

November 21, 2008

James Paschal, P.E.  
Paschal Engineering & Forensic Consulting LLC  
7345 Merritt Road  
Ypsilanti, MI 48197

Re: IAPMO Standards Council Decision Docket #1160-09  
**Date of Decision: November 14, 2008\***  
Uniform Plumbing Code – Chapter 6, Table 6-4, 604.14, 604.14.1, 604.14.2, 608.5,  
Chapter 14, Table 14-1  
Items #85, #94, #102 and #203

Dear Mr. Paschal:

I am transmitting to you herewith the following decision of the IAPMO Standards Council.

At its meeting of November 13 – 14, 2008, the IAPMO Standards Council considered your appeal on behalf of Aquatherm requesting the acceptance of Proposal Items #85, #94, #102 and #203 as accepted by the Plumbing Technical Committee in the 2007 Report on Proposals as follows:

**Table 6-4**

Material	Water Distribution Pipe and Fittings		Building Supply Pipe and Fittings
	Hot	Cold	
Asbestos – Cement	X	X	X
Brass	X	X	X
Copper	X	X	X
Cast Iron	X	X	X
CPVC	X	X	X
Galvanized Malleable Iron	X	X	X
Galvanized Wrought Iron	X	X	X
Galvanized Steel	X	X	X
PE	X	X	X
PE-AL-PE	X	X	X
PEX	X	X	X
PEX-AL-PEX	X	X	X
PP	X	X	X
PVC	X	X	X

**604.14 Polypropylene (PP).** PP piping shall be marked with the appropriate standard designation(s) listed in Table 14-1 for which the piping has been approved. PP piping shall be installed in compliance with the provisions of this section.

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**604.14.1 Heat-fusion joints.** Heat-fusion joints for polypropylene (PP) pipe and fitting joints shall be installed with socket type heat-fused polypropylene fittings, butt-fusion polypropylene fittings or pipe, or electrofusion polypropylene fittings. Joint surfaces shall be clean and free from moisture. The joint shall be undisturbed until cool. Joints shall be made in accordance with ASTM F2389.

**604.14.2 Mechanical and compression sleeve joints.** Mechanical and compression sleeve joints shall be installed in accordance with the manufacturer's instructions.

(Remaining sections to be renumbered)

**608.5** Relief valves located inside a building shall be provided with a drain, not smaller than the relief valve outlet, of galvanized steel, hard-drawn copper piping and fittings, CPVC, PP, or listed relief valve drain tube with fittings that will not reduce the internal bore of the pipe or tubing (straight lengths as opposed to coils) and shall extend from the valve to the outside of the building, with the end of the pipe not more than two (2) feet (610 mm) nor less than six (6) inches (152 mm) above the ground or the flood level of the area receiving the discharge and pointing downward. Such drains may terminate at other approved locations. Relief valve drains shall not terminate in a building's crawl space. No part of such drain pipe shall be trapped or subject to freezing. The terminal end of the drain pipe shall not be threatened.

**Table 14-1**

<b>Standard Number</b>	<b>Standard</b>	<b>Application</b>
<u>ASTM F 2389-2006</u>	<u>Standard Specification for Pressure-rated Polypropylene (PP) Piping Systems</u>	<u>Piping, Plastic</u>

As a result of the action taken by the membership at the Association Technical Meeting Convention and the Plumbing Technical Committee's subsequent ballots (all of which failed, resulting in a process-based recommendation not to include any of the aforesaid proposals in the 2009 edition of the *UPC*) all of the aforesaid items were the subject of automatic appeals. The Standards Council's decision with regard to all of these automatic appeals are set forth in Dockets #1174-09, #1175-09, #1176-09 and #1181-09, and copies are attached hereto for reference.

As noted in the attached automatic appeal decisions, this appeal arises out of the membership's recommendation, for the reasons set forth at the Association Technical Meeting Convention, to reverse the action of the Plumbing TC taken on items #85, #94, #102 and #203.

