

November 7, 2025

Mr. Hugo Aguilar, P.E.
S. VP of Codes and Standards
IAPMO
4755 E. Philadelphia Street
Ontario, CA 91761

Chris Walker
Executive Vice President

2025-2026 OFFICERS

Mike Hilgert
President

Brian Pyle
President-Elect

Gina Medel
Treasurer

Ken McNeal
Secretary

Phillip Phillips
Immediate Past President

**Re: APPEAL No. 02-27 UMC Item 107 (PC 01 through PC 07), APPEAL No. 03-27 UMC Item 107 (PC 01, PC 06, PC 07) and UMC Item 109 (PC 01) – Related to Concealed Building Space Plenums --
SUPPORT**

Dear Mr. Aguilar:

The California Association of Sheet Metal and Air Conditioning Contractors National Association (CAL SMACNA) writes in support of the appeal(s) to Item #107 and Item #109 as submitted by Eli Howard on behalf of SMACNA (Appeal No. 02-27) and Phil and April Trafton (Appeal No. 03-27), respectively. CAL SMACNA requests a reversal of these Uniform Mechanical Code change proposal decisions, based upon substantive grounds.

CAL SMACNA is a non-profit statewide trade association representing over 300 sheet metal and air conditioning contractors who employ more than 25,000 union employees and administrative personnel throughout the state of California. Our contractors perform commercial and residential heating, ventilating, and air conditioning; architectural and industrial sheet metal; as well as stainless steel kitchen equipment, manufacturing, testing and balancing, siding and decking. Their work includes public works, private commercial and residential projects.

As a longtime supporter and member of IAPMO, we are pleased to provide the following comments in support of the appeal(s) and request a full reversal of the code change proposals contained within Item(s) #107 and #109. If these appeals are not granted, the proposed changes to Section 602.1 and 602.2 would, respectively:

- 1) Prohibit concealed building spaces or independent construction within buildings to be permitted for use as ducts or plenums.
- 2) Prohibit the use of gypsum in return-air ducts, plenums and concealed spaces for multi-family housing residential spaces.

CAL SMACNA represents contractors who build and install metallic duct, provide test and balance and perform duct cleaning. It is a fact that these contractors stand to gain more work, sell more materials and arguably benefit from these proposed changes. Yet, CAL SMACNA contractors join the rest of the industry in opposition to Items #107 and #109

because they are concerned about the overall impacts upon building design, costs/methods of construction, increased energy consumption and the lack of necessity to protect public safety, health and welfare.

California and IAPMO

California's use and adoption of IAPMO's Uniform Mechanical Code is predicated upon the belief IAPMO follows an ANSI-accredited consensus process to produce technically sound codes that promote public health and safety without stifling design or development. These qualities are extremely important in 2025 as California fights to balance multiple goals including climate resiliency/public health, energy-efficiency and affordability.

California's All-of-Government Approach to Climate Change & Affordability

Governor Newsom has tasked all state agencies, including the California Energy Commission, the Public Utilities Commission, and the California Building Standards Commission, in an "all of government" approach to climate change in order to meet our state's low-carbon and energy-efficiency objectives.

Governor Newsom has consistently called out the key role construction plays in meeting these goals:

"Every new commercial development must contribute to our climate goals. That means cutting energy waste with smart design and renewable integration to reduce the carbon footprint of our cities."

**Source: Governor Gavin Newsom, State budget address, January 2023. Context: Proposing investments in sustainable infrastructure, including for non-residential projects.*

"We're transforming how we build in California—commercial projects included. By prioritizing energy-efficient designs and low-carbon materials, we're cutting waste and emissions across the board."

**Source: Press release on California's Climate Action Plan, 2022. Context: Highlighting updates to building codes, including for commercial structures, to align with net-zero emission goals.*

"Commercial buildings are a huge part of our energy footprint. We're pushing for zero-energy standards and retrofits to slash waste and drive down emissions in every new office, warehouse, and retail space."

**Source: Remarks at a clean energy summit, September 2021. Context: Discussing California's push for energy-efficient commercial construction under the Title 24 Building Energy Efficiency Standards.*

In addition to these climate related goals, Governor Newsom and the California Legislature have recognized "Affordability" as the other top policy goal for state agencies. On December 2, 2024, Assembly Speaker Rivas said, *"We must chart a new path forward and renew the California dream by focusing on affordability"*. All statutory and regulatory factors contributing to California's high prices for energy, housing, and insurance are subject to enhanced scrutiny and reform. The UMC is not immune from the priorities of this state.

