

NASSCO WINS APPEAL TO IAPMO UPC 715.3

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During the development phase of the 2018 Uniform Plumbing Code (UPC), IAPMO's Technical Committee approved a proposal that banned the use of cured-in-place pipe (CIPP) in building sewers made of cast iron pipe. Prior to the change, wording of Section 715.3 allowed the use of CIPP. The Section, as revised in the 2018 UPC, contained conflicting wording and was set to remain in UPC 2021:

715.3 Existing Sewers. Replacement of existing building sewer and building storm sewers using trenchless methodology and materials shall be installed in accordance with ASTM F1216. Cast iron soil pipes and fittings shall not be repaired or replaced by using this method aboveground or belowground. Replacement using cured-in-place pipe liners shall not be used on collapsed piping or when the existing piping is compromised.

During the development phase of UPC 2021, NASSCO member Tom Bowman, Director of Technology and Licensing for NuFlow Technologies, brought the issue to the attention of NASSCO's Lateral Committee, of which he is a member. His legal counsel had begun the draft of a Tentative Interim Amendment (TIA) to UPC 2018 but, in recognizing the impact to the CIPP industry, as well as other trenchless technologies, he knew there would be strength in numbers through NASSCO advocacy. The Lateral Committee, Chaired by Jason Walborn, Director of Business Development for Granite Inliner, and co-Chaired by Carl Marc-Aurele, Vice President of Formadrain, got straight to work. To focus the right resources and energies, the Committee formed a Plumbing Code Workgroup, headed up by Joanne Carroll of Subtegit Group, which developed a strategy to first attempt to have the language prohibiting CIPP from the 2021 UPC stricken. Once accomplished, the intention was to then file a TIA on the already published 2018 UPC. This group worked to propose objections at each phase of the 2021 development process, however all attempts were rejected by IAPMO's Technical Committee.

After all efforts to remove the prohibition of CIPP within the 2021 UPC were rejected, NASSCO, with the support of NASSCO's legal counsel, Connie Wilson of SkarlatosZonarich, filed a TIA on the 2018 UPC and an Appeal on the 2021 UPC. On November 14, 2019, a hearing on the TIA and Appeal was scheduled before the IAPMO Standards Committee in Ontario, California. Representing NASSCO were Joanne Carroll, Connie Wilson, NASSCO member Mike Jennings, VP of Operations for RotoCo, Inc., Tom Bowman and myself. Members of the Standards Committee, IAPMO staff and counsel, and those requesting the opportunity to speak in opposition of our stance were also present. The Standards Committee members listened to our argument and asked questions. The opposition presented their view as well. Once the Appeal and TIA were completed, we adjourned. A couple of weeks later, we were presented with the decision of the Standards Committee denying both the appeal and the TIA.

NASSCO, under the direction of Sheila Joy, NASSCO's Executive Director, reviewed the process and, with the approval of NASSCO's Board of Directors, decided to appeal to the IAPMO Board of Directors. We would again use the same process, an appeal for the revision of the upcoming 2021 UPC and a TIA for the current 2018 UPC model code. The hearing was set for January 28, 2020 in Miami, Florida. At the hearing, members of the IAPMO Board, staff and legal counsel were present. No opposition or others were present at this meeting. Representing NASSCO were Connie Wilson, Tom Bowman and myself. We presented both the Appeal and the TIA concurrently.

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The argument that we made to IAPMO's Board Directors was similar to that made to the Standards Committee. The language in the 2018 UPC:

- *Was conflicting:* Reference was given to using the methodology in ASTM F1216, but the use of a trenchless technology, and specifically CIPP, was not allowed.
- *Lacked justification:* Prior appeals had been rejected with no technical or safety justification.
- *Restrained trade:* The language in Section 715.3 of the Code violated IAPMO Regulations and provided a significant restraint of trade on the trenchless industry
- *Misplaced argument:* The substantiation for the prohibition made by the Technical Committee that CIPP does not meet the standards of cast iron pipe is a misplaced argument since CIPP is not cast iron and the regulations for cast iron pipe cited to justify prohibiting CIPP applied to the repair of manufacturing defects of brand new cast iron pipe and not to the repair of existing underground infrastructure.



On February 26, 2020, NASSCO received notification from the IAPMO Board of Directors that both the Appeal and TIA were found to be with merit and the UPC was revised to reflect the following wording:

2018 UPC

715.3 Existing Sewers. Replacement of existing building sewer and building storm sewers using trenchless methodology and materials shall be installed in accordance with ASTM F1216.

2021 UPC

715.3 Existing Sewers. Replacement of existing building sewer and building storm sewers using trenchless methodology and materials shall be installed in accordance with ASTM F1216, ASTM F2561, ASTM F2599, or ASTM F3240.

This situation is a prime example of the purpose and effect of a national trade association protecting the interests of the public and its members. Without NASSCO's advocacy and the tenacity of its members, the UPC would have continued to prohibit the use of CIPP in the states adopting the UPC model code. NASSCO not only fought and won this battle for its members, but firmly followed its mission to assure the continued acceptance and growth of trenchless technologies.