In accordance with section 4-6.1 of the Regulations Governing Committee Projects, a floor amendment such as this that fails the subsequent TC ballot results in a recommendation that the portion of the report modified by the association recommended amendment be returned to the TC and any existing text to which the returned portion pertains shall stand. Where no previous edition text exists, the proposed text is deleted. This process-based recommendation conforms with the amendment recommended by the IAPMO membership.

Docket #1160-09  
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November 21, 2008

The Standards Council accords great respect and deference to the IAPMO codes and standards development process. In conducting its review, the Council will overturn the result recommended through that process only where a clear and substantial basis for doing so is demonstrated. In the within appeal, sufficient evidence has not been brought forward to cause the Council to overturn the result recommended through the process. Consequently, the Council hereby confirms the recommendation resulting from an application of the Regulations Governing Committee Projects and the Council directs that the text identified in Items #85, #94, #102, and #203 not be included in the 2009 edition of the *Uniform Plumbing Code*. Accordingly, the Council votes to deny this appeal.

Sincerely,



Gabriella Davis  
Secretary, Standards Council

cc: Neil Bogatz, General Counsel  
Lynne Simnick, Director of Code Development  
Members, Plumbing Technical Committee  
Members, Standards Council

**\*NOTE:** Participants in IAPMO's codes and standards making process are advised that limited review of this decision may be sought from the IAPMO Board of Directors. For the rules describing the available review and the method for petitioning the IAPMO Board of Directors for review, please consult Section 1-7 of the *IAPMO Regulations Governing Committee Projects* and the *IAPMO Regulations Governing Petitions to the Board of Directors from Decisions of the Standards Council*. Notice of the intent to file such a petition must be submitted to the Petitions Clerk of the Board of Directors within 15 calendar days of the Date of Decision noted in the subject line of this letter. **Due to the Thanksgiving Holiday, petitions will be accepted through December 3, 2008.** As this document is being submitted to the American National Standards Institute (ANSI) for designation as an American National Standard (ANS), any persons who have directly and materially affected interests by this decision have the right to appeal to ANSI in accordance with ANSI procedures.

## IAPMO Regulations Governing Committee Projects Section 1-7

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### **1-7 Petitions to the Board of Directors.**

**1-7.1 General.** The Standards Council has been delegated the responsibility for the administration of the codes and standards development process and the issuance of Documents. However, where extraordinary circumstances requiring the intervention of the Board of Directors exist, the Board of Directors may take any action necessary to fulfill its obligations to preserve the integrity of the standards development process. Anyone seeking such intervention of the Board of Directors may petition the Board of Directors concerning Standards Council action on any matters. Such petitions shall be filed and processed in accordance with the Regulations Governing Petitions to the Board of Directors from Decisions of the Standards Council.

**1-7.2 Notice of Intent to File the Petition.** Anyone wishing to petition the Board of Directors concerning an Standards Council action related to the issuance of a document, shall file a Notice of Intent to File a Petition within 15 days following the Standards Council action. A Standards Council action related to the issuance of a document includes any action of the Council that issues or returns a Document or that affects the text of a Document. Petitions concerning other Standards Council actions shall be filed within a reasonable period of time.

**1-7.3 Effect of Filing.** The filing of a Petition will not serve to stay the effective date of a Document or a Tentative Interim Amendment unless the Executive Director of the Association or the Board of Directors acts, pursuant to 4-7.2 or 5-6, to delay the effective date. Any Petition pending at the time a Document or Tentative Interim Amendment becomes effective will be treated as a Petition to withdraw the Document or Tentative Interim Amendment.

**1-8 Use of Visual Aids and Demonstrations Before the Standards Council or Board of Directors.** The policy for the use of visual aids and physical demonstrations to the Standards Council and Board of Directors shall be the same as that required for TCCs, TCs, and Task Groups, in accordance with 3-3.3.3(e) and 3-3.3.3(f).

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### **IAPMO Regulations Governing Petitions to the Board of Directors from Decisions of the Standards Council**

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ADOPTED BY THE IAPMO BOARD OF DIRECTORS SEPTEMBER 4, 2000. Amended in January 2007.

