

Response To ICC Article: Accelerating Off-Site Construction Through Collaboration

I am responding to the International Code Council (ICC) report, Accelerating Off-Site Construction Through Collaboration. ICC published that report in response to two U.S. Department of Housing and Urban Development (HUD) publications: the 2023 Offsite Construction for Housing: Research Roadmap and the 2026 HUD's Past, Present, and Future Role in Accelerating U.S. Offsite Construction for Housing: A Comparative Study and Action Plan. Both publications make recommendations to HUD; they are not HUD-adopted policy.

From ICC

In response to the U.S. Department of Housing and Urban Development's (HUD) recently released [Action Plan for Accelerating U.S. Offsite Construction for Housing](#), the International Code Council (ICC) published a report titled [Accelerating Off-Site Construction Through Collaboration](#). The report explains how ICC addresses the needs outlined in the Action Plan.

Off-Site Construction as a Solution

As the nation faces a growing shortage of affordable, available housing, off-site construction is gaining renewed attention as a solution. The idea isn't new, as building homes in factories and assembling them on-site has been around for decades, but scaling it to meet today's housing needs requires fresh coordination across policy, industry practice, research and public understanding.

In the late 1960s and early 1970s, HUD launched Operation Breakthrough, an ambitious effort to modernize homebuilding through industrialized methods. Today, HUD is returning to that mission with its Offsite Construction Research Roadmap and its new Action Plan for Accelerating U.S. Offsite Construction for Housing.

ICC has continued to contribute and engage with HUD throughout this journey. Through its standards and guidelines and its subsidiaries, ICC-NTA and ICC Evaluation Service, ICC has helped shape the regulatory and technical foundation needed to bring off-site construction to scale.

HUD's Research Roadmap highlights two priority areas where ICC has already shown leadership:

- Regulatory frameworks that make off-site construction easier to approve and inspect

- System performance standards that ensure safety, quality and consistency

These same strengths support ICC's response to HUD's Action Plan, demonstrating how ICC's ongoing work supports the nation's push toward faster, safer and more affordable housing delivery.

In short, ICC's efforts—past and present—are helping create the conditions needed for off-site construction to grow from a promising idea into a practical, scalable housing solution. As HUD advances its Action Plan, ICC's standards, inspection pathways and technical expertise will continue to play a central role in making off-site construction a reliable tool for addressing America's housing challenges.

[Source : A Report On Accelerating Off-Site Construction Published By The International Code Council](#)

My Response To The Report

ICC's May 2026 report is written as if it is simply responding to an independent federal plan—explaining how its existing tools already address what HUD has asked for. That framing makes the ask sound cooperative and neutral: "Here is how we can help deliver the Action Plan." In reality, the sequence runs the other way. The Roadmap and Action Plan are recommendations to HUD, produced through a process

that included ICC-connected participants and peer reviewers. ICC then takes those recommendations, maps every major priority onto its own standards, evaluation services, third-party programs, and subsidiaries, and asks HUD to fund, prefer, and operationalize that package. The federal documents become the public justification for accelerating ICC's vertically integrated system. The report is not an independent technical response to a settled HUD policy. It is ICC treating the recommendations as the blueprint for its own expansion and asking the federal government to underwrite and preference that expansion. The language of collaboration and "supporting the Action Plan" obscures the fact that the Action Plan is being used as the vehicle for one organization's preferred implementation path.

ICC's placement of itself, ICC-NTA, ICC Evaluation Service, and all of its services as central technical and regulatory actors in off-site construction.

ICC's effort to map its existing codes, standards, evaluation programs, and subsidiaries directly onto the recommendations submitted to HUD.

ICC's request that HUD support and accelerate adoption of ICC-developed tools rather than independent or competing frameworks.

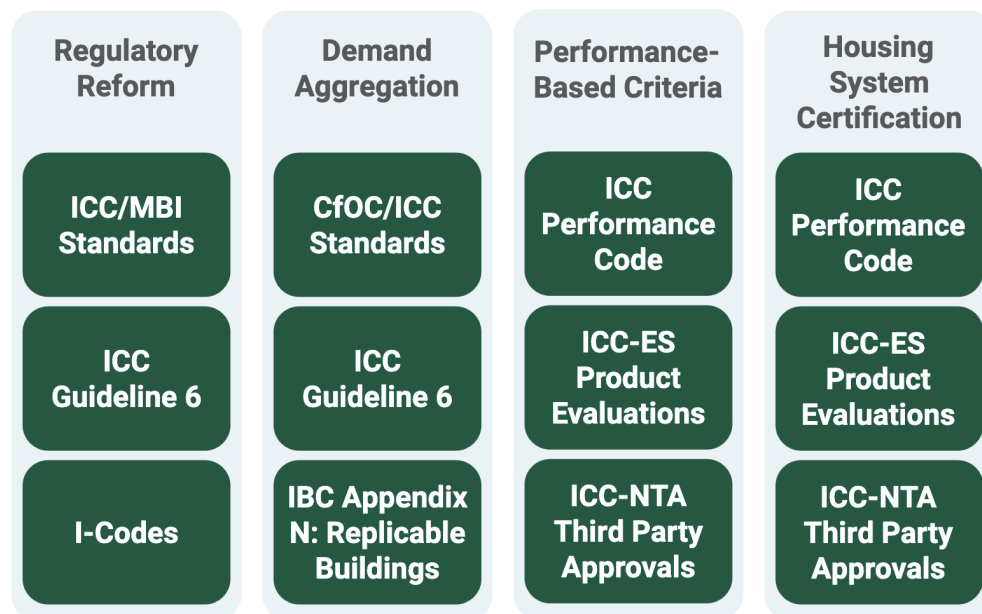
Raise awareness of the federal funding, overlapping executives and board members on NIBS and ICC, antitrust concerns, and the omissions in all of the reports.

