



December 14, 2022

To: Interested Parties

CC: Kazuaki Watanabe, Figaro USA  
Rusty Tharp, Daikin Comfort Solutions  
Mary Koban, AHRI  
Stephen Spletzer, Chemours  
Harshad Inamdar, Rheem Manufacturing  
Jim Kendzel, American Supply Association  
John Taecker, UL Solutions  
Julius Ballanco, JB Engineering and Code Consulting  
Jeremy Tidd, Mitsubishi Electric  
Scott Davis, Gexcon  
Alex Hillbrand, Natural Resources Defense Council  
Dominique Taudin, Carrier  
Dave Mann, Self  
Randy Young, Self  
Chris Ruch, NEMI

Re: IAPMO Standards Council Decision Docket #11-24  
Date of Decision: December 14, 2022  
Uniform Mechanical Code – Sections 1103.1.1, Table 1103.1.1, 1104.2, 1104.6 – 1104.7  
Item 208 Public Comment 4

To Whom It May Concern:

At their meeting on November 17, 2022, the IAPMO Standards Council considered the automatic appeal pertaining to Item 208 and the above referenced sections. This decision reflects the complete deliberation of the Council with respect to this item.

#### Summary of Technical Committee Actions

For a summary of actions taken, please refer to Exhibit A attached hereto.

#### Analysis of Appeal

This automatic appeal relates to a Public Comment that sought to revise language in various sections of Chapter 11 related to Group A2L refrigerants for human comfort in the Uniform Mechanical Code (UMC).

A proposal, Item 208, sought to include a new Table 1103.1.1 “Refrigerant Safety Group Classifications,” and to add new language addressing Group A2L refrigerants for human comfort. At their meeting in 2021, the TC discussed Item 208, and proposed an amendment including, among other edits, a requirement that “all joints on refrigeration piping containing A2L refrigerant shall be brazed,” with an exception for male flared joint connections for system servicing. The ballot failed, falling short of the necessary two-thirds affirmative to approve the TC’s amendment.

Several comments were received on this item, one of which was Public Comment 1, which sought acceptance of the original text of Item 208, without the modification proposed by the TC at their 2021 meeting. Another comment to this item was Public Comment 4, the subject of this appeal. Public Comment 4 sought to provide new language to various sections in Chapter 11 addressing Group A2L Refrigerants for Human Comfort. Upon written ballot, the TC rejected Public Comment 4 in favor of Public Comment 1, which resulted in the TC accepting the language of the original proposal, as shown in Exhibit B.

The Council recognizes that the IAPMO membership twice addressed this item – once at the Assembly Consideration Session in 2021 and again at the Association Technical Meeting in Charlotte in 2022. At the Assembly Consideration Session, the membership voted to pass an Assembly Comment recommending approval of the original proposal along with the brazing requirement. This Assembly Comment was rejected by the Technical Committee.

Then, at the Association Technical Meeting in Charlotte in 2022, the membership again considered this item. This time, the membership voted in favor of a motion to recommend that the TC accept Public Comment 4; the second membership vote resulted in a recommendation that differed from their vote the previous year. After the meeting in Charlotte, the membership recommendation was balloted through the Mechanical TC and the TC did not agree with the membership, resulting in a process-based recommendation to include the language accepted by the Technical Committee in Public Comment 1, as originally proposed and as shown in Exhibit B.

On an appeal, the Standards Council accords great respect and deference to the development process prescribed in the ANSI-accredited IAPMO Regulations Governing Committee Projects. 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 it including what was shared during oral testimony.

The Council heard testimony from the appeal's proponents that Public Comment 4 would bring the code sections into better alignment with UL/CSA 60335-2-40, and the most updated version of ASHRAE 15.

However, the Council is concerned that the language within Public Comment 4 does not correlate with ASHRAE 15-2009 Addendums A through K. One example of this is in UMC section 1104.2 "Refrigeration Concentration Limit (RCL)" which was revised in ASHRAE 15-2009 Addendum C yet was not included in Public Comment 4. Another example is UMC section 1104.6.2 "Listing and Installation Requirements" which was revised in ASHRAE 15-2009 Addendum K and not part of Public Comment 4.

Further, there are incorrectly referenced provisions from the extracted ASHRAE language. An example of this is in section 1104.6.2.4 from Public Comment 4. Within this section, there is at least one incorrect reference to another UMC section. Additionally, the Public Comment failed to incorporate an extracted requirement of ASHRAE into section 1104.6.6, which was then referenced in section 1104.6.2.4. Both of the above examples reflect inaccurate cross-references of ASHRAE requirements.