#### **Section 1 Scope of and Authority for these Regulations.**

(a) These regulations have been issued by the Board of Directors pursuant to its authority under Article 5, 6 and 8 of the IAPMO Bylaws.

(b) These regulations set forth the procedures to be used for the filing and processing of all petitions to the Board of Directors filed pursuant to 1-7 of the Regulations Governing Committee Projects.

(c) The Board of Directors can amend these regulations from time to time and waive or supplement, in whole or in part, at any time or times at its discretion.

(d) For the purposes of these regulations, the Standards Council Secretary, or such other person as the Chair of the Board of Directors may appoint, shall act as a petitions clerk.

**Section 2 Subcommittees of the Board of Directors.** Unless the Board of Directors otherwise orders, the authority to consider and make recommendations on the disposition of a petition by the Board of Directors shall be delegated to a subcommittee of the Board of Directors, which shall be appointed, in

accordance with 2.1 of these regulations. Subcommittees shall be appointed by the Chair of the Board of Directors.

**2-1 Composition of Subcommittees.** Subcommittees shall consist of three or more members of the Board of Directors. The criteria for selection and appointment of subcommittee members shall be as follows:

(a) A subcommittee member shall be a person who can decide the petition on the merits in an impartial manner.

(b) A subcommittee member shall not have any conflict of interest. (A conflict of interest is defined as any situation in which a decision on a petition could substantially and materially affect the member's financial or business interest.)

(c) Each subcommittee member shall, to the extent practicable, represent diverse interests within the association.

In making a decision of whether or not to serve on a subcommittee, the member may consult with the IAPMO general counsel.

**Section 3 The Scope of Review.** The petitioner shall generally confine the argument in the petition to matters that were presented below and shall not raise any new matters that could have but were not presented within the standards development process. A petition to the Board of Directors shall not be regarded as simply another opportunity to reargue a position that was rejected by the Standards Council. In considering a petition, the subcommittee shall give due deference to the judgment of the Standards Council and shall not intervene unless it can be demonstrated that extraordinary circumstances exist requiring the Board of Director's intervention to protect the integrity of the standards development process.

**Section 4 The Record.** In its consideration of the petition, the subcommittee shall have before it the entire record that was before the Standards Council, as well as all proceedings and decisions of the Standards Council on the issue. In addition, the subcommittee may consult any other records of the association that it deems pertinent to the issue, and the subcommittee may seek technical assistance from staff, the technical committee, or any other source or persons that it deems appropriate.

**Section 5 Notice of Intent to File the Petition.** Anyone wishing to petition the Board of Directors concerning a Standards Council action related to the issuance of a document, shall file a Notice of Intent to File a Petition within 15 days following the Standards Council action. A Standards Council action related to the issuance of a document includes any action of the Council that issues or returns a document or that affects the text of a document. Petitions concerning other Standards Council actions shall be filed within a reasonable period of time.

**Section 6 Filing and Contents of the Petition.**

(a) Within 15 days following the receipt of the notice of intent to file, or within such other time as the petitions clerk may allow, the petitioner shall file the petition together with 20 copies. The petition shall be no more than 10 pages in length and shall contain, in separately denominated sections, the following:

- (1) Name, affiliation, and address of the petitioner;
- (2) Statement identifying the particular Standards Council action to which the petition relates;
- (3) Argument setting forth the grounds for the petition and, in particular, addressing why there exist extraordinary circumstances requiring the intervention of the Board of Directors (see the preceding Section 3 and 1-7 of the Regulations Governing Committee Projects); and
- (4) Statement of the precise relief requested.

(b) Any part of the record related to the standards development process that is referenced or discussed in the petition should be clearly cited in the petition using available markings such as the title, author, date, and page of the record. Since the full record will be available to the subcommittee during its review, attachments and appendices shall not accompany the petition, unless express permission has been obtained from the petitions clerk.

## **Section 7 Consideration of the Petition.**

**7-1 Initial Review.** The petitions clerk may, at his or her discretion, arrange for initial review of the petition by meeting, correspondence, or telephone conference. If upon such initial review of the petition and any relevant portions of the record, the subcommittee determines that the petition has no merit, it may dismiss the petition.

