

February 24, 2009

Bill McHugh
Executive Director
Firestop Contractors International Association
4415 W. Harrison, Suite 322A
Hillside, IL 60162

Re: IAPMO Board of Directors Petition Decision to Standards Council Appeal Decision
Docket #1165-09
Uniform Plumbing Code – Chapter 14, Table 14-1
Item #187 (Public Comment 2)

Dear Mr. McHugh:

I am transmitting to you herewith the following decision of the IAPMO Board of Directors.

A duly appointed Subcommittee of the IAPMO Board of Directors consisting of Chairman Robert Siemsen, Dan Daniels, Ron Rice, William Erickson and Robert Riestenberg held a hearing pursuant to the *Regulations Governing Petitions to the Board of Directors from Decisions of the Standards Council*, to consider the petition of the Firestop Contractors International Association concerning IAPMO Standards Council decision Docket #1165-09 relating to the proposed 2009 edition of the *Uniform Plumbing Code*.

Under IAPMO rules, the Standards Council has been delegated the responsibility for the administration of the codes and standards development process, including the adjudication of appeals and the issuance of the *Uniform Plumbing Code*. (See the *IAPMO Regulations Governing Committee Projects* at Sections 1-7 and 2-2). On a petition, the Board of Directors must give due deference to the judgment of the IAPMO Standards Council, and will not intervene unless it can be demonstrated that extraordinary circumstances exist requiring the Board of Directors' intervention to protect the integrity of the codes and standards development process. (See *Regulations Governing Petitions* at Section 3 and the *Regulations Governing Committee Projects* at Section 1-7).

Petitions to the Board of Directors are not intended to be a full appeal beyond that already afforded by the Standards Council, but are rather an opportunity for the Board of Directors to intervene in the event that it determines there to be extraordinary circumstances. Unless a petition presents extraordinary circumstances or unless the Board of Directors, in its discretion, chooses to comment on an issue or issues raised in the petition, petitions are generally handled without a hearing or decision, by a brief statement or dismissal. In this case, a petition hearing was requested and was held with the Subcommittee members noted above. The Board notes that the central thrust of the Petition relates to the Petitioner's objection to the inclusion in the 2009 edition of the *Uniform Plumbing Code* of a reference to ASME A112.20.2 which is a standard developed and owned by the American Society of Mechanical Engineers rather than IAPMO.

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After a review of the petition, the record before it, and upon hearing testimony of Petitioner and others, pursuant to the *Regulations Governing Petitions*, the Board of Directors has concluded that the petition presents no extraordinary circumstances that would require their intervention. Accordingly, the Board of Directors has concluded that the petition has no merit and hereby dismisses the petition.

Please note that the following voting Board members recused themselves from discussion and voting on this matter: Gary Hamilton and Jed Scheuermann.

Sincerely,



Gabriella Davis
Petitions Clerk, Board of Directors

cc: Neil Bogatz, General Counsel
Lynne Simnick, Director of Code Development
Members, Plumbing Technical Committee
Members, Standards Council
Mark Singley, Esq., Interested Party
Robert Pernell, Interested Party
Gary Warren, Interested Party
John Edwards, Interested Party