These inconsistencies and failures to correlate are sufficient justification for the TC's rejection of Public Comment 4. Nonetheless, some supporters of the appeal argued to the Standards Council that IAPMO would fail to adhere to its procedures, and/or fail to uphold ANSI's Essential Requirements, if it did not approve the appeal. At least one proponent of the appeal goes so far as to

insinuate that IAPMO has failed to engage with other American National Standards in ‘good faith.’ The Council disagrees with each such allegation. At no point was participation in any stage of the code development process closed to eligible candidates. Individuals with diverse viewpoints were afforded the opportunity to express their perspectives multiple times throughout the three-year code development process and, at the appeals stage, before the Standards Council. Further, the record reflects the involvement and participation of ASHRAE staff who both serve on the Mechanical Technical Committee and work with IAPMO staff on extracted language from ASHRAE documents into IAPMO’s codes.

The TC considered nine different Comments addressing the same initial proposal, Item 208, and ultimately concluded that the original language of that proposal was the most appropriate for inclusion in the UMC.

In the view of the Council, the evidence in the record supports the decision of the Technical Committee and does not provide any clear and substantial basis on which to overturn the results recommended by the IAPMO codes and standards development process.

#### Final Decision

In consideration of the aforesaid, the Standards Council dismisses the appeal.

The effect of this decision is that the 2024 edition of the Uniform Mechanical Code will include new language proposed in Public Comment 1, as set forth in Exhibit B.

Sincerely,



Gabriella Davis  
Secretary, Standards Council

cc: Heather Koffman, Executive VP, General Counsel  
Hugo Aguilar, Senior VP, Codes and Standards  
Taylor Duran, 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 11-24; Item #208 Public Comment 4 2024 Uniform Mechanical Code, Sections 1103.1.1, Table 1103.1.1, 1104.2, 1104.6 – 1104.7

The 2021 Report on Proposals (ROP) published the results of the first committee ballot on Item #208, a code change proposal requesting to add A2L provisions for human comfort.

At the meeting, a majority of the committee members were in support of accepting the entire proposal with modifications to Section 1104.6 “Group A2L Refrigerants for Human Comfort” Section 1104.6.2.3 (1) “Refrigerant Detectors,” and Section 1104.6.4 “Compressors and Pressure Vessel Located Indoors” as shown below:

**1104.6 Group A2L Refrigerants for Human Comfort.** High-probability systems using Group A2L refrigerants for human comfort applications shall comply with this section. [ASHRAE 15:7.6] All joints on refrigeration piping containing A2L refrigerant shall be brazed.  
**Exception:** Male flared joint connections for system servicing.

**1104.6.2.3 Refrigerant Detectors.** A refrigerant detector shall be provided in accordance with Section 1104.6.5 as a part of the listed equipment where any of the following apply:

- (1) The charge size of any independent circuit exceeds 4 lb (1.8 kg) 0.212 × LFL (lb), where LFL is in pounds per 1000 ft<sup>3</sup> (6 × LFL [kg] where LFL is in kg/m<sup>3</sup>).
- (2) When the occupancy classification is institutional.
- (3) When using the provisions of Section 1104.6.4.

**Exception:** For commercial, public assembly, and large mercantile occupancies, when the refrigerant charge of any independent circuit does not exceed 50 percent of the RCL, a detector shall not be required.

**1104.6.4 Compressors and Pressure Vessel Located Indoors.** For refrigeration compressors and pressure vessels located in an indoor space that is accessible only during service and maintenance, it shall be permissible to exceed the RCL if all of the following provisions are met:

- (1) The refrigerant charge of largest independent refrigerating circuit shall not exceed:
  - (a) 6.6 lb (3 kg) for residential and institutional occupancies applied products. and
  - (b) 4 lb (1.8 kg) for unitary products.
  - (bc) 22 lb (10 kg) for commercial and public/large mercantile occupancies.
- (2) The space where the equipment is located shall be provided with a mechanical ventilation system in accordance with Section 1104.6.4 (3) and a refrigerant detector in accordance with Section 1104.6.5. The mechanical ventilation system shall be started when the refrigerant detector senses refrigerant in accordance with Section 1104.6.5. The mechanical ventilation system shall continue to operate for at least five minutes after the refrigerant detector has sensed a drop in the refrigerant concentration below the value specified in Section 1104.6.5(2).
- (3) A mechanical ventilation system shall be provided that will mix air with leaked refrigerant and remove it from the space where the equipment is located. The space shall be provided with an exhaust fan. The exhaust fan shall remove air from the space where the equipment is located in accordance with the following equation.

$$Q_{min} = 1000 \times M/LFL$$

Where:

$Q_{min}$  = minimum airflow rate, ft<sup>3</sup> /min

$M$  = refrigerant charge of the largest independent refrigerating circuit of the system, lb

$LFL$  = lower flammability limit in lb per 1000 ft<sup>3</sup>

For SI units:  $Q = 60\,000 \times M/LFL$ , where Q is the supply air flow rate (m<sup>3</sup>/h), M is the refrigerant charge (kg), LFL is the lower flammability limit (g/m<sup>3</sup>).

