



November 21, 2017

David Mann  
1118 Geneva St.  
Livermore, CA 94550

Re: IAPMO Standards Council Decision Docket #01-18  
**Date of Decision: November 21, 2017\***  
Uniform Mechanical Code – Sections 1211.6; Table 1210.1  
Item #182

Dear Mr. Mann:

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

At 9:00 a.m. at their meeting on November 15, 2017, the IAPMO Standards Council considered your appeal requesting the rejection of the Technical Correlating Committee action to Section 1211.6 and Table 1210.1 as published in the Report on Comments.

#### **Summary of Technical Committee Actions**

For a summary of actions taken with respect to each of the Items at issue please refer to Exhibit A attached hereto.

#### **Analysis of Appeal**

Appellant requests that the IAPMO Standards Council reverse the actions of the IAPMO Technical Correlating Committee and issue the 2018 Edition of the *Uniform Mechanical Code* with Section 1211.6 and Table 1210.1 as published in the 2015 edition of the *UMC*.

On an appeal, 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. The Council has reviewed the entire record concerning this appeal and has considered all the arguments raised by Appellant.

In the view of the Council, the evidence in the record provides a clear and substantial basis on which to overturn the results recommended by the IAPMO codes and standards development process.

#### **Analysis of Appellant's Arguments**

As a preliminary matter, the Council finds upon review of the record that the TCC acted, in Item #182, within the rights afforded to it by the Regulations Governing Committee Projects.

However, the Appellant's written and oral testimony has led the Council to conclude that the Technical Correlating Committee erred by striking certain text regarding Ductile Iron from Section 1211.6 and Table 1210.1 from the 2018 edition of the *Uniform Mechanical Code*.

Appellant asks the Council to consider TCC Items 32, 34, 38 and 40; for each of these examples of discrepancies the TCC determined that no further revisions to the 2015 *Uniform Mechanical Code* or the 2015 *Uniform Solar Energy & Hydronics Code* were required. These examples demonstrate that the TCC can achieve correlation without a code change.

In the reasoned opinion of the Council, it is critical that the *Uniform Mechanical Code* address Ductile Iron in Chapter 12 because this product is used in mechanical installations; for this reason, the Council has determined that the TCC erred in its action on Item #182.

The fact that Ductile Iron will be addressed in the 2018 edition of the *Uniform Mechanical Code* and not addressed in the 2018 edition of the *Uniform Solar Energy & Hydronics Code* does not create a correlation issue, inconsistency or conflict in need of resolution. *Uniform Solar Energy & Hydronics Code* Table 408.1 titled “Materials For Hydronics and Solar Thermal System Piping, Tubing, and Fittings” need not identically match *Uniform Mechanical Code* Table 1210.1 titled “Materials For Hydronic System Piping, Tubing and Fittings” to achieve consistency and correlation. The Council notes that the *USEHC* table included “Stainless Steel” in the 2015 edition while the *UMC* table did not include “Stainless Steel” in its 2015 edition – there was no correlation or consistency issue in that case.

Correlation does not demand that two codes address all the same topics and only the same topics. Correlation is not to be sought between two non-exhaustive laundry lists of materials such as Table 408.1 of the *USEHC* and Table 1210.1 of the *UMC*. The Regulations require that the TCC remedy issues of correlation and inconsistency *when it is the case that two codes address the same topic*. That is not the case here.

Here, one code includes a specific material and another code does not address that same material. However, the aims of correlation and consistency do not demand that all Codes be confined to covering the same topics. The *USEHC* Technical Committee’s excising of Ductile Iron from the *USEHC*’s pages does not require, for the sake of correlation and consistency, a separate Technical Committee to follow suit for the *UMC*.

### **Final Decision**

In consideration of the aforesaid, the Standards Council hereby grants Appellant’s request for relief with regard to the actions taken by the Technical Correlating Committee on Item #182.

The effect of this decision is that there will be no change to Section 1211.6 and Table 1210.1 of the 2018 *Uniform Mechanical Code*, as set forth in Exhibit B.

Docket #01-18  
Appeal Decision – D. Mann  
November 21, 2017

Sincerely,



Gabriella Davis  
Secretary, Standards Council

cc: Monte Bogatz, Executive VP, General Counsel  
Heather Koffman, VP, Associate General Counsel  
Hugo Aguilar, VP, Codes and Standards  
Enrique Gonzalez, Staff Liaison  
Mechanical Technical Committee  
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.** As the *Uniform Mechanical Code* is designated 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.

