



VIA EMAIL ONLY

February 6, 2026

Chris Ruch
Codes & Standards Representative
SMART, Sheet Metal Workers' Local Union No. 104
4040 Lennane Drive
Sacramento, CA 95834

Re: IAPMO Board of Directors Petition
Standards Council Decision Docket #02-27
UMC Item #107 Public Comments 1 – 7

Dear Mr. Ruch,

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 Steve Fernlund (Chair), Brad Elliott, Carlos Flores, Eric Gilbreath, and Kevin Tindall, 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 Chris Ruch concerning the IAPMO Standards Council decision referenced above. The IAPMO Board accepted the recommendation of the Board Subcommittee in its entirety. Thus the announcement and rationale provided by the Subcommittee has been adopted by the Board and is presented by the Subcommittee on behalf of and with 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 overturned the Technical Committee's decision without clear and substantial evidentiary basis required by the *IAPMO Regulations Governing Committee Projects*. In the Standards Council's December 2, 2025, decision, specific reasons were provided for the Standards Council's action. One reason that the Council articulated was that if the code language approved by the Technical Committee were to move forward in the *2027 Uniform Mechanical Code*, conflicts with other American National Standards – ASHRAE 90.1 and ASHRAE 62.1 – could arise.

IAPMO's *Regulations* at 4-7.1 Basis for Judgment provides the authority of the Standards Council to take action. The Board finds no procedural error in the actions of the Standards Council in reaching their decision.

Petitioner further alleges that IAPMO violated the *ANSI Essential Requirements*, specifically sections 2.1, 2.2, 2.4, 2.5, 3.1, 3.4, and 3.4.1. The Board was not presented with any evidence to suggest that IAPMO did not comply with these particular sections of the *ANSI Essential Requirements*. With regard to each section:

- 2.1 Openness. IAPMO complied by giving timely and adequate notice requirements with regard to the 2027 code development cycle, in accordance with IAPMO's ANSI-accredited standards development process;
- 2.2 Lack of dominance. No claim of dominance was made by any party throughout this code cycle, and petitioners have not provided any evidence of dominance;
- 2.4 Coordination and harmonization. Throughout the development of the 2027 UMC, good faith efforts were made by IAPMO to remove any potential conflicts between and among existing and candidate American National Standards;
- 2.5 Notification of standards development and coordination. IAPMO complied with all required notices per the ANSI Essential Requirements including PINS, notices regarding all code development activities, web postings, and media notices to all directly and materially interested parties, in accordance with IAPMO's ANSI-accredited standards development process;
- 3.1 ANSI Patent Policy. There was no claim made regarding any patent issue, thus the Board sees no violation here;
- 3.4 and 3.4.1 Evidence of compliance. IAPMO maintains all records to demonstrate compliance with its accredited Regulations and petitioners have made no specific claims related to any failure thereof.

After hearing testimony and reviewing said sections of the *ANSI Essential Requirements*, the Board finds no violation.

Petitioner repeatedly claims that the Standards Council created new conflicts within the *Uniform Mechanical Code* as a result of their decision. However, upon reviewing the decision of the Council, the Board determines that the Standards Council in fact did the opposite. The decision states, in part, "[t]he Council notes that language that remains in Section 608.0 may be applicable to under-floor spaces used as ducts or plenums, which may lead to confusion by the Authorities Having Jurisdiction **if the appeal is not granted.**" (Emphasis supplied.) This was one of several reasons provided by the Council for coming to their decision. Upon review of these sections, the Board finds no conflicts were introduced as a result of the Standards Council's decision. The Board finds no violation of the IAPMO Regulations.

Finally, the petitioner alludes to "institutional harm and potential legal liability." Petitioner predicts institutional harm arising from IAPMO "establish[ing] a precedent under which Technical Committee consensus may be overturned without a clear and substantial evidentiary basis" and goes on to anticipate "foreseeable legal and procedural challenges from affected manufacturers" for the same reason. However, the Board has determined that the Standards Council's granting of the appeal was, in fact, procedurally proper and supported by evidence, and thus concludes that no institutional harm will arise from upholding the Standards Council's decision.

Decision

After hearing testimony and considering the entire record on the matter, the Board finds no extraordinary circumstance exists requiring the Board of Director's intervention to protect the integrity of the codes and standards development process. The Board dismisses the petition.

The Board notes the Standards Council's request to establish a Concealed Building Space and Independent Construction Task Group to address this issue in the 2030 code development cycle. It will be important for all experts in this space to participate in this task group to ensure a broad perspective is included.

Board members Steve Panelli, David Ledda, and Tamara Kuykendall recused themselves from discussion and voting on this petition.

Sincerely,

A handwritten signature in dark ink that reads "Steve Fernlund". The signature is fluid and cursive, with the first name "Steve" and last name "Fernlund" clearly legible.

Steve Fernlund
Chair

Cc: IAPMO Code Dept.
Members, Mechanical Technical Committee
IAPMO Standards Council
IAPMO Board of Directors
Jeremy Zeedyk
David Vincent
Eli Howard
Chad Herrick