



February 26, 2020

Julius Ballanco, P.E., on behalf of Daikin US
JB Engineering and Code Consulting, P.C.
1661 Cardinal Dr.
Munster, IN 46321

Re: IAPMO Board of Directors Petition Decision to Standards Council Decision
TIA UMC-006-18
Uniform Mechanical Code

Dear Mr. Ballanco:

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 myself as Chairman, Allen Becker, Steve Panelli, Kevin Tindall, and Jeremy Stettler 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 Julius Ballanco, on behalf of Daikin US, concerning the IAPMO Standards Council decision referenced above relating to the proposed 2018 edition of the *Uniform Mechanical Code*.

Under IAPMO rules, the Standards Council has been delegated the responsibility for the administration of the codes and standards development process, including adjudication of appeals and the issuance of the *Uniform Mechanical Code* (see the IAPMO Regulations §§ 1-7, 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 the Petitioner demonstrates the existence of extraordinary circumstances requiring intervention to protect the integrity of the codes and standards development process (see the IAPMO Regulations Governing Petitions § 3; see also the IAPMO Regulations § 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 the Board determines there to be extraordinary circumstances. On a Petition to the Board to issue a Tentative Interim Amendment (TIA), the Board may consider each element required to recommend issuance of the TIA (technical merit, emergency nature) against the mandate of the Board under the *Regulations*.

For the Board to issue the TIA, the Board must determine the elements of the TIA are satisfied to recommend issuance *and* there exist extraordinary circumstances. The Board finds that the TIA is of technical merit.¹ Petitioner and others in support of his position testified to three factors Petitioner believes meets the emergency nature of said TIA: 5-2(d), (e), and (f). Those in favor offered testimony regarding possible requirements to be enacted by the state of California for low global warming potential (GWP) refrigerants. Those in attendance at the hearing who spoke in opposition disagreed with said testimony, and voiced concerns over lack of training of the personnel who will install and maintain A2L systems, leak detection, and other safety matters concerning A2L refrigerants. These same concerns were raised by numerous members

¹ The IAPMO Standards Council determined that the TIA possessed technical merit; the Board defers to the Council.

of the Technical Committee, as fully represented by the Standards Council in its written decision.²

Petitioner asserts that the proposed TIA satisfies *Regulations* Section 5-2(d) as asserting that, as existing, the 2018 *Uniform Mechanical Code* pose a “hazard” because it does not contain provisions for low GWP refrigerants.³ The Board does not agree with the Petitioner; the Board finds that this allegation does not meet the letter nor the spirit of this subsection of the *Regulations*. Moreover, neither the Petitioner nor anyone in support presents evidence of any manner in which the UMC, omitting these refrigerants, has posed a hazard in the field.

Petitioner next asserts that the TIA satisfies *Regulations* Section 5-2(e).⁴ Petitioner in his written Petition states: “[t]he only means of complying with a mandate to use low GWP refrigerants is by using Group A2L refrigerants.”

Also, in his written brief Petitioner sums his argument as follows: “the main reason this is of an emergency nature is the fact that the State of California will be enacting requirements that mandate the use of low GWP refrigerants for direct systems for comfort cooling.” The Board heard testimony to the contrary. Importantly, even if the State of California does enact requirements in the future, this does not constitute a presently existing emergency at all.

Furthermore, all testimony in support of Petitioner highlighted the favorable environmental effects of low GWP refrigerants. The record is bare of written or oral testimony claiming that low GWP refrigerants advance the art of safeguarding life or property; this Section of the *Regulations* cannot be relied on to support Petitioner’s position.

Petitioner asserts that the TIA satisfies *Regulations* Section 5-2(f).⁵ The Board finds Petitioner’s arguments on this point unpersuasive. The 2018 Uniform Mechanical Code was not revised to create an adverse impact on A2L refrigerants; the Code’s silence on the subject matter is not an “adverse impact” as set forth in Section 5-2(f). If it can be said that there is an “adverse impact” on A2L refrigerants because they are not included in Table 1104.1, it must be said that this did not arise as a result of a revision, given that Table 1104.1 of the 2015 Uniform Mechanical Code also excludes A2L refrigerants. And so, it was in the 2012 Edition of the Uniform Mechanical Code.⁶ With these facts as a backdrop it becomes clear that *Regulations* Section 5-2(f) is not appropriately applied to the TIA at issue here.

² The Council decision states the Council “observes that an overwhelming majority of the Technical Committee members harbor concern with the health and safety aspects of A2L and other low flammable refrigerants for installers, repairers and occupants...”

³ Section 5-2(d) of the IAPMO Regulations Governing Committee Projects reads in full: *the proposed TIA intends to offer the public a benefit that would lessen a recognized (known) hazard or ameliorate a continuing dangerous condition or situation.*

⁴ Section 5-2(e) of the IAPMO Regulations Governing Committee Projects reads in full: *the proposed TIA intends to accomplish a recognition of an advance in the art of safeguarding property or life where an alternative method is not in current use or is unavailable the public.*

⁵ Section 5-2(f) of the IAPMO Regulations Governing Committee Projects reads in full: *the proposed TIA intends to correct a circumstance in which the revised document has resulted in an adverse impact on a product or method that was inadvertently overlooked in the total revision process, or was without adequate technical (safety) justification for the action.*

⁶ See Table 1105.1 of the 2012 Uniform Mechanical Code.

The Board was not presented with any facts or allegations of how the Standards Council may have erred in reaching their decision. Accordingly, the Board finds that the testimony provided to the Subcommittee did not articulate circumstances requiring Board intervention. Upon review of the entire record, the Board is not compelled to act.

The Board of Directors dismisses the petition.

Sincerely,



David Gans
Chairman

Cc: IAPMO Code Dept.
Members, Mechanical Technical Committee
Members, Standards Council
IAPMO Board of Directors
Charlie McCrudden, Daikin US
Andrew Klein, Chemours
Dominique Taudin, Carrier
Marc Nard, AHRI
Jay Peters, representing Honeywell
Jim Tidwell, Tidwell Code Consulting
Chris LaPietra, Honeywell
Harshad Inamdar, Rheem Manufacturing Company
Karen Meyers, Rheem Manufacturing Company
Mark Lessans, Johnson Controls
Chris Forth, Johnson Controls
Mike Fischer, Kellen Company