

Letter to ASHRAE Board ExCom

Subject: Termination of ASHRAE MOU with NSF International (NSFI)

The ASHRAE webpage describes ASHRAE as “more than 56,000 members from over 132 nations, ASHRAE is a diverse organization dedicated to advancing the arts and sciences of heating, ventilation, air conditioning and refrigeration to serve humanity and promote a sustainable world.”

ASHRAE’s Core Values pages also state, “ASHRAE is committed to the highest ethical standards. We work transparently, observing essential requirements for due process and peer reviews to assure our members and stakeholders that we do the right things the right way”

Committee members of ASHRAE Standard 188 have individually invested tens of thousands of dollars and have volunteered hundreds of hours for more than 13 years since the committee began, a significant investment of time and personal income. This group of industry experts as stated in the ‘Foreword’ of Standard 188, is dedicated to “resolving the concerns of affected and interested parties” related to Legionnaires’ disease and waterborne pathogens associated with building water systems. These subject matter experts are from various fields and from various ASHRAE technical committees. Many of these experts also have practical field experience in building water system design, maintenance and / or operation with respect to managing Legionella risk. In addition the committee also has subject matter experts that are from academia, research, microbiology and epidemiology. In short, ASHRAE did an excellent job of putting together an ANSI compliant Standards committee which includes Subject matter expertise, Field expertise, Academics, Equipment manufacturers, Water treatment experts and public representation.

The initial drafts of Standard 188 considered HACCP principles as the basis for managing a building water system. The most serious concerns the Standard 188 committee had regarding any program requiring third party validation are:

- 1) Would create huge revenues for third party consultants.
The Standard 188 committee, time and again agreed, that any efforts to target any part of the standard toward specific actions that create revenue for committee members such as third-party validation would negatively reflect upon ASHRAE, that ASHRAE would appear to place member enrichment over public health solutions, and that would be totally unacceptable.
- 2) Would impose an unfair and unnecessary financial burden on building owners.
- 3) Does not significantly address the risks with managing building water systems for control of waterborne pathogens including Legionella.

Members of the Standard 188 committee no doubt have individual bias but the cross functional team produced a fair, balanced, and effective standard without commercial bias and the standard passed the scrutiny of five public reviews. The standard was published with great success and now the committee is close to finalizing the associated Guideline 12. Members of the Standard 188 committee, individually and as ASHRAE members in general, are very proud of the product developed to continue innovating and leadership roles in addressing this serious public health issue without any bias towards personal or industry benefit. ASHRAE historically has a strong leadership position with regard to Legionella and building water system pathogens. On Feb 27, 1981 ASHRAE released the first international guidance document on building water pathogens titled, "Legionellosis – Part 1; Basic Information".

ASHRAE signed a Memorandum of Understanding (MOU) with NSF International (NSFI) without consulting the committee. Many members of the committee felt that their commitment to a best possible standard to address this public health issue was trashed by a politically motivated relationship with an NGO intent on monetizing this issue to the greatest extent

ASHRAE 188 committee members felt the MOU with NSFI directly impacted the integrity of Standard 188 and its perception of addressing this public health issue without personal bias or motivation. This MOU also, by association, directly impacts the integrity of all ASHRAE 188 committee members. .

With the latest events it is now absolutely clear to all the extent to which NSFI plans to monetize this standard. The newly announced agreement between Homeyer Consulting and NSFI now has confirmed a consulting partner to be a recipient of this monetization of the standard. Where ASHRAE developed standard 188 without intent to monetize the standard, the NSFI standard from the start was based on creating an endless cash revenue stream for NSFI as well as third party consultants. Standards organizations do make additional cash streams from standards such as ASME boiler stamps but in this case NSFI clearly intended a cash stream that ASHRAE members were strongly against. What standards organization should never do is create winners and losers for the cash streams they create and with the Homeyer deal, NSFI clearly crossed the line.

We signees of this document believe the initial signing of the MOU by ASHRAE was a serious error that will impact the credibility of our organization and members. With the intent of NSFI now clarified beyond any doubt to be towards developing a standard based on the commercial benefit to NSFI and their consulting company partner Homeyer Consulting, there is no question that the ongoing relationship between ASHRAE and NSFI via this MOU directly impacts ASHRAE's credibility. The relationship via this MOU also makes ASHRAE a competitor to many ASHRAE members who are engineers or consultants.

The MOU includes a requirement of consistent leadership communication and states, "Keep each respective organization informed of major initiatives". If ASHRAE was

informed of this initiative and did not alert membership and did not strongly oppose this action, then ASHRAE was not acting in the interest of membership. If ASHRAE was not informed of this initiative, then NSF I failed to comply with stipulations of the MOU and ASHRAE should immediately cancel the MOU.

This new initiative by NSF I, regardless of previous communication, clearly demonstrates that NSF I intends to:

- 1) Act in flagrant violation of codes of conduct of a standard organization,
- 2) Set NSF I and its partners, including ASHRAE by means of the MOU, as competitors to many ASHRAE members, and
- 3) Monetize the standard for its own commercial interests.

We signees of this document, all active ASHRAE members, all members of various committees including Standard 188, TC 3.06 and TC 6.6, recommend that ASHRAE take action including that listed below;

- 1) Send a letter to NSF I terminating the MOU using the 30-day clause and
- 2) Issue a press release confirming termination of the MOU between ASHRAE and NSF I.