

REGULATIONS AND PROCEDURES

GUIDE FOR THE CONDUCT OF PARTICIPANTS IN THE NFPA STANDARDS DEVELOPMENT PROCESS

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Note: For updates throughout the year, please visit the NFPA Directory online: www.nfpa.org.

1. Introduction and Statement of Purpose. Since 1896, the National Fire Protection Association has been committed to reducing the loss of life and property. The basic mission of the NFPA is, “to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating scientifically based consensus codes and standards, research, training, and education.” The NFPA Standards Development Process is a central means by which the NFPA fulfills that mission. The purpose of the NFPA Standards Development Process is, through an open, broad-based, and fair process, to develop timely, scientifically based, consensus codes and standards intended to minimize the possibility and effects of fire and other hazards in all aspects of contemporary activity.

The primary goal of all participants in the NFPA Standards Development Process as well as the NFPA staff who facilitate this process should be the achievement of this purpose. This Guide for the Conduct of Participants in the NFPA Standards Development Process is intended to assist participants and staff in that endeavor. It is divided into this Introduction and Statement of Purpose (Part I), a Statement of General Principles (Part II) that should be the basis for all conduct within the NFPA Standards Development Process, followed by conduct guidelines offering more specific guidance for participants other than Staff Liaisons (Part III). A final section (Part IV) provides guidelines for the role of NFPA Staff Liaisons.

2. Statement of General Principles. The basic structure and operating procedures of the NFPA Standards Development Process has been set forth by the NFPA Board of Directors in the NFPA Bylaws, the Regulations Governing the Development of NFPA Standards, and other policies and procedures established from time to time by the Board or the Standards Council. In fulfilling the general roles and obligations set forth under these regulations, policies, and procedures, all participants in the NFPA Standards Development Process should adhere to the following general principles:

(a) To promote and support the overall mission of the NFPA as well as the purposes and objectives of the NFPA Standards Development Process

(b) To maintain a process that is open, honest, and fair to all participants

(c) To promote the development of codes and standards that are scientifically and technically sound, that promote creativity and innovation in the development of new methods and technologies, and that set reasonable standards intended to minimize the possibility and effects of fire and related hazards

(d) To promote the development of consensus through the broad and balanced participation of a variety of interests and through the full airing and discussion of all points of view

(e) To adhere, both in letter and in spirit, to all duly established rules, regulations, and policies governing the NFPA Standards Development Process

3. Conduct Guidelines for Participants Other than Staff Liaisons. There are many different roles within the NFPA Standards Development Process, primarily including: NFPA Standards Council members, Technical Committee or Correlating Committee Officers, Technical Committee or Correlating Committee members, Technical Advisory Committee members, participants at NFPA membership meetings, and submitters of Public Inputs or Public Comments. Although all participants in the NFPA Standards Development Process serve the same overall NFPA mission and are expected to promote the purposes and goals stated in the Statement of Purpose (Part I, above) and the Statement of General Principles (Part II, above), different roles within the Standards Development Process may carry differing responsibilities and obligations. The following guidelines for conduct are intended to provide an extension to the Statement of General Principles to assist participants in the NFPA process in carrying out their respective roles and responsibilities. Because no single set of guidelines can address every possible situation, participants in the NFPA Standards Development Process should attempt, even when the guidelines do not specifically address a situation, to act in a manner which is consistent with the Statement of Purpose, Statement of General Principles, and the spirit of these Guidelines. Questions on the interpretation or the intent of any of the provisions contained in these guidelines may be referred for resolution to the Standards Council.

3.1 Guidelines Applicable to All Participants.

(a) Participants should read, become familiar with, and adhere to the Regulations Governing the Development of NFPA Standards and all other duly established policies and procedures related to the NFPA Standards Development Process.

(b) Participants should act honestly and in good faith with a view to the best interest of NFPA and the NFPA Standards Development Process. Although it is recognized that legitimate differences of opinion can exist on individual issues, participants should support and promote the defined broad objectives of the NFPA.

(c) Participants should stay current with all NFPA standards development activities in which they are directly or indirectly involved. Participants should encourage full participation in the Standards Development Process by all interested persons, and they should encourage and facilitate the full and open dissemination of all information necessary to enable full and fair consideration of all points of view.

(d) No participant should ever attempt to withhold or prohibit information or points of view from being disseminated, particularly on the grounds that the participant is in disagreement with the information or points of view. Disagreements should be addressed and resolved through full presentation and discus-

sion of all information and points of view, not through withholding information or preventing points of view from being expressed.

(e) In order that the points of view and information participants contribute to the NFPA Standards Development Process can be accurately evaluated by others, participants should always endeavor to make known their business, commercial, organizational, or other affiliations that might affect their interests or points of view.

