



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 #15-24
UMC Item #347 Public Comment 2

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 issues committed by the IAPMO Technical Committee. The written petition claimed a violation of Section 4-3.5.1 of the *IAPMO Regulations*, arguing that the Technical Committee did not provide a technical statement for voting against the item. Section 4-3.5.1 of the *Regulations* addresses TC action on

proposals and the record reflects appropriate action by the TC as published in the Report on Proposals. The TC sought to amend the proposal, including a substantiation that the modification “removes UL 207 based on the action take[n] in Item # 225.” Petitioner further claims the Council committed a procedural violation in not addressing the comments of the TC. The Board disagrees. There is no procedural violation here.

Petitioner further alleges the IAPMO Standards Council committed procedural issues which negatively impact the IAPMO codes and standards development process and did not demonstrate efforts to harmonize the *UMC* with other American National Standards. The Board disagrees, in part. The Board does not see evidence of procedural violations on the part of the Technical Committee nor the Standards Council in their actions addressing this Item.

However, with regard to *UL 207 Refrigerant-Containing Components and Accessories, Nonelectrical*, it is clear to the Board that the inclusion of the June 27, 2014, version of this standard will create confusion for Authorities Having Jurisdiction. The Technical Committee may have acted to maintain the June 27, 2014, version of UL 207 as a result of their actions taken on other items. However, the Board is compelled to act to ensure the *UMC* includes, where appropriate, the most current version of the standards referenced in Table 1801.1, absent major concerns of the Technical Committee, and to provide users of the Code with the most current edition. Here, the Board agrees with Petitioner that the updated UL 207 standard is required to avoid confusion in the enforcement of the *UMC* for Authorities Having Jurisdiction and to ensure the *UMC*'s effective operation in the ecosystem of American National Standards. To this end, the Board agrees with Petitioner.

Decision

The Board grants the petition resulting in the inclusion of *UL 207-2009 Refrigerant-Containing Components and Accessories, Nonelectrical* (with revisions through January 21, 2020) in Table 1801.1 of the *2024 Uniform Mechanical Code*.

Board members Steve Panelli and David Ledda recused themselves 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