

As Seen In



PME Letters

Codes Are Meant To Protect Consumers, Not Trade

Julius Ballanco's claim in his column in the November 2007 issue of *PM Engineer* that he sees "codes and standards used to restrict trade" could not be further from the truth when it comes to the decision of the Michigan Construction Code Commission to deny approval of imported cast-iron soil pipe and fittings from China for use on state construction projects in the state of Michigan.

In the Michigan case, the U.S. importer had requested official approval of the products it was reselling. The importer was denied approval on the technical merits — the Michigan authorities were simply unable to conclude despite numerous inquiries and hearings that the products the importer was outsourcing conformed to applicable product standards referenced in the Michigan Plumbing Code. Mr. Ballanco's imagined competitive restraint ignores hours and hours of work by Michigan regulators to satisfy themselves that their approval could be granted and the importer's failure to satisfactorily answer their legitimate questions.

The fact that Mr. Ballanco was a paid consultant for the importer at the same time that he mischaracterized the Michigan actions is mind-boggling. In the hearings, Mr. Ballanco tried to make the case that the reseller was the manufacturer for the purposes of meeting the standard, even though the importer does not own or operate any manufacturing plants and the standard clearly defines the manufacturer as "the entity that cast the pipe and fittings." Only the foundry that poured the molten iron can verify quality control procedures were followed at the time the material was cast. No third party or reseller can do that after the fact.

The actual facts are that close examination of test reports provided by the importer in the Michigan case consistently revealed incomplete or inaccurate information in repeated submittals. Specifiers examining these same test reports would be left to guess whether the products were manufactured in compliance with the standard. Mr. Ballanco claimed in his column that other states "had already approved the Chinese pipe," but, to our knowledge, no other state has approved cast-iron soil pipe and fittings — domestic

or foreign. Nor did Michigan, not because of "personal prejudice" as imagined by Mr. Ballanco, but on the technical merits.

Simply demanding that foreign-made products prove they meet the standard is not an "abuse of power" — but a requirement of those entrusted with protecting the health, welfare and interest of consumers and taxpayers. And Mr. Ballanco ought to know. As he wrote in a June 2006 column (when his self-interest was not implicated), "if foreign manufacturers want to sell their products in the United States, they have to play by the rules. Those rules are the plumbing codes and standards adopted in this country. A good inspector knows all about the plumbing standards. They are required to enforce the code, and to do so correctly, they must enforce the requirements in the standards."

Makes good sense to me — and the good people of Michigan. **PME**

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