(f) In all discussion, debate, and deliberation within the Standards Development Process, participants should confine their comments to the merits of the scientific, technical, and procedural issues under review. Although participants may forcefully advocate their views or positions, they should be candid and forthcoming about any weaknesses in their position, and they should refrain from debate and discussion which is disrespectful or unprofessional in tone or which is unduly personalized or damaging to the overall process of achieving consensus.

(g) Participants should take appropriate steps to ensure that any Public Statements, either written or oral, which are not official statements of the NFPA, are properly portrayed as the opinion or position of that individual. Care should be taken to ensure that the public is not misled by such statements.

(h) In circumstances where duly established policies and procedures related to the NFPA Standards Development Process permit deliberations to take place in executive session, participants should respect and observe the confidentiality of those executive sessions.

3.2 Additional Guidelines Applicable to Participation in Technical Meetings of NFPA Membership Meetings.

(a) It is appropriate for participants in the Standards Development Process to urge that all persons with a genuine and demonstrated interest in the purposes of NFPA join the organization and participate as duly enrolled voting members in the Technical Meetings at NFPA Membership Meetings. Participants, however, should not urge, arrange, or otherwise facilitate the participation of persons with no such interest for the purpose of affecting the outcome of a vote on an issue at a Technical Meeting.

(b) Participants should conduct themselves at all times in a professional and respectful manner, and shall respect all rulings of the chair. They should express their views through the making of appropriate motions and through participation in the formal debate on motions.

3.3 Additional Guidelines Applicable to Members of Technical Committees and Correlating Committees (TC/CC Members).

(a) In order for the Standards Development Process to operate fairly and effectively, it is necessary that Technical Committees and Correlating Committees contain the representation of a variety of interests and that those interests are balanced within the Committees. In order to ensure the necessary balance of interest, TC/CC Members have an affirmative and continuing obligation to provide NFPA with timely, accurate, and complete information concerning their qualifications and interest classification.

(b) TC/CC Members should maintain a high level of knowledge and competency in the areas of interest and/or expertise that are related to their activities within the NFPA Standards Development Process.

(c) TC/CC Members should actively and diligently perform all duties required of them by their committee work. This includes fully preparing for and consistently attending all appropriate Committee and Task Group Meetings; reading and becoming familiar with all issues relating to Public Inputs and Public Comments on which their Committee is to act; promptly completing and returning all letter ballots; and promptly and thoroughly taking all actions necessary to complete the processing of documents within their Committees.

(d) The NFPA Standards Development Process recognizes that those who are willing and competent to participate in standards development activities often have outside business, commercial, or other interests. It is for this reason that Technical Committees and Correlating Committees are required to be balanced by including in their membership persons of varying commercial and other interests. Although members are categorized according to their interest classification for the purpose of achieving balance, TC/CC Members are not appointed to committees for the purpose of furthering their business, commercial, or other outside interests. TC/CC Members are expected to and should base all advocacy, voting, and other standards development activities on sound technical and scientific bases and should act in the interest of fire safety and NFPA's other purposes and goals.

(e) TC/CC Members who have been classified by the Standards Council as Special Experts comprise a category of independent consultants and experts who are generally unallied with any particular business or commercial interest. On occasion, however, independent consultants in this category may be retained by a client to advocate on behalf of the client with regard to a specific issue or issues before the TC/CC. As to these specific issues, the TC/CC Member should not be regarded as a Special Expert because to do so could result in a balance of interests that was not intended by the Standards Council. Therefore, TC/CC Members categorized as Special Experts who have been retained to represent the interests of another with respect to a specific issue or issues that are to be addressed by a TC/CC shall declare those interests to the Committee and refrain from voting on any Public Input, Public Comment, or other matter relating to those issues.

In addition, although it is not expected that TC/CC Members in other interest categories will generally be retained by another to advocate on his or her behalf with respect to a specific issue or issues before the TC/CC, such an arrangement would present the same concerns as would exist with a Special Expert. Accordingly, a TC/CC Member in any interest category who has been retained to represent the interests of another interest category with respect to a specific issue or issues that are to be addressed by a TC/CC shall declare those interests to the Committee and refrain from voting on any Public Input, Public Comment, or other matter relating to those issues.

(f) TC/CC Members frequently receive funding from their employers, organizations, or other sources for their participation in the NFPA Standards Development Process, and they have an affirmative and continuing obligation to declare those sources of funding to the NFPA. Apart from those declared sources of funding, TC/CC Members should not solicit or accept gifts, hospitality, or transfers of economic benefit, other than incidental gifts or other benefits of nominal value, from persons, groups, or organizations having dealings with their Committee or under any circumstances in which the benefit would be or would appear to be bestowed or accepted for the purposes of influencing the members' activities within the Standards Development Process.