Item #107 Conflicts with California's Goals

Based upon the testimony of experts and existing technical papers, the proposed code changes in Item #107 will: 1) increase carbon emissions, 2) increase energy consumption and 3) increase construction costs in new and existing buildings including multi-family housing units. These results are in direct conflict, without exception, to the efforts of Governor Gavin Newsom and the California Legislature to protect the public health and welfare of our residents.

Item #107 Contradicts Efforts to Promote Public Safety, Health and Welfare

Proponents of these code changes failed to provide the necessary substantiation that these changes would advance public safety, health and welfare. Rather, they simply claim their proposal "*removes the recognized conflict within the code*" and "*addresses the unsubstantiated exception applicable to all dwellings*". The net effect of these changes, however, is profound.

In response to Item #107, and related discussion (PC 01-07), testimony and technical evidence was repeatedly provided to the UMC Technical Committee (TC) by licensed and practicing mechanical engineers, building/design professionals and contractors.

These experts illustrated how current codes already address public health protections and how the newly proposed changes would create harm to the public safety, health and welfare in California vis-à-vis increased carbon and GHG emissions, increased energy consumption and increased costs for construction and housing.

Their comments and supporting documentation show these proposed code changes will lead to:

- **Increased Carbon & GHG Emissions** -- This code change requires more steel; more cement and more building materials to be used in the future – **not less**.
- **Increased Energy Consumption** – This code change creates 20% to 30% more energy consumption and demand by HVAC system fans, increasing overall grid demand for electrons – **not less**.
- **Increased Costs for Construction & Operations** – This code change proposal increases the cost to build and operate commercial buildings and multi-family housing projects, including adding \$3 to \$5 per square foot (2015 dollars) ~10 to 20% of total HVAC system costs – **not less**.

Unfortunately, the UMC Technical Committee proceeded to adopt the proposed changes to both items despite the opposition of experts and overwhelming testimony, reference materials and citations.

At What Cost?

It's important to note that the proponents of the changes under Item #107 do not dispute the cost increases their proposal(s) will create for Californians. Instead, they argue these new costs should be ignored and not considered a factor by IAPMO. In fact, they disingenuously contended the opposition was seeking "*to reduce costs at the expense of occupant health and safety.*"

CAL SMACNA disagrees. All new and higher "costs," financial and otherwise, should be considered by IAPMO to the extent a code change proposal stifles design, development and serves to erode public health, safety and welfare in other areas.

Under UMC Section 101.3, the stated "purpose" of the code is to provide "*minimum requirements and standards for the protection of the public health, safety and welfare*". And, when a proponent comes forward with a proposed code change to the UMC it is their duty and obligation to provide IAPMO's UMC TC with technical proof that the current codes are failing to meet this minimum standard. The integrity and maintenance of the UMC requires proponents to meet this burden of proof otherwise the codes could be changed by stakeholders upon whim or for other purposes including market advantage.

In this case, the proponents of Item #107 failed to meet this important burden. They were unable to provide published research or data to support their claims that existing codes were failing to meet Section 101.3 and their proposed changes were needed for the "*protection of the public health, safety and welfare*". To the contrary, expert witnesses and reference materials provided during the TC process showed beyond a reasonable doubt the proposed changes under Item #107 would actually create harm and go against the public interest.

In reviewing the administrative record as contained in the 2025 UMC Report of Comments, it is clear the TC did not demand the proponents to fully meet their duty and obligation to prove these changes were necessary to meet the purpose of the UMC. It is for this reason, CAL SMACNA respectfully requests you grant the appeal(s) to reverse the proposed changes in Item(s) #107 and #109.

Please do not hesitate to contact me or CAL SMACNA at (916) 363-7460 if you should have questions or need additional information.

With respect,



Chris Walker
Executive Vice President
California Sheet Metal &
Air Conditioning
Contractors' National
Association

Phone: 916-363-7460
Email: chris@cal-smacna.org

1400 K Street, Suite 212
Sacramento, CA 95814

www.cal-smacna.org