ICC's Contributions Mapped to the Action Plan

The table below reproduces the report's summary figure:

Regulatory Reform	Demand Aggregation	Performance-Based Criteria	Housing System Certification
ICC/MBI Standards	CfOC/ICC Standards	ICC Performance Code	ICC Performance Code
ICC Guideline 6	ICC Guideline 6	ICC-ES Product Evaluations	ICC-ES Product Evaluations
I-Codes	IBC Appendix N: Replicable Buildings	ICC-NTA Third Party Approvals	ICC-NTA Third Party Approvals

This table is the report's central argument in visual form: every HUD report maps to a tool ICC already owns or co-develops, reinforcing the case that ICC should be HUD's primary implementation partner rather than a new framework being built independently.



Conclusion / ICC's Ask

ICC closes by reaffirming alignment with HUD's goals and committing to continue developing codes and standards while engaging federal, state, and local stakeholders. The implicit throughline across the report is a request for HUD to fund, endorse, and operationalize ICC's existing standards infrastructure (ICC/MBI, CfOC/ICC, ICCPC, ICC-ES, ICC-NTA) rather than stand up parallel or competing systems.

Observations On Framing

- The report is written from ICC's institutional perspective and functions partly as policy advocacy — it consistently steers HUD toward using ICC/MBI-affiliated tools and away from independent HUD-led code development.
- The document is concise (6 pages) and structured as a direct point-by-point rebuttal/response to HUD's Action Plan sections, rather than a general industry overview.

The Recommended Path and ICC's Proposed Role

The Action Plan recommends standardized federal terminology and award criteria, development of a housing-system-certification framework through NIBS, and performance-based code reform. ICC's May 2026 response translates those recommendations into a specific implementation package: ICC/MBI standards, the ICC Performance Code, ICC-ES product evaluations, ICC-NTA third-party approvals, ICC Guideline 6, I-Codes, and CfOC/ICC standards. Its Figure 1 places ICC entities or ICC-developed tools in every pathway: regulatory reform, demand aggregation, performance-based criteria, and housing-system certification.

ICC asks HUD to participate in the ICC/MBI standards update process, provide implementation and training grants, give preferential treatment in HUD programs to states using those standards, and use them in HUD and other agency programs. Those requests would use federal funding, grant criteria, program preferences, and agency adoption to accelerate one privately developed

standards-and-conformity-assessment network.

My Concerns

Conflicts Of Interest And Overlapping Roles

There is an undisclosed ICC-NIBS leadership overlap: : Dominic Sims, ICC Chief Executive Officer from 2012 to 2024, who served on the NIBS Board from 2019 to 2022 and again beginning in 2025; John “JC” Hudgison, a senior ICC Board member and Chair of the ICC Emerging Leaders Membership Council, who served on the NIBS Board and as founding past chair of the NIBS Off-Site Construction Council; Ryan M. Colker, ICC Vice President of Innovation and Executive Director of the Alliance for National & Community Resilience, who was formerly an NIBS Vice President for eight years and is current chair of the NIBS Off-Site Construction Council; and Russell Manning, ICC Senior Vice President of Technical Services, who was a NIBS Board member and the Board’s designated liaison to ICC.

NIBS managed both the 2023 Roadmap and 2026 Action Plan; MOD X principals authored them. ICC representatives participated in the Roadmap process, and Ryan Colker and David Tompos were listed as project partners and peer reviewers of the Action Plan. David Tompos is Executive Vice President of ICC’s Conformity Assessment Group, which oversees ICC-NTA, ICC-ES, and IAS. These overlapping leadership, governance, drafting, and peer-review roles raise material conflict-of-interest, independence, transparency, and public-confidence concerns when the same connected organizations help write, shape, review, and benefit from the recommended framework.