(g) TC/CC Members should treat all persons having dealings with their Committee with respect and fairness and should not offer or appear to offer preferential treatment to any person or group.

(h) TC/CC Members should refrain from disseminating false or misleading information or from withholding information necessary to a full, fair, and complete consideration of the issues before their Committee.

3.4 Additional Guidelines Applicable to Technical Committee and Correlating Committee Chairs (TC/CC Chairs).

(a) TC/CC Chairs should act in an impartial manner in the performance of their duties as chair.

(b) TC/CC Chairs should disclose to all members of their Committee all known or potential conflicts of interest or other circumstances that could influence their

impartiality on a particular matter and must not preside during the Committee's consideration of that matter. A conflict of interest is defined as any situation in which the Committee's decision could substantially and directly affect the Chair's financial or business interest.

(c) If a TC/CC Chair discovers that a conflict of interest arises and is likely to involve a major activity of the Committee or to continue over a considerable period of time, the Chair must advise the Secretary of the Standards Council and seek direction as to whether the individual should continue in that role.

(d) TC/CC Chairs should avoid potential conflicts of interest in the appointment of all Task Group Chairs. If, in the opinion of the Chair, an individual has a known or potential conflict of interest, or other circumstances that could influence the individual's impartiality, that individual should not be appointed to Chair the Task Group.

(e) TC/CC Chairs should exercise care and diligence in the appointment of Task Groups. Although Task Groups need not be fully balanced, Chairs should attempt to include, to the extent practicable, any interested committee member or others who could usefully contribute to the work of the Task Group. TC/CC Chairs should avoid constituting a Task Group in such a way as to unfairly exclude participation of any interest desiring and qualified to participate.

(f) TC/CC Chairs should identify participating Task Group members when presenting Task Group reports to the full Committee for review and action. TC/CC Chairs should ensure that the work of Task Groups is thoroughly reviewed and considered by the full Committee.

(g) TC/CC Chairs should refrain from asserting a position in technical discussions. If a Chair wishes to assert a position in the technical discussion, that individual should relinquish the chair.

(h) TC/CC Chairs should be consistent in the conduct of meetings and in particular should be consistent with respect to participation by non-members (see Section 3.2.2.5 of the Regs).

(i) TC/CC Chairs should endeavor to stimulate participation from all Committee members.

3.5 Additional Guidelines Applicable to Standards Council Members (SC Members).

(a) The Standards Council acts as the overseer of the Standards Development Process, the official issuer of all NFPA documents, and the body that hears and determines all Appeals related to the Standards Development Process and to the issuance of NFPA Codes and Standards. As such, the Standards Council must both be and be perceived to be a fair and nonpartisan decision-making body. Accordingly, SC Members should treat all persons or groups appearing before them in a courteous, respectful, and fair manner, and should render all decisions in a fair, unbiased, and impartial manner.

(b) SC Members should read and familiarize themselves with all the issues relating to any Appeal or other matter coming before the Council.

(c) SC Members should disclose to all members of the Council all known or potential conflicts of interest or other circumstances that could influence their impartiality on a particular matter under consideration. The SC Member should then abstain from participating in any hearing or discussion, should not be present during any executive session, and should not vote on the matter. A conflict of interest is defined as any situation in which the Council's decision could substantially and directly affect the Council member's financial or business interest.

(d) SC Members who are also members/chairs of Technical Committees or Correlating Committees may participate in the discussions and vote at both Committee and Council Meetings. However, if an SC Member has previously expressed a position on a matter which is the subject of an Appeal to the Council in such a manner that his or her views are, or would appear to be, fixed and not

amenable for open consideration of the issue, then the member should, at the outset of any hearing or discussion, state his or her intention to step down from the Council for the purposes of that hearing or discussion. During the hearing or discussion, he or she may address the Council to state his or her views or to provide information to the Council but should not be present during any executive session, and should not vote on the matter.

(e) SC Members may submit Public Inputs and Public Comments, and vote during Association Technical Meetings at NFPA Membership Meetings with the exception of an SC Member who serves as the Presiding Officer at Association Technical Meetings. However, if an SC Member or the member's business or significant organizational affiliation either submits a Public Input or Public Comment or makes a floor motion or presentation during a Association Technical Meeting which expresses a position on a matter which is the subject of an Appeal to the Council, then the SC Member should, at the outset of any hearing or discussion, state his or her intention to step down from the Council for the purposes of that hearing or discussion. During the hearing or discussion, he or she may address the Council to state his or her views or to provide information to the Council but should not be present during any executive session, and should not vote on the matter.