**7-2 Full Review.** If initial review is not conducted, or, if upon such review, the subcommittee determines that further review is warranted, it shall afford the opportunity for responses to be filed by interested parties. Responses, together with 20 copies, shall be filed within 15 days or within such other time as the petitions clerk may allow.

(a) Responses shall be no more than 10 pages in length and shall contain, in separately denominated sections, the following:

- (1) Name, affiliation, and address of the respondent;
- (2) Statement identifying the petition to which the response relates and stating whether the respondent supports or opposes the petition; and
- (3) Argument setting forth the grounds for opposing or supporting the petition and, in particular, addressing why there does or does not exist extraordinary circumstances requiring the intervention of the Board of Directors (see the preceding Section 3 and 1-7 of the Regulations Governing Committee Projects).

(b) Any part of the record related to the standards development process that is referenced or discussed in a response should be clearly cited in the response using available markings such as the title, author, date, and page of the record. Since the full record will be available to the subcommittee during its review, attachments and appendices shall not accompany the response, unless express permission has been obtained from the petitions clerk.

(c) So as to avoid unnecessary repetition and duplication of effort, parties are encouraged to file joint responses where possible and appropriate.

(d) Unless a hearing has been requested and granted by the subcommittee (see Section 8), the subcommittee shall, either by meeting or telephone conference, review and render a decision on the petition based on the written submissions of the parties and the record before it.

**Section 8 Requests for Hearings.** If the petitioner requests a hearing on the petition and that hearing is granted, the petitioner shall be assessed a filing fee of \$2,500 to be posted following the granting of the request. This fee may be reduced or waived by the Executive Director upon application of the petitioner if good cause for reducing or waiving the fee is presented. If a hearing is granted, the Procedures for Hearings shall be followed.

**Section 9 Waiver of Regulations.** Any of the deadlines or requirements set forth in these regulations may be waived by the subcommittee upon application of the petitioner or any other party for good cause shown, or in the discretion of the subcommittee.

**Section 10 Subcommittee Report to the Board of Directors.** The subcommittee shall file with the Board of Directors a written report concerning each petition that it has determined.

November 21, 2008

To all Interested Parties

Re: IAPMO Standards Council Decision Docket #1174-09  
**Date of Decision: November 14, 2008\***  
Uniform Plumbing Code – Chapter 6, Table 6-4  
Item #85

Dear Interested Parties:

I am transmitting to you herewith the following decision of the IAPMO Standards Council.

At its meeting of November 13 - 14, 2008, the IAPMO Standards Council considered the automatic appeal pertaining to the addition of Polypropylene (PP) to Chapter 6, Table 6-4 of the 2009 edition of the *Uniform Plumbing Code* as follows:

**Table 6-4**

Material	Water Distribution Pipe and Fittings		Building Supply Pipe and Fittings
	Hot	Cold	
Asbestos – Cement	X	X	X
Brass	X	X	X
Copper	X	X	X
Cast Iron	X	X	X
CPVC	X	X	X
Galvanized Malleable Iron	X	X	X
Galvanized Wrought Iron	X	X	X
Galvanized Steel	X	X	X
PE	X	X	X
PE-AL-PE	X	X	X
PEX	X	X	X
PEX-AL-PEX	X	X	X
PP	X	X	X
PVC	X	X	X

This automatic appeal arises out of the membership's recommendation, for the reasons set forth at the Association Technical Meeting Convention, to reverse the action of the Plumbing Technical Committee taken in the 2008 Report on Comments when the TC rejected Public Comment Sequence #38, Item #85, seeking to delete newly added "PP" from the table. This amendment was subsequently balloted through the Plumbing TC and the amendment ballot failed resulting in a process based recommendation to not include "PP" in Table 6-4 in the 2009 edition of the *UPC*.

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In accordance with Section 4-6.1 of the Regulations Governing Committee Projects, a floor amendment such as this that fails the subsequent TC ballot results in a recommendation that the portion of the report modified by the association recommended amendment be returned to the TC and any existing text to which the returned portion pertains shall stand. This process-based recommendation conforms with the amendment recommended by the IAPMO membership.

