

John Belcik
International Code Council
200 Massachusetts Ave NW
Washington, DC 20001

Jan.29, 2026

Regarding: Incomplete Preemption Statement On Committee Website: Process Concern: Due Process and Incomplete Public Record Under ANSI Essential Requirements

Mr. Belcik,

I am writing to formally raise a process concern regarding the public posting titled "*Preemption Answer to Janet Thome*." ICC has published a document reflecting the **ICC Board Committee's position** under my name; however, ICC did not publish my original inquiry, my rebuttal, or the Board Committee's refusal to answer my follow-up questions. As presented, the public record contains only the Board Committee's response and omits the materials necessary to determine whether **due process**, as required under the ANSI Essential Requirements, was provided.

Due process in ANSI-accredited standards development requires that materially affected parties be afforded an opportunity to raise issues, that those issues be entered into the record, and that the disposition of those issues be documented in a manner that allows independent review. By publishing only the Board Committee's position—without the inquiry that prompted it, the rebuttal clarifying the issue, or the refusal to address follow-up questions—the record does not permit a determination that due process occurred.

This selective publication results in an incomplete and misleading public record and raises a procedural concern regarding compliance with the ANSI Essential Requirements, including but not limited to the following principles:

- **Due Process:** ANSI requires that standards development procedures provide due process, including documented consideration and disposition of views and objections. Where the objection itself and the refusal to respond are omitted, due process cannot be demonstrated from the record.
- **Openness:** Due process is dependent on openness. Excluding the affected party's inquiry and rebuttal from the public record prevents interested parties from evaluating whether the process was conducted openly and in good faith.
- **Transparency and Record Integrity:** ANSI due process depends on a complete, reviewable record. Publishing a governance-level position in isolation, without the underlying exchange, breaks the record necessary to assess procedural compliance.
- **Balance and Fairness:** When only the ICC Board Committee's position is made public, and the opposing or clarifying views are excluded, the appearance of balance required for due process is undermined.

In summary, the current public record does not demonstrate that due process was afforded, as required by the ANSI Essential Requirements, because it omits the inquiry,

rebuttal, and refusal to address follow-up questions that are necessary to evaluate whether due process occurred. When an ICC Board Committee issues a position affecting standards scope and preemption, the obligation to document due process is heightened, not diminished.

I respectfully request that ICC either correct the public record by including the full exchange or explain how due process, as defined under the ANSI Essential Requirements, was satisfied given the selective publication of only the Board Committee's position.

Sincerely,
Janet Thome President
Tiny House Alliance USA