Competition, Consumer Choice, And Taxpayer Cost

ICC is already vertically integrated across the relevant chain: it develops codes and standards; its affiliated entities provide product evaluation, accreditation, certification, plan review, inspection, and training. If HUD preferences, grants, and program requirements steer states and projects toward that package, competing standards, independent evaluation agencies, state systems, and alternative compliance pathways may be disadvantaged.

That concentration can reduce meaningful choice for states, local authorities, manufacturers, builders, lenders, insurers, and ultimately consumers. Manufacturers can face new costs for standards, accreditation, evaluations, inspections, training, and certification; those costs can be passed through to homebuyers. Federal grants and preferential program treatment would add taxpayer support to a structure that is already vertically integrated.

The situation raises clear antitrust concerns that warrant independent examination. Government-supported adoption of one trade association’s codes, standards, and ICC-owned conformity-assessment services risks foreclosing competitors, creating barriers to entry, and channeling public funds and market demand toward a single integrated network.

NIBS was given a privileged federal position—sole-source contracting authority, a public-interest board mandate, and a duty to consult the Department of Justice—precisely so it would not become a vehicle for private interests. Instead, it has used that position to manage and subcontract the very reports that recommend expanding the role of an organization with which it shares overlapping leadership, then stood by while that organization mapped the recommendations onto its own codes, standards, and ICC-owned conformity-assessment services. That is not neutral facilitation. It is the exploitation of a statutory privilege.

Crucial Historical Omission

ICC's response invokes Operation Breakthrough as brief historical background, but it does not discuss the connected systems-evaluation history developed through NBS and HUD: Operation Breakthrough's evaluation and certification of housing-system producers; the Coordinated Evaluation System (CES) and its model state evaluation, approval, and inspection documents; Project LEAP's criteria for laboratories and agencies performing manufactured-building certification functions; ASTM Committee E32; and ASTM E541 on agencies engaged in systems analysis and compliance assurance for manufactured buildings.

ASTM E541 is not merely historical. It is currently referenced in the laws, codes, or administrative rules of 11 states — Virginia, California, Illinois, Georgia, Maine, New Hampshire, Rhode Island, Minnesota, North Dakota, New Jersey, and Utah — as well as the Interstate Industrialized Buildings Commission. In Georgia, Maine, Illinois, and New Hampshire, E541 personnel qualifications are the sole named standard for approving compliance-assurance or inspection agencies. Virginia now references both ASTM E541-10 and ICC/MBI 1200-2021 and 1205-2021; Utah allows an inspection agency to qualify under either ASTM E541-22 or ICC certification standards.

The HUD Code itself also retains ASTM E541 in its personnel requirements. Under 24 C.F.R. § 3282.358, the qualifications of personnel performing DAPIA and IPIA functions “will be judged in accordance with the requirements of ASTM Standard E-541.” That is an existing federal qualification framework for the independent personnel who perform design-approval and inspection functions under the HUD Code.

In 2021, the ICC/MBI 1200 1205 were turned down at the 2024 IBC at the hearing, and one of the first comments that was made was:

“So, Tom, by design, by adopting this particular standard, you intend to disrupt the certification programs that are in the 30 states that have their own programs?”

Federal Regulated HUD Code Housing Is Not Included (Manufactured Homes)

This does not include federally regulated HUD code housing, but does include tiny homes, accessory dwelling units, modified containers, and panelized homes. This proposal will help facilitate greater use of these construction processes, which are desperately needed today given the lack of labor available, the lack of affordable housing, as well as our country's other infrastructure needs.

[Listen To The Hearing Video: G102-21](#)

That history matters because it shows that systems evaluation, approval, inspection, compliance assurance, and interstate acceptance were not new problems awaiting an ICC-centered solution. A federal, state, and ASTM-based foundation already existed and remains active. Its absence from the ICC response and from the proposed implementation discussion narrows the apparent range of available models and alternatives.

Bottom-Line

Taken together, these documents show a proposed policy path in which federally funded

NIBS/MOD X recommendations to HUD are used to position ICC and its subsidiaries as the only providers of standards, codes, product evaluation, accreditation, inspection, certification, and training: ICC/MBI Standards, ICC Guideline 6, and the I-Codes; CfOC/ICC Standards, ICC Guideline 6, and IBC Appendix N for Replicable Buildings; the ICC Performance Code, ICC-ES product evaluations, and ICC-NTA third-party approvals; and again, for housing-system certification, the ICC Performance Code, ICC-ES product evaluations, and ICC-NTA third-party approvals.

The reports leave out the existing Operation Breakthrough–CES–Project LEAP–ASTM E541 history and independent compliance-assurance framework—despite ASTM E541’s current adoption in 11 states and its continued use in HUD’s third-party personnel requirements. ICC then asks HUD to use grants, program preferences, and federal adoption to accelerate its own system. That raises direct concerns about federal funding, overlapping NIBS–ICC leadership, conflicts of interest, reduced competition and consumer choice, taxpayer-funded market advantage, and antitrust risk.