 International**

¹ <http://walker.wi.gov/newsroom/press-release/wisconsin-host-state-policy-retreat-innovations-energy-efficiency>

² <https://focusonenergy.com/residential/efficient-homes/new-homes>

Energy Conservation have been adopted by other states, and would increase efficiency in new Wisconsin homes by at least 30% compared to the standards in Wisconsin's current energy code that is based on the 2006 IECC.

From the Wisconsin Notice

Summary of, and comparison with, existing or proposed federal regulation:

An Internet-based search of the *Code of Federal Regulations* (CFR) and the *Federal Register* did not find any federal regulations relating to the rule revisions herein for one- and two-family dwellings.

Note: The federal government provides information on building standards for one- and two-family dwellings. Specifically, on pages 29322 through 29331 of Federal register Vol. 77, No. 96³ published May 17, 2012, the register reports that the Department of Energy has determined that **the 2012 edition of the International Energy Conservation Code would achieve greater energy efficiency in low-rise residential buildings than the 2009 IECC.**

Additionally, on pages 33250 through 33263 of the Federal Register Vol. 80, No. 112⁴ published June 11, 2015, the register reports that that the Department of Energy has determined that **the 2015 edition of the International Energy Conservation Code (IECC) would improve energy efficiency in buildings subject to the code compared to the 2012 edition.**

From the Wisconsin Notice

Comparison with rules in adjacent states:

Illinois:

An Internet-based search did not reveal the existence of a statewide one- and two-family dwelling code. Dwelling regulation appears to be left up to the individual local units of government.

Update: Illinois has a statewide energy code and plumbing code for residential buildings. The Illinois Capital Development Board website⁵ contains language stating "REQUIREMENT NOTE: The most current versions of the Illinois Energy Conservation Code and the Illinois Plumbing Code are both required to be followed by Illinois statute." **Illinois has already adopted the 2012 IECC, which went into effect on January 11, 2013⁶.** Illinois is currently reviewing adoption of the 2015 IECC⁷.

From the Wisconsin Notice

Iowa:

An internet based search revealed that the Iowa Building Code adopts the 2009 International Residential Code and 2009 International Energy Conservation Code. The Iowa Building Code applies statewide to state owned and funded buildings. The accessibility, energy conservation, and minimum plumbing provisions apply to dwellings statewide.

Update: Iowa updated its residential energy code to the 2012 International Energy Conservation Code in 2014, and the new code went into effect March 12, 2014. Chapter 303⁸ of the code references the 2012 IECC in section 303.2 (103A) on page 1.

³ Federal Register Vol. 77, No. 96, 2012 p.29322 <http://www.gpo.gov/fdsys/pkg/FR-2012-05-17/pdf/FR-2012-05-17.pdf>

⁴ Federal Register Vol. 80, No. 112 p. 33250 <http://www.gpo.gov/fdsys/pkg/FR-2015-06-11/pdf/2015-14297.pdf>

⁵ Illinois Capital Development Board <https://www.illinois.gov/cdb/business/codes/Pages/BuildingCodesRegulations.aspx>

⁶ Illinois CDB Energy Code <https://www.illinois.gov/cdb/business/codes/Pages/IllinoisEnergyConservationCode.aspx>

⁷ Illinois notice on 2015 IECC <https://www.illinois.gov/cdb/announcements/2014/Pages/Comment-Period-for-Amending-the-Illinois-Energy-Conservation-Code.aspx>

⁸ Iowa Rules 661.303 (cut and paste link into browser to open) <https://www.legis.iowa.gov/docs/ACO/chapter/661.303.pdf>



From the Wisconsin Notice

Michigan:

An Internet-based search revealed a mandatory, statewide one- and two-family dwelling code. The Residential Construction Code under the Construction Code Commission's General Rules, in section 408.305, contains the state amendments to the 2009 International Residential Code (IRC) developed by the International Code Council.

Update: The Michigan Department of Licensing and Regulatory Affairs is now working on an update to its residential building code to the 2015 International Residential Code. The May 15, 2015 *Michigan Register*⁹ on pages 39 to 112 contains proposed rules and a hearing notice to adopt an amended 2015 International Residential Code and a new Michigan Energy Code for residential buildings based on an amended version of the 2015 International Energy Conservation Code (see page 96).

From the Wisconsin Notice

Minnesota:

An Internet-based search revealed a mandatory, statewide one- and two-family dwelling code. The Minnesota Department of Labor and Industry, in Chapter 1309, adopts the 2006 IRC, chapters 2-10 and 43. Chapters 2-10 contain the general construction provisions of the IRC. The state code is being revised effective June 1, 2015 and will adopt the 2015 Minnesota version of the International Residential Code developed by the International Code Council with input from Minnesota.

Update: Minnesota in 2014 updated its residential energy code by adopting an amended version of the 2012 International Energy Conservation Code, which was effective February 14, 2015 (Chapter 1322¹⁰). Minnesota also published a new version of its residential building code, Chapter 1309¹¹, which adopts an amended version of the 2012 International Residential Code and was effective January 24, 2015.

Conclusion: Buyers of new homes in Wisconsin are not well served by these proposed code revisions that essentially maintain 2006 energy standards. A nine year difference in energy standards certainly is not in the best interest of new Wisconsin homebuyers. **ACC strongly recommends Wisconsin move to the 2015 IECC now.**

Please feel free to contact me at any time if you have any questions or need further information. I can be reached at (515) 471-1957 and by e-mail at john_easter@americanchemistry.com.

Sincerely,



John Easter
Director of State Affairs
American Chemical Council

⁹Michigan Register 5/15/15 p. 39 http://www.michigan.gov/documents/lara/MR8_051515_489424_7.pdf

¹⁰ Minnesota Chapter 1322 <https://www.revisor.mn.gov/rules/?id=1322>

¹¹ Minnesota Chapter 1309 <https://www.revisor.mn.gov/rules/?id=1309.0010>

