

## REGULATIONS AND PROCEDURES

# SPECIAL NOTICE ON NFPA REGULATIONS

Note: Updates throughout the year will be posted on the NFPA website at: [www.nfpa.org/Regs](http://www.nfpa.org/Regs)

In November 2010, the NFPA Board of Directors approved a comprehensive set of revisions to the NFPA *Regulations Governing Committee Projects* (the *Current Regulations* or *Regs*), the regulations that govern NFPA's standards development process. The American National Standards Institute (ANSI) approved them in August 2011. The new Regulations have been renamed the *Regulations Governing the Development of NFPA Standards* (the *New Regulations* or *Regs*). These *New Regulations* ([www.nfpa.org/newregs](http://www.nfpa.org/newregs)) will be in effect for Standards reporting

in the Fall 2013 Revision Cycle and all subsequent revision cycles. Standards reporting up to and including the Annual 2013 cycle will operate in the *Current Regulations*. During the transition period, NFPA standards development will be operating under two sets of *Regulations*. In this section of the *NFPA Standards Directory*, both sets of *Regulations* are clearly identified with an appropriate footer on each page. The software development, testing, pilot projects, and training for the *New Regulations* will continue in 2013.

## REGULATIONS AND PROCEDURES

## AN INTRODUCTION TO THE NEW REGULATIONS GOVERNING THE DEVELOPMENT OF NFPA STANDARDS

The new NFPA *Regulations Governing the Development of NFPA Standards* (the *New Regulations* or *Regs*) printed in this Directory reflect countless hours of work and the efforts of NFPA constituents at all levels. Beginning as a project of the NFPA Standards Council and the Council's policies and procedures task group, a review of the NFPA process was undertaken with an eye towards building on, improving, and clarifying what has proved to be a highly successful and effective standards development process. An in-depth analysis of the existing procedures, coupled with the results of surveys of Technical Committee members and others active in the NFPA Standards process, revealed that, while NFPA had the "gold standard" when it came to standards development, the process could be improved and made more user-friendly. It was found that balloting of Committee Members on proposed changes to NFPA Standards could be confusing. Amending Motions made at NFPA Technical Meetings were complicated and difficult to follow. Moreover, it became clear that, while the primary function of the standards development process was to develop and achieve consensus around the actual text of a proposed Standard, the process itself was not conducive to the development of successive drafts, and often no complete draft

Standard was available, only a "recipe" for the Standard in the form of the published Committee Actions on Proposals and Comments. What was needed was a revised standards development process that could take advantage of web-based tools and technology to enable a more draft-focused approach to standards development, the ultimate goal being a more effective process that was easier to participate in and to understand.

A drafting task group was subsequently convened early in 2010 to begin the task of drafting a set of revised regulations. The task group was made up of members of the Standards Council and NFPA Board of Directors along with NFPA staff support. Feedback on the new process was solicited from active Technical Committee members throughout the NFPA, as well as approximately 200 and 150 attendees at the Standards Council Forum meetings held at the 2010 and 2011 NFPA Conference and Expos, and approximately 200 Technical Committee Chairs at Chair Training Forums held at NFPA Headquarters.

*The New Regulations* have now been completed and approved by the NFPA Board of Directors and by the American National Standards

Institute (ANSI) for use beginning with Standards reporting in the Fall 2013 revision cycle. There are many changes that have been made throughout the *New Regulations* to improve clarity and readability. The principal changes, however, appear in Section 1.4, *Defined Terms*, and in Section 4, *Development and Revision of NFPA Standards*. What follows is a general description of those changes.

## THE NEW PROCESS: CONTINUITY AND CHANGE

It is important to stress that, in the *New Regulations*, the core principles and major steps in the NFPA standards development process have been fully retained and have, indeed, been strengthened. The process remains committed to the principles of consensus standards development: where consensus Technical Committees and Correlating Committees develop new and revised NFPA Standards; where the public is offered multiple opportunities to provide input and raise concerns; where standards-related activities are timely published and available for public review through Technical Committee Reports; where debate and consideration of Amending Motions are conducted at annual Technical Meetings of the NFPA membership; and where appeals are available to the NFPA Standards Council.

