



February 15, 2018

Julius Ballanco, P.E.
JB Engineering and Code Consulting, P.C.
1661 Cardinal Dr.
Munster, IN 46321

Re: IAPMO Board of Directors Petition Decision to Standards Council Decision
Docket #04-18
Uniform Mechanical Code – Item #144 (Public Comments: 1-3)

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, Martin Cooper, Rex Crawford, David Gans, Steven Panelli and Bruce Pfeiffer 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 concerning the IAPMO Standards Council decision referenced above relating to the proposed 2018 edition of the *Uniform Mechanical Code*.¹

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.

It is within this context that the Board first examines Petitioner's claims of procedural error. Petitioner contends that the justification statement provided by the Mechanical Technical Committee for rejecting UMC Item 144, Public Comments 1, 2, and 3 was "improper and does not follow the requirements of the Regulations Governing Committee Projects."² The Board found Petitioner's testimony and written appeal absent of new facts offered to dispute the finding by the Standards Council of no procedural error regarding the justification statement provided by the Technical Committee. During his testimony, Petitioner argued that the Technical Committee recognized a mistake with regard to their actions taken on Item 144 during their meeting in Anaheim. However, after reviewing the final written ballot following the Anaheim meeting and reviewing testimony and action taken by the membership during the Association

¹ IAPMO President D.J. Nunez was unable to attend.

² See page 4 of Petitioner's December 1, 2017 written petition.

Technical Meeting Convention, there does not appear to be a procedural error in the actions of the Technical Committee nor the Standards Council. 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 on this topic, the Board is not compelled to act.

Petitioner's second argument is that "[a] change is being made to the Uniform Mechanical Code without benefit of technical justification or, for that matter, any justification."³ He further states that "[e]very technical change to the code is required to be supported by a justification statement." The Board disagrees and looks to the Regulations Governing Committee Projects at Section 4-4.6.3 where only a TC action to "accept as amended," "reject," or "hold" shall include a statement, preferably technical in nature, on the reason for the TC action. Here, no procedural violation occurred.

Through testimony it became clear to the Subcommittee that Petitioner believes that if Public Comment #3 is not accepted then the 2018 *Uniform Mechanical Code* will permit the use of "B2L" refrigerants in high probability systems and this will result in a life safety concern. However, the Board notes Section 1102.2 *Ammonia Refrigeration Systems* and Table 1104.1 *Permissible Refrigeration Systems* which prescribe proper use of refrigerants. Further, the Board looks to Section 102.1 wherein it states: "In instances where this code, applicable standards, or the manufacturer's installation instructions conflict, **the more stringent provisions shall prevail.**" [emphasis added] B2L refrigerants cannot be used in a high probability system.

The IAPMO Standards Council acted within what the Council believed to be the ambit of its authority as set forth in the IAPMO Regulations Governing Committee Projects. The Board finds that the Standards Council did not exceed its authority and that insufficient evidence was provided to support the assertion that extraordinary circumstances exist requiring their intervention.

Accordingly, the Board of Directors dismisses the petition.

Sincerely,



David Straub
Chairman

Cc: IAPMO Code Dept.
Members, Mechanical Technical Committee
Members, Standards Council
IAPMO Board of Directors

³ See page 6 of Petitioner's December 1, 2017 written petition.