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January 12, 2023

Gabriella Davis
Petitions Clerk

IAPMO Board of Directors
The IAPMO Group – West Building
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Dear IAPMO Board Members:

RE: Petition to the IAPMO Board of Directors regarding UMC Docket #15-24

- 1. **Petitioner:** Mary Koban, Sr. Director Regulatory Affairs
Marie Carpizo, General Counsel
Air-Conditioning, Heating, and Refrigeration Institute (AHRI)
2311 Wilson Blvd, Suite 400
Arlington, VA 22201

- Hearing Representative:** Rusty Tharp, Vice President of Regulatory Affairs & Environmental Research
Daikin Comfort Technologies North America
19001 Kermier Road
Waller, TX 77484

- 2. **Action Petitioned:** Decision Docket #15-24, Uniform Mechanical Code (UMC) Item 347, Public Comment #2

- 3. **Grounds for Petition:** Extraordinary circumstances exist as the Standards Council violated IAPMO and ANSI procedures which immediately and negatively impacts all users of the UMC.

- 4a. **Action Being Sought:** Approve UL 207 (2009 with revisions through January 2020) contained in Item #347, PC#2 to the 2024 edition of the Uniform Mechanical Code.
- 4.b. **Supporting Information**

This appeal petition is being filed for the following reasons:

- 1. The IAPMO Standards Council failed to address and correct procedural issues committed by the IAPMO Technical Committee.
- 2. The IAPMO Standards Council also committed procedural issues which negatively impact the IAPMO Standards Development Process.
- 3. The IAPMO Standards Council did not demonstrate efforts to harmonize the Uniform Mechanical Code with other ANSI documents in violation of ANSI Essential Requirements.

The IAPMO Standards Council failed to address and correct procedural issues committed by the IAPMO Technical Committee.

The Technical Committee (TC) violated Section 4-3.5.1 of the IAPMO *Regulations Governing Committee Projects*. The TC did not provide a technical statement and did not sufficiently detail their rationale for voting against Item #347, Public Comment #2 (PC#2) to the 2024 Edition of the Uniform Mechanical Code. Section 4-3.5.1(c) of the *Regulations Governing Committee Projects*, the IAPMO Technical Committee (TC) “shall include a statement, preferably technical in nature, on the reason for the TC action” and “[s]uch statement shall be sufficiently detailed so as to convey the TC’s rationale for its action so that rebuttal may, if desired, be submitted during the Comment Period.”

Opponents to Item #347, PC#2 specifically noted UL 207 may create unsafe conditions due to the testing contained or not contained within that standard. The UL 207 standard, including revisions through January 2020 would provide pull testing for different fittings. In reviewing the TC’s rationale provided during the IAPMO Standards Council Hearing, it is not clear what was the exact technical nature for concern with UL 207.

UL 207, *Refrigerant-Containing Components and Accessories, Nonelectrical* is a nationally accepted consensus standard covering refrigeration joints and fittings. UL 207 requires all fittings and connections to not exhibit any sign of leakage following vibration, tension, and torque tests. In addition, for mechanical fittings using gaskets and seals of neoprene, rubber, nonmetallic material intended to prevent leaks, the fittings go through high and low temperature oil emersion exposure and refrigerant exposure procedures followed by the fitting assembly going through all performance tests of UL 207 without the fitting leaking or failing.

During AHRI’s testimony, AHRI offered to work with industry stakeholders to re-open UL 207 and resolve any technical issues with the standard.¹ However, to AHRI’s knowledge, the party that was originally concerned about UL 207 did not re-open the standard.

The new version of the standard UL 207 (2009 with revisions through January 2020) should resolve all technical issues. It is not clear how using an older, less robust version of a standard, will resolve perceived technical issues. Furthermore, the IAPMO Standards Council did not address the TC’s technical comments nor were they noted as part of the decision process in the IAPMO Standards Council Appeal Decision Letter.² The Standards Council noted differences of opinion existed regarding UL 207, but did not provide rationale on how using an older version of the same standard would alleviate the TC technical concerns with UL 207.

Therefore, AHRI argues the IAPMO Standards Council committed a procedural violation by not addressing the comments of the IAPMO TC. AHRI argues that UMC item #347, PC#4 should be accepted.

The IAPMO Standards Council also committed procedural issues which negatively impact the IAPMO Standards Development Process.

A procedural error was committed when the TC and IAPMO Standards Council discussed the UL 207 standard testing requirements when, in accordance with the *Regulations Governing Committee Projects*, Item 4-4.2, they were limited to discussing the standard year. Item 4-4.2, *Subjects Appropriate for Comment*, states that comments shall be confined to those items under consideration for action and directly affected items. Item

¹ IAPMO Standards Council Hearing Transcripts, November 17, 2022; page 162.

² IAPMO Standards Council Appeal Decision Letter for Docket # 15-24, December 14, 2022.

#347 (Chapter 17) was to update all the reference standards with the most up to date version of the standard, not to review the content of the standard. Comments related to the appropriateness of the standard (Chapter 11) should have been raised when that section of the UMC was discussed at the hearing.

The appropriate section of the UMC for addressing refrigeration system joints and fittings is 1109.0 Refrigeration Piping, Containers, and Valves. Thus, this above actions by the TC were a clear violation of the IAPMO *Regulations Governing Committee Projects*.

The IAPMO Standards Council did not demonstrate efforts to harmonize the Uniform Mechanical Code with other ANSI documents in violation of ANSI Essential Requirements.

As it was noted during the IAPMO Standards Council, the current IAPMO language does not meet section 1-4 of *ANSI Essential Requirements*, which states that “good faith efforts shall be made to resolve potential conflicts between and among existing American National Standards and candidate American National Standards.”³

PC #2 updates the UL standards to the latest versions—68 standards. Updating Item #347 to the latest UL standards is providing IAPMO members, AHJs, installers, and consumers the most up to date information regarding any currently listed standard.

By not updating UL 207, specifically, it will be difficult for AHJs, users and installers to know which fittings comply with the older version of the standard. Debate will continue regarding the UL 207 standard and which version is used where (which state or jurisdictions). UL 207 is used extensively throughout the HVACR industry and is critical where hot work (hospitals, dangerous environments) is prohibited. States like Texas, which may use the UMC or the IMC, depending upon jurisdiction, will find that different fittings (mechanical versus brazed) can be used in different locations. This situation will be unmanageable does not show a good faith effort was made to resolve potential conflicts.

In conclusion, AHRI argues that due to the IAPMO procedural violation and failure to meet ANSI Essential requirements, AHRI strongly recommends the IAPMO Board of Directors approve UL 207 (2009 with revisions through January 2020) contained in Item #347, PC#2 to the 2024 edition of the Uniform Mechanical Code.

If you have any questions, please do not hesitate to contact me at mkoban@ahrinet.org.

Cordially yours,

Mary E. Koban

Mary Koban
Sr. Director Regulatory Affairs, AHRI

³ ANSI Essential Requirements: Due Process Requirements for American National Standards, January 2022 Edition, March 2, 2022 Editorial Update.