## SO WHAT IS NEW?

First, the *New Regulations* embrace new technology. A main goal of the regulations revision project was to allow the NFPA standards development process to take full advantage of the tools and benefits available through the use of the Internet. The *New Regulations* call for the creation of an “NFPA Standards Development Site,” currently under development, that will act as a centralized entry point for participants in the NFPA process and as a centralized place for the publication of standards development information. The site will be used for the submission of all public proposals and for the publication of Technical Committee Reports and other information. (*New Regs* at 4.2.5.1). And because of the site’s central location, web-based access, and ability to employ hyperlinks, legislative text displays of proposed standards revisions, and other useful features, it is anticipated that the new site will be convenient, efficient, and easy for participants to use. It will also permit the more accurate and timely publication of new and revised NFPA Standards.

In order to make the standards development process more user-friendly and to take advantage of web-based technology, the process needed to be simplified. Committee actions needed to be more focused on the development and display of the actual text of the proposed new or revised NFPA Standard. Here is a brief description of how that has been accomplished for each stage of the process.

## THE INPUT STAGE

As in the current process, the development of new or revised NFPA Codes, Standards, Guides, or Recommended Practices (NFPA Standards) will still take place in two principal stages. Under the *Current Regulations*, those stages are known as the Proposal Stage and the Comment Stage. In order to reflect the slightly different role that the first stage

of the process will now play, the Proposal Stage has been renamed the Input Stage. A revision cycle will begin, as it does today, with a call for the public to submit proposed revisions, and members of the public will submit what will now be called Public Input in much the same way that they now submit Public Proposals.

The Input Stage, however, will differ from the Proposal Stage primarily in how the Technical Committees respond to Public Input. Under the *Current Regulations*, the Committees must focus their meetings on reviewing and acting to accept or reject each Public Proposal. These Committee actions are then balloted and published and often only much later used by editors to construct the final Standard. Under the *New Regulations*, the Committee will focus at its meeting on developing a complete draft of the proposed new or revised NFPA Standard. The Input Stage has been recast as a preliminary stage for assisting the Committee in developing that draft and for raising new issues for public review and consideration. Committees will still review all Public Input and provide limited responses. (*New Regs.* at 4.3.7). However, a Technical Committee will not be required to formally accept or reject Public Input. The Committee’s focus, instead, will be on using the advice and input submitted by the public in order to develop a complete and fully integrated draft that will be known as the First Draft.

Under the *New Regulations*, the revisions decided on at the Technical Committee meeting must, as today, be submitted to a written ballot to assure the necessary two-thirds Committee support. The creation of a complete First Draft will greatly clarify and improve the balloting process. In order to ballot the First Draft, the Committee will segment the revisions in that draft into individual revisions (known as *First Revisions*) for the purpose of balloting. The segmenting process will be at the discretion of the Technical Committee, but no individual revision can be smaller than an individual numbered or lettered section of a Standard or larger than a chapter. For each revision, the Technical Committee will develop an associated Committee Statement explaining its rationale for the revision. (*New Regs* at 4.3.9.3).

The First Revisions are then submitted to a ballot of the Technical Committee and, in order to remain in the First Draft, a revision must be confirmed by a two-thirds affirmative vote of the Committee. This sounds much like what Committees do under the *Current Regulations* except for an important innovation. Under the *Current Regulations*, the Committees do not directly ballot the actual revisions to an NFPA Standard. Rather, a Committee accepts or rejects each submitted Proposal in whole, in principle, and/or in part and then ballots, not the revised text of the Standard, but the Committee’s action on each Proposal. A ballot that asks whether a Committee Member “agrees with a Committee Action to Accept a Proposal” is fairly straightforward, but the ballot gets much more complicated when, as an example, it asks whether a Committee Member “agrees with a Committee Action to Accept a Proposal in Principle in Part as modified by the Technical Committee.” And a ballot can get positively brain twisting when it asks whether a Committee Member agrees with a negative action as, for example, when the ballot asks whether the Member “agrees to accept the rejection of the Proposal.” As the examples illustrate, balloting on the Committee action on a Proposal rather than on the Standard text that results from the action