The Standards Council accords great respect and deference to the IAPMO codes and standards development process. In conducting its review, the Council will overturn the result recommended through that process only where a clear and substantial basis for doing so is demonstrated. In the within appeal, sufficient evidence has not been brought forward to cause the Council to overturn the result recommended through the process. Consequently, the Council hereby confirms the recommendation resulting from an application of the Regulations Governing Committee Projects and the Council directs that Table 6-4 will not include "PP" and will read as follows:

**Table 6-4**

Material	Water Distribution Pipe and Fittings		Building Supply Pipe and Fittings
	Hot	Cold	
Asbestos – Cement	X	X	X
Brass	X	X	X
Copper	X	X	X
Cast Iron	X	X	X
CPVC	X	X	X
Galvanized Malleable Iron	X	X	X
Galvanized Wrought Iron	X	X	X
Galvanized Steel	X	X	X
PE	X	X	X
PE-AL-PE	X	X	X
PEX	X	X	X
PEX-AL-PEX	X	X	X
PVC	X	X	X

Sincerely,



Gabriella Davis  
 Secretary, Standards Council

cc: Neil Bogatz, General Counsel  
 Lynne Simnick, Director of Code Development  
 Members, Plumbing Technical Committee  
 Members, Standards Council  
 James Paschal, Interested Party

Docket #1174-09  
Appeal Decision  
November 21, 2008

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November 21, 2008

To all Interested Parties

Re: IAPMO Standards Council Decision Docket #1175-09  
**Date of Decision: November 14, 2008\***  
Uniform Plumbing Code – Sections 604.14, 604.14.1 and 604.14.2  
Item #94

Dear Interested Parties:

I am transmitting to you herewith the following decision of the IAPMO Standards Council.

At its meeting of November 13 - 14, 2008, the IAPMO Standards Council considered the automatic appeal pertaining to the addition of new Sections 604.14, 604.14.1 and 604.14.2 of the 2009 edition of the *Uniform Plumbing Code* as follows:

**604.14 Polypropylene (PP).** PP piping shall be marked with the appropriate standard designation(s) listed in Table 14-1 for which the piping has been approved. PP piping shall be installed in compliance with the provisions of this section.

**604.14.1 Heat-fusion joints.** Heat-fusion joints for polypropylene (PP) pipe and fitting joints shall be installed with socket type heat-fused polypropylene fittings, butt-fusion polypropylene fittings or pipe, or electrofusion polypropylene fittings. Joint surfaces shall be clean and free from moisture. The joint shall be undisturbed until cool. Joints shall be made in accordance with ASTM F2389.

**604.14.2 Mechanical and compression sleeve joints.** Mechanical and compression sleeve joints shall be installed in accordance with the manufacturer's instructions.

(Remaining sections to be renumbered)

This automatic appeal arises out of the membership's recommendation, for the reasons set forth at the Association Technical Meeting Convention, to reverse the action of the Plumbing Technical Committee taken in the 2008 Report on Comments when the TC rejected Public Comment Sequence #39, Item #94, seeking to delete the aforesaid new sections. This amendment was subsequently balloted through the Plumbing TC and the amendment ballot failed resulting in a process-based recommendation to not include Sections 604.14, 604.14.1 and 604.14.2 in the 2009 edition of the *UPC*.

In accordance with Section 4-6.1 of the Regulations Governing Committee Projects, a floor amendment such as this that fails the subsequent TC ballot results in a recommendation that the portion of the report modified by the association recommended amendment be returned to the TC and any existing text to which the returned portion pertains shall stand. Where no previous edition text exists, the proposed text is deleted. This process-based recommendation conforms with the amendment recommended by the IAPMO membership.