(4) The exhaust air inlet shall be located where refrigerant from a leak is expected to accumulate. The bottom of the air inlet elevation shall be within 12 inches (30 cm) of the lowest elevation in the space where the compressor or pressure vessel is located. Provision shall be made for make-up air to replace that being exhausted. Openings for the make-up air shall be positioned such that air will mix with leaked refrigerant.

(5) Air that is exhausted from the ventilation system shall be ~~either:~~

~~(a) discharged outside of the building envelope or~~

~~(b) discharged to an indoor space, provided that the refrigerant concentration will not exceed the limit specified in Section 1104.6.1.~~

(6) In addition to the requirements of Section 1104.6.3, there shall be no open-flame-producing devices that do not contain a flame arrestor, or hot surfaces exceeding 1290°F (700 °C) that are installed within space where the equipment is located. ~~{[ASHRAE 15:7.6.4]}~~

Upon written ballot of the Mechanical Technical Committee, the required two-thirds affirmative vote was not achieved by the Technical Committee. In accordance with Section 4-3.5.2 of the Regulations Governing Committee Projects, a public comment was requested for this proposal. The Technical Committee reconsidered this proposal as a public comment.

At the Assembly Consideration Session in 2021, a motion was made to accept Item 208 as it was modified by the Technical Committee. The motion passed resulting in an Assembly Comment, Public Comment 3.

At their second meeting, the committee reviewed 9 comments on language relating to A2L refrigerants for human comfort. The public comments were seeking to accept Item 208 as originally submitted without the modifications to Section 1104.6, Section 1104.6.2.3, and Section 1104.6.4 (Public Comment 1), to accept Item 208 as modified by the Technical Committee that includes the modifications to Section 1104.6, Section 1104.6.2.3, and Section 1104.6.4 (Public Comment 3), to accept Item 208 with further modifications (Public Comments 4 through 7 and Public Comment 9), and to reject Item 208 as it was submitted (Public Comment 8). Public Comment 2 did not deal with A2L language. A majority of the committee members were in support of rejecting Public Comments 3 through 9 in favor of Public Comment 1. Upon written ballot of the Mechanical Technical Committee, they affirmed their decisions to reject Public Comment 4.

The 2022 Report on Comments (ROC) published the results of the second committee ballot for Public Comment 4, showing the committee's last successful action to reject the additional revisions to the Item 208.

At the Association Technical Meeting Convention, a motion was made to accept Public Comment 4 which sought to replace the original proposal to add additional revisions. The motion passed resulting in a membership recommendation to the Technical Committee to accept Public Comment 4. The effect of the membership recommendation was to add additional revisions to the original proposal in accordance with recently published Addendums A through K for ASHRAE 15-2019.

Following the Association Technical Meeting Convention, the Technical Committee was issued a ballot on whether they agreed with the membership's recommendation. On this, their final ballot, the committee did not achieve the necessary two-thirds majority affirmative vote. The final ballot tally reported a vote of 9 agree and 19 disagree.

The Regulations Governing Committee Projects at Section 4-6.1 states:

**4-6.1 Recommended Amendments.**

(c) If the Association recommended amendment is not approved by the TC...such action of the Committee shall be deemed to be a recommendation that the portion of the Report modified by the Association recommended amendment be returned to the TC; the remainder of the Report stands as recommended by the Association; and any existing text to which the returned portion pertains shall stand. The TC...shall be balloted on whether the resulting Document is suitable; and if it is determined that it is not suitable, the issue shall be automatically docketed as an appeal to the Standards Council who shall determine whether and in what form the document shall be issued...

The issue was docketed as an appeal for the Standards Council.

**Exhibit B**  
**Result for #11-24**

The 2024 Uniform Mechanical Code will include the language accepted by the Technical Committee in Public Comment 1, as originally proposed, and will read as follows:

**1103.0 Classification.**

**1103.1 Classification of Refrigerants.** Refrigerants shall be classified in accordance with Table 1102.3 or in accordance with ASHRAE 34 where approved by the Authority Having Jurisdiction.