can yield results that can be difficult to understand. Moreover, where different Proposals propose conflicting revisions to a Standard, there is a danger that the Committee's actions on the Proposals may yield inconsistent or contradictory Standard text. While this does not happen frequently, in large documents where a Committee is processing hundreds of Proposals, a Committee may inadvertently lose track of the text that is resulting from its various actions, and the result can be the unintentional approval of inconsistent revisions. The *New Regulations* clear up this potential for confusion by simply having the Committee create a full draft of the Standard that the Committee can view as an integrated whole, and that it can directly ballot to make sure that all new Standard text has the necessary two-thirds Committee support.

Note that, for simplicity's sake, this summary is focusing on the role of the Technical Committee. But for those Technical Committees whose work is supervised by a Technical Correlating Committee, the Correlating Committee will review the First Draft and create Correlating Notes and Revisions to that draft much as it develops correlating notes and actions during the Proposal Stage today. Although the name "Technical Correlating Committee" has been shortened for clarity and convenience to "Correlating Committee," the role of this committee has not changed and its functions under the *New Regulations* will remain largely the same as under the *Current Regulations* (*New Regs* at 3.4 and 4.3.11).

### **PUBLICATION OF THE FIRST DRAFT REPORT**

Once the Committee balloting is complete, a report of the Technical and Correlating Committee activities will, as today, be published for public review and comment. Consistent with the new focus on the development of the actual draft of the new or revised Standard, the publication (currently called the Report on Proposals or ROP) will be called the First Draft Report. (*New Regs* at 4.3.12). Similar to the ROP, it will contain a complete record of the first stage, including all Public Inputs, Committee Statements, as well as other relevant input such as Correlating Notes and Inputs (i.e. Correlating Committee guidance [*New Regs* at 4.3.3.1 and 4.3.11.2]) and Committee Inputs (i.e., First Revisions that have failed Committee Ballot [*New Regs* at 4.3.10.1]). Unlike the ROP, it will be published on the new NFPA Standards Development Site and will be a truly online publication that will display the complete First Draft, showing all First Revisions in legislative text and conveniently linking those revisions to any related Public and other Inputs, Correlating Notes, and Committee Statements. It is further envisioned that users will be able to customize, download, and print materials in the Report that is of interest to them.

### **THE COMMENT STAGE**

The Comment Stage under the *New Regulations* will operate much like the Comment Stage in the current process: the public reviews the First Draft Report; interested participants submit Public Comments proposing further changes to the NFPA Standard; the Committee responds to each Comment, accepting or rejecting it, and providing a Committee Statement with the rationale for its actions; the Committee ballots; and, in the case of Committees supervised by a Correlating Committee, the

Correlating Committee reviews the Committee work and takes action within the limits of its authority (*New Regs* at 4.4).

While similar to the Comment Stage in the *Current Regulations*, the new Comment Stage is marked by two significant changes. First, like the new Input Stage, it adopts a more draft-oriented approach. A Committee must respond to each Comment submitted and, unlike the Input Stage, the Committee must formally accept or reject the Comment in accordance with new Section 4.4.8.1. As with the Public Input Stage, however, the Committee does not ballot on the Committee action to accept or reject the Comment. Rather, based on the review and consideration of the Public Comments and other information, the Technical Committee develops a Second Draft of the new or revised NFPA Standard incorporating any revisions to the First Draft. The Committee then segments the Second Draft into individual Second Revisions for purpose of balloting, and proceeds to conduct its ballot on the draft itself rather than on its actions on Comments (*New Regs* at 4.4.8 and 4.4.9). Second Revisions that fail ballot are deleted from the Second Draft and reclassified for publication as Committee Comments (*New Regs* at 4.4.10.1). A new process for supplementary balloting is also created which can be used when necessary for certain failed revisions and other situations where it would be beneficial to clarify the intent of the Committee (*New Regs* at 4.4.10.2). Where a Committee is supervised by a Correlating Committee, the Correlating Committee then reviews the Second Draft and, within the limits of its authority, can reject a revision or make a Correlating Revision (*New Regs* at 4.4.11).

