

March 3, 2020

The Honorable Mitch McConnell  
Senate Majority Leader  
U.S. Senate Washington, DC 20515

The Honorable Charles Schumer  
Senate Minority Leader  
U.S. Senate Washington, DC 20515

Dear Leaders McConnell and Schumer,

Our organizations represent a broad sector of the residential and commercial construction and real estate industry, including builders, contractors, utilities and product manufacturers. While we support the *American Energy Innovation Act*, we oppose an amendment filed by Senators Rob Portman (R-OH) and Jeanne Shaheen (D-NH) regarding “Building Energy Codes.” We urge the U.S. Senate to reject this building codes amendment to the *American Energy Innovation Act*. Any expansion of the federal government’s authority over a state or local government’s ability to adopt cost-effective and location-appropriate building codes is unnecessary and unwise.

Memorandum M-12-08 issued under President Obama’s Administration states, “The vibrancy and effectiveness of the U.S. standards system in enabling innovation depends on continued private sector leadership and engagement.” Further, OMB Circular A-119 “directs agencies to use voluntary consensus standards in lieu of government-unique standards except when inconsistent with law or otherwise impractical.” As stakeholders in the code development process, we believe that the current consensus base process fully achieves the intent of Circular A-119. We strongly oppose any legislation that promotes federal intervention in the code development process, beyond what is already provided for in Circular A-119. There is no basis for the level of heavy-handed intervention by Department of Energy in the model code development process provided in this amendment.

This amendment would undermine the well-established, consensus-based process of developing codes and standards by affording the DOE undue influence. This amendment mandates the DOE to set energy targets, denying the consensus bodies the freedom of decision-making, rendering the code development process irrelevant and superfluous.

Our organizations have long supported the development and implementation of reasonable, practical, and cost-effective building codes and standards. We strongly urge you to oppose the Portman-Shaheen amendment which will propose expanding the role of the federal government in the code development process.

Thank you for your consideration on this very important matter.

Sincerely,

AGC Glass, North America  
American Public Gas Association  
American Wood Council  
National Association of Home Builders  
National Lumber and Building Material Dealers Association  
National Electrical Contractors Association  
NSG Group/Pilkington North America, Inc.  
National Propane Gas Association  
Portland Cement Association  
Window and Door Manufacturers Association

CC: Members of the U.S. Senate