## Exhibit A

### Summary of Technical Committee Actions

#### Appeal Docket #01-18; Item #182 UMC Section 1211.6 and Table 1210.1

The 2016 Report on Proposals (ROP) published the results of the first committee ballot on Item #182, a code change proposal requesting to remove Ductile Iron standards from Table 1210.1, which included “AWWA C115/A21.15” and “AWWA C151/A21.51” for Piping/Tubing, and “AWWA C110/A21.10<sup>1</sup>” and “AWWA C153/A21.53” for Fittings. Further, the proposal requested the deletion of section 1211.6 titled “Ductile Iron Pipe.”

At the meeting, a majority of the committee members were in support of rejecting the proposal as submitted. Upon written ballot of the Mechanical Technical Committee, they affirmed their desire to reject the code change proposal.

At their second meeting, a majority of the committee was in support of rejecting the public comment which sought to remove the above referenced standards from Table 1210.1, as well as footnote 1 which referred to “Ductile and gray iron.” Upon written ballot of the Mechanical Technical Committee, they affirmed their decision by rejecting the public comment, thereby maintaining the Ductile Iron standards and footnote 1 in Table 1210.1.

The 2017 Report on Comments (ROC) published the results of the second and final committee ballot on the public comment to Item #182. That ballot reported a vote of 25 affirmative; 0 negative; 0 abstain; 2 not returned.

Following the Mechanical TC ballot, the Technical Correlating Committee, in accordance with the IAPMO Regulations Governing Committee Projects at section 3-4.2, took action to accept the original proposal to Item #182 and provided the following statement:

**TCC Statement:** Ductile iron in Table 1210.1 of the UMC is being stricken to correlate with the actions taken by the USEHC TC to remove ductile iron from Table 408.1 of the USEHC.

The following proposed action moves forward as approved by the TCC and supersedes the recommendation from the UMC TC for action taken in Item 182, Table 1210.1 and Section 1211.6.

The TCC’s action superseded the Mechanical TC’s vote and removed the above referenced standards from Table 1210.1 as well as section 1211.6 titled “Ductile Iron Pipe.”

At the Association Technical Meeting Convention, Dave Mann advised the Presiding Officer that he would file an appeal on Item #182 as there was no motion available for him to make during the session.

**Exhibit B**

**Result for #01-18; Item #182**

The 2018 UMC will be consistent with the previous edition at Table 1210.1 and section 1211.6, and will read as follows:

**TABLE 1210.1  
MATERIALS FOR HYDRONIC SYSTEM PIPING, TUBING, AND FITTINGS**

MATERIAL	STANDARDS	
	PIPING/TUBING	FITTINGS
Ductile Iron	AWWA C115/A21.15, AWWA C151/A21.51	AWWA C110/A21.10 <sup>1</sup> , AWWA C153/A21.53

Notes: <sup>1</sup>Ductile and gray iron.

(portions of table not shown remain unchanged)

**1211.6 Ductile Iron Pipe.** Joints between ductile iron pipe or fittings shall be installed in accordance with one of the following methods:

- (1) Mechanical joints for ductile iron pipe or fittings shall consist of a bell that is cast integrally with the pipe or fitting and provided with an exterior flange having bolt holes and a socket with annular recesses for the sealing gasket and the plain end of the pipe or fitting. The elastomeric gasket shall comply with AWWA C111. Lubricant recommended for the application by the pipe manufacturer shall be applied to the gasket and plain end of the pipe.
- (2) Push on joints for ductile iron pipe or fittings shall consist of a single elastomeric gasket that shall be assembled by positioning the elastomeric gasket in an annular recess in the pipe or fitting socket and forcing the plain end of the pipe or fitting into the socket. The plain end shall compress the elastomeric gasket to form a positive seal and shall be designed so that the elastomeric gasket shall be locked in place against displacement. The elastomeric gasket shall comply with AWWA C111. Lubricant recommended for the application by the pipe manufacturer shall be applied to the gasket and plain end of the pipe.

**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 Chief Executive Officer 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 Chief Executive Officer 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.