The second significant change is that the Comment Stage takes on a more centralized role than in the current process. As mentioned earlier, the first stage, or Input Stage, in the *New Regulations* is a preliminary stage where the Committee is not required to formally accept or reject Public Input. It is only the Comment Stage that will serve as the formal public review and comment period where the Committee gives consideration to the written views and objections of the public and formally accepts or rejects each Comment (*New Regs* at 4.4.1[b], 4.4.8.1 & 4.4.8.2). Objections to the content of the First Draft must, therefore, be submitted at the Comment Stage, and the submission of Public or other Inputs during the Input Stage is not sufficient to preserve the right to make an Amending Motion at the NFPA Technical Meeting. Interested participants, therefore, must carefully review the First Draft to see if concerns raised during the Input Stage have been adequately addressed. If not, and if the participant wishes to pursue an issue further — through an Amending Motion and Standards Council appeal — the participant must file an appropriate Public Comment.

Centralizing the formal public review and comment period into a single Comment Stage will, it is believed, have several advantages. First, it is hoped that it will significantly ease the workload of the Committee, particularly during Input Stage when the Committee can focus on developing its First Draft rather than on providing formal responses to each Public Input. Moreover, it is expected that many, if not most, issues raised during the Input Stage will be satisfactorily addressed by the Committee in the First Draft so that formal Committee Action on Comments at the Comment Stage will be limited to only those issues that genuinely remain in contention.

Second, by limiting formal public review and comment to a single Comment Stage, the Technical Committee Reports (i.e., the First Draft and Second Draft Reports) will become more logical and easy to understand. Readers of the Second Draft Report will always know, by simple reference to the Second Draft, exactly what the Committee has developed by way of its final proposed new or revised NFPA Standard, and by simple reference to the Comments and associated Committee Actions and Statements, readers will be able to see exactly what issues or concerns may remain in play and open for further efforts at resolution through Amending Motions at the NFPA Technical Meeting. As will be seen, limiting formal public review and comment to the Comment Stage also allows for a significant simplification and clarification of those Amending Motions.

### **PUBLICATION OF THE SECOND DRAFT REPORT**

Once the Committee (and Correlating Committee) has completed work and balloted the Second Draft, a report of activities, including all Comments, Committee Actions, and Statements and a complete Second Draft with appropriate links to all related Comments will be published on the NFPA Standards Development Site. This Report will be called the Second Draft Report (replacing what is currently called the Report on Comments or ROC (*New Regs* at 4.4.12).

### **CONSIDERATION OF PROPOSED NFPA STANDARDS AT THE NFPA TECHNICAL MEETING (TECH SESSION)**

The publication of the Second Draft Report will set the stage for the filing of Notices of Intent to Make Amending Motions (NITMAMs), the certification of proper Amending Motions by the Standards Council Motions Committee, and the forwarding of proposed NFPA Standards with certified Amending Motions to the NFPA membership for consideration and debate at the NFPA Association Technical Meeting (*New Regs* at 4.5.1–4.5.2). This process will proceed much as it does now, the principal difference being in the number and types of available Amending Motions.

The *Current Regulations* present an array of complicated motions that require a detailed study of both the Report on Proposals and Report on Comments. Acceptable motions include such daunting examples as a “motion to accept in principle in part the Proposal as modified by the Technical Committee” or a “motion to return a portion of a report in the form of identifiable parts of a Proposal and related Comments” (*Current Regs* at 4.6.6 and 4.6.7). The limitations on who may bring Amending Motions are complicated as well (*Current Regs* at 4.6.8).