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Docket #1175-09  
Appeal Decision  
November 21, 2008

The Standards Council accords great respect and deference to the IAPMO codes and standards development process. In conducting its review, the Council will overturn the result recommended through that process only where a clear and substantial basis for doing so is demonstrated. In the within appeal, sufficient evidence has not been brought forward to cause the Council to overturn the result recommended through the process. Consequently, the Council hereby confirms the recommendation resulting from an application of the Regulations Governing Committee Projects and the Council directs that new Sections 604.14, 604.14.1 and 604.14.2 not be included in the 2009 edition of the *UPC*.

Sincerely,



Gabriella Davis  
Secretary, Standards Council

cc: Neil Bogatz, General Counsel  
Lynne Simnick, Director of Code Development  
Members, Plumbing Technical Committee  
Members, Standards Council  
James Paschal, Interested Party

**\*NOTE:** Participants in IAPMO's codes and standards making process are advised that limited review of this decision may be sought from the IAPMO Board of Directors. For the rules describing the available review and the method for petitioning the IAPMO Board of Directors for review, please consult Section 1-7 of the *IAPMO Regulations Governing Committee Projects* and the *IAPMO Regulations Governing Petitions to the Board of Directors from Decisions of the Standards Council*. Notice of the intent to file such a petition must be submitted to the Petitions Clerk of the Board of Directors within 15 calendar days of the Date of Decision noted in the subject line of this letter. **Due to the Thanksgiving Holiday, petitions will be accepted through December 3, 2008.** As this document is being submitted to the American National Standards Institute (ANSI) for designation as an American National Standard (ANS), any persons who have directly and materially affected interests by this decision have the right to appeal to ANSI in accordance with ANSI procedures.

November 21, 2008

To all Interested Parties

Re: IAPMO Standards Council Decision Docket #1176-09  
**Date of Decision: November 14, 2008\***  
Uniform Plumbing Code – Section 608.5  
Item #102

Dear Interested Parties:

I am transmitting to you herewith the following decision of the IAPMO Standards Council.

At its meeting of November 13 - 14, 2008, the IAPMO Standards Council considered the automatic appeal pertaining to the addition of Polypropylene (PP) to Section 608.5 of the 2009 edition of the *Uniform Plumbing Code*. This automatic appeal arises out of the membership's recommendation, for the reasons set forth at the Association Technical Meeting Convention, to reverse the action of the Plumbing Technical Committee taken in the 2008 Report on Comments when the TC rejected Public Comment Sequence #43, Item #102, seeking to delete newly added "PP" as noted below:

**608.5** Relief valves located inside a building shall be provided with a drain, not smaller than the relief valve outlet, of galvanized steel, hard-drawn copper piping and fittings, CPVC, PP, or listed relief valve drain tube with fittings that will not reduce the internal bore of the pipe or tubing (straight lengths as opposed to coils) and shall extend from the valve to the outside of the building, with the end of the pipe not more than two (2) feet (610 mm) nor less than six (6) inches (152 mm) above the ground or the flood level of the area receiving the discharge and pointing downward. Such drains may terminate at other approved locations. Relief valve drains shall not terminate in a building's crawl space. No part of such drain pipe shall be trapped or subject to freezing. The terminal end of the drain pipe shall not be threaded.

This amendment was subsequently balloted through the Plumbing TC and the amendment ballot failed resulting in a process-based recommendation to not include "PP" in Section 608.5 of the 2009 edition of the *Uniform Plumbing Code*.

In accordance with Section 4-6.1 of the Regulations Governing Committee Projects, a floor amendment such as this that fails the subsequent TC ballot results in a recommendation that the portion of the report modified by the association recommended amendment be returned to the TC and any existing text to which the returned portion pertains shall stand. This process-based recommendation conforms with the amendment recommended by the IAPMO membership.