(f) If an SC Member cannot give all sides to an Appeal before the Council fair and open-minded consideration, either because his or her views on the matter are fixed or for any other reason, he or she should abstain from participating in any hearing or discussion, should not be present during any executive session, and should not vote on the matter.

(g) An SC Member may address the Council as a spokesperson for the position of a Technical Committee where no other practical alternative exists and where the Council's decision on the issue would not substantially and directly affect the financial or business interest of the SC Member. In that case, the SC Member should, at the outset of any hearing or discussion, state his or her intention to step down from the Council for the purposes of that hearing or discussion. He or she should not be present during any executive session, and should not vote on the matter.

(h) In no case should an SC Member leave his or her role as a SC Member to represent either his or her own business or financial interests or the interest of a client before the Standards Council.

(i) SC Members who abstain from participating in any hearing or discussion, deliberations, or voting on any matter should so state either at the outset of the hearing or discussion or as soon as the need for abstention becomes clear, and they should record that abstention in the Council meeting minutes.

4. Guidelines for the Conduct of NFPA Staff Liaisons. NFPA Staff Liaisons participate in the NFPA Standards Development Process primarily as facilitators. Their role is vital to the fair, open, and efficient operation of the NFPA Standards Development Process. Staff liaisons should promote the purposes and goals stated in the "Statement of Purpose" (see Section 1) and "Statement of General Principles" (see Section 2). In addition, Staff Liaisons should observe the following guidelines:

(a) Staff Liaisons should promptly and diligently perform all of the advisory, organizational, clerical, and other duties assigned to them by the Council Secretary, the Regulations Governing the Development of NFPA Standards, and by all other duly established policies and procedures related to the Standards Development Process.

(b) Staff Liaisons should encourage and facilitate full and effective participation in Committee work by all TC/TCC Members, and should encourage and facilitate the full, fair, and accurate presentation of all relevant information and viewpoints.

(c) Staff Liaisons should strive to ensure that all the work of the TC/CCs to which they are assigned is carried out in accordance with the Regulations Governing the Development of NFPA Standards, and any other duly established policies and procedures related to the NFPA Standards Development Process.

(d) Staff Liaisons should counsel and advise the TC/TCC concerning the Regulations Governing the Development of NFPA Standards, and other duly established policies and procedures related to the NFPA Standards Development Process. Staff Liaisons should also provide timely and accurate information concerning the scheduling of meetings, balloting of Committee Reports, and other information necessary to the TC/CCs.

(e) Staff Liaisons should conduct themselves in a manner that preserves and enhances the trust and confidence of standards development participants as well as the public in the integrity and efficacy of the NFPA and the NFPA Standards Development Process.

(f) Staff Liaisons should conduct themselves in a manner that reflects their nonpartisan, facilitative, and advisory role. They should maintain a demeanor that is fair and dispassionate. Staff Liaisons should take care that they neither act nor could be perceived to be acting on behalf of or in order to further the interests of any group or individual.

(g) The Staff Liaison is often in possession of technical information, standards development history, feedback concerning the standard from users, and other information of use to the TC/CC. It is both appropriate and beneficial for the

Liaison to provide the TC/CC such information, and the Liaison should do so as necessary to assist the TC/CC in the course of its work.

(h) In areas in which the Staff Liaison possesses technical expertise, he or she may share that expertise with the TC/CC and, if appropriate, express an expert opinion. Similarly, a Staff Liaison may, where appropriate, express an opinion concerning the meaning of code language or the intent of the TC/CC. In expressing opinions, however, a Staff Liaison should clearly identify the opinion as his or her personal opinion and not necessarily that of the NFPA or any TC/CC. The Staff Liaison should also express that opinion with brevity, dispassion, and fairness to the opinions of others, and avoid adopting an argumentative or adversarial posture.

(i) Staff Liaisons should not submit any Public Input or Public Comment. Staff Liaisons should not vote either formally or informally on any matter before the TC/CC, nor should they act as chair of a TC/CC Meeting.

(j) Staff Liaisons should not vote at an Association Technical Meeting or make any floor motion. Staff Liaisons should not act as the representative of the TC/CC for the purposes of presenting a Technical Committee Report at an Association Technical Meeting. Staff Liaisons should not advocate for or against any floor motion.

(k) Staff Liaisons should not act as the representative of the TC/CC for the purposes of arguing the TC/CC position at any hearing on an Appeal to the Standards Council or a petition to the Board of Directors. However, the Staff Liaison may provide information as requested by either the Council or the Board.