**1103.1.1 Safety Group.** Table 1102.3 classifies refrigerants by toxicity and flammability, and assigns safety groups using combinations of toxicity class and flammability class. For the purposes of this chapter, the refrigerant Groups A1, A2L, A2, A3, B1, B2L, B2, and B3 shall be considered to be individual and distinct safety groups, as shown in Table 1103.1.1. Each refrigerant is assigned into not more than one group.

**TABLE 1103.1.1**  
**REFRIGERANT SAFETY GROUP CLASSIFICATIONS**

<b>Higher Flammability</b>	A3	B3
<b>Flammable</b>	A2	B2
<b>Lower Flammability</b>	A2L	B2L
<b>No Flame Propagation</b>	A1	B1
	<b>Lower Toxicity</b>	<b>Higher Toxicity</b>

**1104.0 Requirements for Refrigerant and Refrigeration System Use.**

**1104.6 Group A2L Refrigerants for Human Comfort.** High-probability systems using Group A2L refrigerants for human comfort applications shall comply with this section. [ASHRAE 15:7.6]

**1104.6.1 Refrigerant Concentration Limits.** Occupied spaces shall comply with Section 1104.2. Unoccupied spaces with refrigerant containing equipment, including but not limited to piping or tubing, shall comply with Section 1104.6.4. {ASHRAE 15:7.6.1-7.6.1.2}

**1104.6.2 Listing and Installation Requirements.** Refrigeration systems shall be listed and shall be installed in accordance with listing, the manufacturer's instructions, and any markings on the equipment restricting the installation. [ASHRAE 15:7.6.2]

**1104.6.2.1 Nameplate.** The nameplate required by Section 1115.5 shall include a symbol indicating that a flammable refrigerant is used, as specified by the product listing. [ASHRAE 15:7.6.2.1]

**1104.6.2.2 Labeling.** A label indicating a flammable refrigerant is used shall be placed adjacent to service ports and other locations where service involving components containing refrigerant is performed, as specified by the product listing. [ASHRAE 15:7.6.2.2]

**1104.6.2.3 Refrigerant Detectors.** A refrigerant detector shall be provided in accordance with Section 1104.6.5 as a part of the listed equipment where any of the following apply:

(1) The charge size of any independent circuit exceeds  $0.212 \times LFL$  (lb), where  $LFL$  is in pounds per 1000 ft<sup>3</sup> ( $6 \times LFL$  [kg] where  $LFL$  is in kg/m<sup>3</sup>).

(2) When the occupancy classification is institutional.

(3) When using the provisions of Section 1104.6.4.

**Exception:** For commercial, public assembly, and large mercantile occupancies, when the refrigerant charge of any independent circuit does not exceed 50 percent of the RCL, a detector shall not be required.

**1104.6.2.4 Refrigerant Concentration Above Limit.** When the refrigerant detector senses a refrigerant concentration at the maximum value specified in Section 1104.6.5(2), the following actions shall be taken:

(1) The minimum airflow rate of the supply air fan shall be in accordance with the following equation.

$$Q_{min} = 1000 \times M/LFL$$

[Equation 1104.6.2.4]

Where:

$Q_{min}$  = minimum airflow rate, ft<sup>3</sup>/min

$M$  = refrigerant charge of the largest independent refrigerating circuit of the system, lb

$LFL$  = lower flammability limit, lb per 1000 ft<sup>3</sup>

For SI units:  $Q = 60\,000 \times M/LFL$ , where  $Q$  is the supply air flow rate (m<sup>3</sup>/h),  $M$  is the refrigerant charge (kg),  $LFL$  is the lower flammability limit (g/m<sup>3</sup>).

(2) Turn off the compressor and all other electrical devices, excluding the control power transformers, control systems, and the supply air fan. The supply air fan shall continue to operate for at least five minutes after the refrigerant detector has sensed a drop in the refrigerant concentration below the value specified in Section 1104.6.5(2).

(3) Any device that controls airflow located within the product or in ductwork that supplies air to the occupied space shall be fully open. Any device that controls airflow shall be listed.