Under the *New Regulations*, the available Amending Motions are simplified and fall into three more easily understood categories (see generally, *New Regs* at 4.5.3.6 and Table 1, Columns 1–3). First, are motions to accept a Comment (*New Regs*, Table 1, Motions 1–4). This category of motions seeks to add proposed Standard text to the Second Draft. Second, are motions to reject a Second Revision (*New Regs*, Table 1, Motions 5–12). This category of motions seeks to delete Standard text from the Second Draft. Finally, there is the motion to return an entire NFPA Standard (*New Regs*, Table 1, Motions 13–14). This motion, as the name suggests, seeks to send the entire proposed new or revised NFPA

Standard back to the Technical Committee for further consideration. In addition to the limitation described above on making Amending Motions based on Public and other Inputs, the *New Regulations* introduce one additional procedural limitation on Amending Motions; namely, that, in the case of a new edition of an existing NFPA Standard, motions to return an entire document will only be available as a Follow-up Motion after a successful Amending Motion (*New Regs*, Table 1, Motion 14). Otherwise, the new Amending Motions generally offer the same amending options currently available but in a clearer and more understandable form. In addition, while motions to accept a Public Comment will only be available to the submitter of the Comment (*New Regs*, Table 1, Motions 1 & 2), all other motions will be available to anyone, as long as the appropriate NITMAM is filed. Clearer and simpler Amending Motions will, it is hoped, allow for greater participation and ease of use and for improvements in the screen displays and other visual aids that NFPA can provide to participants during NFPA Technical Meetings.

### **COMMITTEE BALLOTS FOLLOWING THE NFPA ASSOCIATION TECHNICAL MEETING (TECH SESSION)**

Where a proposed NFPA Standard receives a successful Amendment at the NFPA Association Technical Meeting, the Amendment, depending on its type, may be forwarded for balloting by the Committee, just as it is today [*New Regs* at 4.5.3.7(c), 4.6, and Table 1, Column 4]. Continuing the draft-focused approach underlying the *New Regulations*, the Committee will no longer be balloted on whether it approves an Amendment but, instead, on whether it approves the Standard text that results from the Amendment (*New Regs* at 4.6). In this way, ballot results will more clearly confirm whether an Amendment has the Committee support necessary for the resulting text to be incorporated into the final Standard. Apart from this change, the rules for balloting are generally the same as they are today, revised only to align the balloting process with the new motion categories (*New Regs*, Table 1, Column 5). Moreover, a new tool, already used informally by the Standards Council to clarify the intent of the Committees, where necessary, is now formally recognized in the form of Informational and Supplementary Ballots (*New Regs* at 4.6.5).

### **STANDARDS COUNCIL CONSIDERATION OF APPEALS AND ISSUANCE OF NFPA STANDARDS**

As with the *Current Regulations*, the Standards Council remains the official issuer of all NFPA Standards, and appeals to the Council (and, in limited circumstances, petitions to the NFPA Board of Directors) will remain available under the *New Regulations* just as they are today (*New Regs* at 1.6, 1.7, and 4.7).

### **STAY TUNED FOR MORE INFORMATION**

The above is just a brief summary of the principal features of the *New Regulations*. Not all changes or nuances have been covered, and participants in the standards development process should always rely on the Regulations themselves for a complete and accurate understanding of their content. In the coming months, as NFPA prepares to implement

the *New Regulations*, further materials and training will be developed to assist Committee members and the public in understanding and using these *New Regulations*. Check [www.nfpa.org/newregs](http://www.nfpa.org/newregs) periodically for more information on the *New Regulations* and on the NFPA Standards Development Site that is currently under development.

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## A COMPARISON OF TERMS

The *New Regulations* change some familiar terms and adds some new ones. New terms have been added to identify important concepts and existing terms have been revised either to clarify and shorten terms or to make them more descriptive. Here is a comparison of some of the existing terms and concepts with the more significant new terms used in the *New Regulations*:

