



VIA EMAIL ONLY

February 23, 2023

Mary Koban
Marie Carpizo
AHRI
2311 Wilson Blvd, Suite 400
Arlington, VA 22201

Re: IAPMO Board of Directors Petition
Standards Council Decision Docket #18-24
UMC Item #101 Public Comment 1

Dear Ms. Koban and Ms. Carpizo,

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

A duly appointed Board Subcommittee of the IAPMO Board of Directors consisting of Kevin Tindall (Chair), David Gans (Vice Chair), Allen Becker, Rick Garcia, Barry Ramsey, 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 AHRI concerning the IAPMO Standards Council decision referenced above. The IAPMO Board accepted the recommendation of the Board Subcommittee in its entirety. Henceforth the announcement and rationale provided by the Subcommittee has been adopted by the Board and is presented by the Subcommittee on behalf and with the authority of the full IAPMO Board of Directors.

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 rather an opportunity for the Board of Directors to intervene in the event the Board determines there to be extraordinary circumstances.

Procedural Concerns

Petitioner claims the IAPMO Standards Council failed to address and correct procedural violations committed by the IAPMO Technical Committee. The written petition claimed that the Technical Committee did not provide a technical statement for voting against the item, an alleged violation of Section 4-3.5.1 of the *IAPMO Regulations*. The Board disagrees. The Report on Proposals includes a clear statement from the TC noting why they rejected the proposal, and the Report on Comments also

includes a statement explaining the TC's continued rejection of the Item. Petitioner disagrees with the substantiation provided by the Technical Committee, however, said disagreement does not compel the Board to take action.

Petitioner also alleges the IAPMO Standards Council committed procedural errors which negatively impacted the IAPMO code development process, claiming the Council erred in upholding the TC's vote rejecting Sections 406.0 and 406.1 of the *Uniform Mechanical Code*. The Board disagrees. The record reflects consistent, overwhelming rejection of the proposed new Sections 406.0 and 406.1 on both TC ballots and sees no evidence that the Technical Committee nor Standards Council erred in their actions.

With regard to the Petitioner's claim of lack of harmonization efforts between the *Uniform Mechanical Code* and other industry standards, the Board disagrees. No procedural violation exists here and the Board is unable, as Petitioner requests, to make modifications to a proposed code change.

Decision

The Board upholds the decision of the Standards Council and denies this petition.

Board member Steve Panelli recused himself from discussion and voting on this petition.

Sincerely,



Kevin Tindall
Chair

Cc: IAPMO Code Dept.
Members, Mechanical Technical Committee
IAPMO Standards Council
IAPMO Board of Directors
Jeffrey Jones, Esq.
Rusty Tharp
David Calabrese