(4) Turn off any heaters and electrical devices located in the ductwork. The heaters and electrical devices shall remain off for at least five minutes after the refrigerant detector has sensed a drop in the refrigerant concentration below the value specified in Section 1104.6.5(2). {ASHRAE 15:7.6.2.4}

**1104.6.3 Ignition Sources Located in Ductwork.** Open-flame-producing devices shall not be permanently installed in the ductwork that serves the space. Unclassified electrical devices shall not be located within the ductwork that serves the space. Devices containing hot surfaces exceeding 1290°F (700°C) shall not be located in the ductwork that serves the space unless there is a minimum airflow of 200 ft/min (1.0 m/s) across the heating device(s) and there is proof of airflow before the heating device(s) is energized. [ASHRAE 15:7.6.3-7.6.3.3]

**1104.6.4 Compressors and Pressure Vessel Located Indoors.** For refrigeration compressors and pressure vessels located in an indoor space that is accessible only during service and maintenance, it shall be permissible to exceed the RCL if all of the following provisions are met:

(1) The refrigerant charge of largest independent refrigerating circuit shall not exceed:

(a) 6.6 lb (3 kg) for residential and institutional occupancies and

(b) 22 lb (10 kg) for commercial and public/large mercantile occupancies.

(2) The space where the equipment is located shall be provided with a mechanical ventilation system in accordance with Section 1104.6.4(3) and a refrigerant detector in accordance with Section 1104.6.5. The mechanical ventilation system shall be started when the refrigerant detector senses refrigerant in accordance with Section 1104.6.5. The mechanical ventilation system shall continue to operate for at least five minutes after the refrigerant detector has sensed a drop in the refrigerant concentration below the value specified in Section 1104.6.5(2).

(3) A mechanical ventilation system shall be provided that will mix air with leaked refrigerant and remove it from the space where the equipment is located. The space shall be provided with an exhaust fan. The exhaust fan shall remove air from the space where the equipment is located in accordance with the following equation.

$$Q_{min} = 1000 \times M/LFL$$

Where:

$Q_{min}$  = minimum airflow rate, ft<sup>3</sup>/min

$M$  = refrigerant charge of the largest independent refrigerating circuit of the system, lb

$LFL$  = lower flammability limit in lb per 1000 ft<sup>3</sup>

For SI units:  $Q = 60\,000 \times M/LFL$ , where  $Q$  is the supply air flow rate (m<sup>3</sup>/h),  $M$  is the refrigerant charge (kg),  $LFL$  is the lower flammability limit (g/m<sup>3</sup>).

(4) The exhaust air inlet shall be located where refrigerant from a leak is expected to accumulate. The bottom of the air inlet elevation shall be within 12 inches (30 cm) of the lowest elevation in the space where the compressor or pressure vessel is located. Provision shall be made for make-up air to replace that being exhausted. Openings for the make-up air shall be positioned such that air will mix with leaked refrigerant.

(5) Air that is exhausted from the ventilation system shall be either:

- (a) discharged outside of the building envelope or
- (b) discharged to an indoor space, provided that the refrigerant concentration will not exceed the limit specified in Section 1104.6.1.

(6) In addition to the requirements of Section 1104.6.3, there shall be no open-flame-producing devices that do not contain a flame arrestor, or hot surfaces exceeding 1290°F (700 °C) that are installed within space where the equipment is located. [ASHRAE 15:7.6.4]

**1104.6.5 Refrigerant Detectors.** Refrigerant detectors required by Section 1104.6.2 shall meet the following requirements:

(1) Refrigerant detectors that are part of the listing shall be evaluated by the testing laboratory as part of the equipment listing.

(2) Refrigerant detectors, as installed, shall activate the functions required by Section 1104.6.2.4 within a time not to exceed 15 seconds when the refrigerant concentration reaches 25 percent of the lower flammability limit (LFL).

(3) Refrigerant detectors shall be located such that refrigerant will be detected if the refrigerating system is operating or not operating. Use of more than one refrigerant detector shall be permitted.

(a) For refrigerating systems that are connected to the occupied space through ductwork, refrigerant detectors shall be located within the listed equipment.

(b) For refrigerating systems that are directly connected to the occupied space without ductwork, the refrigerant detector shall be located in the equipment, or shall be located in the occupied space at a height of not more than 12 inches. (30 cm) above the floor and within a horizontal distance of not more than 3.3 feet (1.0 m) with a direct line of sight of the unit.

(4) Refrigerant detectors shall provide a means for an automatic operational self-test as provided in the product listing. Use of a refrigerant test gas is not required. If a failure is detected, a trouble alarm shall be activated, and the actions required by Section 1104.6.2.4 shall be initiated. {ASHRAE 15:7.6.5}

**1104.7 Applications for Human Comfort and for Nonindustrial Occupancies.** In nonindustrial occupancies, Group A2, A3, B1, B2L, B2, and B3 refrigerants shall not be used in high-probability systems for human comfort. Use of Group A2L refrigerants shall be in accordance with Section 1104.6.

**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 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.

**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.