| New Terms  | Old Terms   |
|--|---|
| <b>Input Stage</b> – Stage where Public Input is sought to develop the First Draft.  | <b>Report on Proposals (ROP) Stage</b>                            |
| <b>Public Input (PI)</b> – A recommended change submitted for consideration by the Technical Committee. Each Public Input (PI) shall include new, modified or deleted text as appropriate and technical substantiation to support the recommended change.<br><br><i>Public Input Forms for documents in Fall 2013 and subsequent cycles: Word or PDF</i>   | <b>Proposal</b>   |
| <b>First Draft Meeting</b>   | <b>ROP Meeting</b>  |
| <b>Committee Input (CI)</b> – A Committee Input (CI) shall be a First Revision (FR) that fails to receive support of the technical committee through letter ballot. Committee Inputs shall maintain the original FR Committee Statement and shall contain a notification to the reviewer documenting that the CI represents a failed FR. A CI can also be established during the First Draft Technical Committee meeting (without balloting) in order to highlight the concept to obtain public comment; often used for newer ideas, topics that aren't fully fleshed out or controversial topics. | <b>Committee Proposal that Failed Ballot or a "Trial Balloon"</b> |
| <b>Committee Statement (CS)</b> – A Committee Statement is the committee's response to a Public Input (PI), Public Comment (PC) or the committee's technical substantiation for a proposed Committee Action. A committee statement shall be established through a Meeting Vote and shall only require a simple majority to proceed.  | <b>Committee Statement</b>  |
| <b>First Revision (FR)</b> – Proposed changes to the text of an NFPA Standard developed by the responsible Committee(s) in the Input Stage. Each First Revision shall contain the new, modified or deleted text as appropriate. A First Revision shall be established through a Meeting Vote and shall only require a simple majority to proceed to ballot. Only First Revisions that pass ballot will show in the First Draft. Each First Revision shall contain a Committee Statement that substantiates the proposed change to the document.  | <b>Committee Proposal or Accepted Public Proposal</b>             |
| <b>Correlating Committee (CC)</b>  | <b>Technical Correlating Committee</b>                            |

|  |  |
|--|--|
| <b>Correlating Committee Statement</b> – The Correlating Committee’s response to a Public Input (PI), Committee Input (CI), Public Comment (PC) or the Correlating Committee’s technical substantiation for a correlating change to proposed Revision or a correlative CCFR. It shall be established through a Meeting Vote and shall only require a simple majority to proceed.   | TCC Note                                     |
| <b>Correlating Committee First Revision (CCFR)</b> – Correlating Committee Actions are proposed revisions to First Revisions that are required to correlate the proposed document. Each CCFR shall contain a Correlating Committee Statement that substantiates the Revision. A CCFR shall be established through a Meeting Vote and shall only require a simple majority to proceed to letter ballot. CCFRs that fail to receive CC support through letter ballot shall not be published as part of the First Draft | TCC Note                                     |
| <b>First Draft Report</b> – The First Draft Report documents the Input Stage; it shall contain the First Draft, Public Input, Committee Input, Committee and Correlating Committee Statements, Correlating Input, Correlating Notes and Ballot Statements.   | ROP  |
| <b>First Draft</b> – The draft of the proposed new or revised standard showing in legislative text all First Revisions and First Correlating Revisions that have passed ballot.  | ROP Draft                                    |
| <b>Comment Stage</b>   | Report on Comments (ROC) Stage               |
| <b>Public Comment</b> – Changes submitted by the public during public Comment Stage.   | Public Comment                               |
| <b>Second Draft Meeting</b>  | ROC Meeting                                  |
| <b>Committee Comment</b> – A Committee Comment shall be a Second Revision (SR) that fails to receive support of the TC through ballot. Committee Comments shall maintain the original Committee Statement and shall contain a notification to the reviewer documenting that the Committee Comment represents a failed SR.  | Committee Comment that failed ballot         |
| <b>Committee Action</b> – An action by a TC to accept or reject a Comment. This occurs only in the Comment Stage and the action itself is not balloted.  | Committee Action                             |
| <b>Second Revision (SR)</b> – Similar to First Revision, but in the Comment Stage. Proposed changes to the text by the TC that have passed ballot.   | Committee Comment or Accepted Public Comment |
| <b>Second Draft Report</b> – The Second Draft Report documents the Comment Stage; it shall contain the Second Draft, Public Comments with corresponding Committee Actions and Committee Statements, Committee Comments, Correlating Revisions and Ballot Statements.   | ROC  |
| <b>Second Draft</b> – The draft of the proposed new or revised standard showing in legislative text all Second Revisions and Second Correlating Revisions that have passed ballot.   | ROC Draft                                    |