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The Standards Council accords great respect and deference to the IAPMO codes and standards development process. In conducting its review, the Council will overturn the result recommended through that process only where a clear and substantial basis for doing so is demonstrated. In the within appeal, sufficient evidence has not been brought forward to cause the Council to overturn the result recommended through the process. Consequently, the Council hereby confirms the recommendation resulting from an application of the Regulations Governing Committee Projects and the Council directs that Section 608.5 will not include "PP" and will read as follows:

**608.5** Relief valves located inside a building shall be provided with a drain, not smaller than the relief valve outlet, of galvanized steel, hard-drawn copper piping and fittings, CPVC, or listed relief valve drain tube with fittings that will not reduce the internal bore of the pipe or tubing (straight lengths as opposed to coils) and shall extend from the valve to the outside of the building, with the end of the pipe not more than two (2) feet (610 mm) nor less than six (6) inches (152 mm) above the ground or the flood level of the area receiving the discharge and pointing downward. Such drains may terminate at other approved locations. Relief valve drains shall not terminate in a building's crawl space. No part of such drain pipe shall be trapped or subject to freezing. The terminal end of the drain pipe shall not be threatened.

Sincerely,



Gabriella Davis  
Secretary, Standards Council

cc: Neil Bogatz, General Counsel  
Lynne Simnick, Director of Code Development  
Members, Plumbing Technical Committee  
Members, Standards Council  
James Paschal, Interested Party

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November 21, 2008

To all Interested Parties

Re: IAPMO Standards Council Decision Docket #1181-09  
**Date of Decision: November 14, 2008\***  
Uniform Plumbing Code – Chapter 14, Table 14-1  
Item #203

Dear Interested Parties:

I am transmitting to you herewith the following decision of the IAPMO Standards Council.

At its meeting of November 13 - 14, 2008, the IAPMO Standards Council considered the automatic appeal pertaining to the addition of ASTM F 2389-2006 *Standard Specification for Pressure-Rated Polypropylene (PP) Piping Systems* to Chapter 14, Table 14-1 of the 2009 edition of the *Uniform Plumbing Code*. This automatic appeal arises out of the membership's recommendation, for the reasons set forth at the Association Technical Meeting Convention, to reverse the action of the Plumbing Technical Committee taken in the 2008 Report on Comments when the TC rejected Public Comment Sequence #89, Item #203, seeking to delete newly added ASTM F 2389-2006 from Table 14-1.

This amendment was subsequently balloted through the Plumbing TC and the amendment ballot failed resulting in a process-based recommendation to not include ASTM F 2389-2006 in Table 14-1 of the 2009 edition of the *Uniform Plumbing Code*.

In accordance with Section 4-6.1 of the Regulations Governing Committee Projects, a floor amendment such as this that fails the subsequent TC ballot results in a recommendation that the portion of the report modified by the association recommended amendment be returned to the TC and any existing text to which the returned portion pertains shall stand. Where no previous edition text exists, the proposed text is deleted. This process-based recommendation conforms with the amendment recommended by the IAPMO membership.

The Standards Council accords great respect and deference to the IAPMO codes and standards development process. In conducting its review, the Council will overturn the result recommended through that process only where a clear and substantial basis for doing so is demonstrated. In the within appeal, sufficient evidence has not been brought forward to cause the Council to overturn the result recommended through the process. Consequently, the Council hereby confirms the recommendation resulting from an application of the Regulations Governing Committee Projects and the Council directs that ASTM F 2389-2006 will not be included in the 2009 edition of the *Uniform Plumbing Code*.

Sincerely,



Gabriella Davis  
Secretary, Standards Council

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James Paschal, Interested Party

**\*NOTE:** Participants in IAPMO's codes and standards making process are advised that limited review of this decision may be sought from the IAPMO Board of Directors. For the rules describing the available review and the method for petitioning the IAPMO Board of Directors for review, please consult Section 1-7 of the *IAPMO Regulations Governing Committee Projects* and the *IAPMO Regulations Governing Petitions to the Board of Directors from Decisions of the Standards Council*. Notice of the intent to file such a petition must be submitted to the Petitions Clerk of the Board of Directors within 15 calendar days of the Date of Decision noted in the subject line of this letter. **Due to the Thanksgiving Holiday, petitions will be accepted through December 3, 2008.** As this document is being submitted to the American National Standards Institute (ANSI) for designation as an American National Standard (ANS), any persons who have directly and materially affected interests by this decision have the right to appeal to ANSI in accordance with ANSI procedures.

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