



Amy Beasley Cronin  
Secretary, Standards Council

23 March 2010

To: Interested Parties

Subject:

Standards Council Decision (Final):	<b>D#10-1</b>
Standards Council Agenda Item:	<b>SC#10-3-7-d</b>
Date of Decision*:	2 March 2010
TIA No. 978 on NFPA 495, <i>Explosive Materials Code</i> , 2010 edition	

Dear Interested Parties:

At its meeting of 2 March 2010, the Standards Council considered an appeal on the above referenced matter.

Attached is the final decision of the Standards Council on this matter.

Sincerely,

A handwritten signature in black ink that reads "Amy Beasley Cronin".

Amy Beasley Cronin  
Secretary, NFPA Standards Council

c: D. Berry, M. Brodoff, L. Fuller, G. Colonna, J. Moreau-Correia  
Members, TC on Explosives (EXP-AAA)  
Members, NFPA Standards Council (AAD-AAA)  
Individuals Providing Appeal Commentary

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\*NOTE: Participants in NFPA's codes and standards making process should know that limited review of this decision may be sought from the NFPA Board of Directors. For the rules describing the available review and the method for petitioning the Board for review, please consult section 1.7 of the NFPA Regulations Governing Committee Projects and the NFPA Regulations Governing Petitions to the Board of Directors from Decisions of the Standards Council. Since this Council decision is not "related to the issuance of a document" as referenced in 1.7.2 of the Regulations Governing Committee Projects, notice of the intent to file such a petition must be submitted to the Clerk of the Board of Directors within a reasonable time period.



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At its meeting of 2 March 2010, the Standards Council considered an appeal from Mark Svinkin, VIBRACONSULT, requesting that the Council issue proposed Tentative Interim Amendment (TIA) No. 978 on the 2010 edition of NFPA 495, *Explosive Materials Code*. The proposed TIA seeks to modify Section 11.1.1 to apply maximum ground vibration requirements to only low-rise residential houses; it currently applies to any dwelling, public building, school, church, or commercial or institutional building. The TIA also seeks to modify Section 11.1.2.1 to determine the area of application of the vibration limits and limit that application to surface coal mining.

As background, the material that was the subject of the TIA was first submitted during the Fall 2009 regular revision cycle as Comments 495-1 (Log #1) and 495-2 (Log #2) by Dr. Svinkin. No Proposals on the subject had previously been filed, and both comments were held for further study since both were determined to be new material that had not had the benefit of public review. Subsequently, Dr. Svinkin submitted two NITMAMs which sought acceptance of Comments 495-1 and 495-2, respectively that were certified and then later withdrawn at his request. He thereafter submitted proposed TIA 978.

Proposed TIA No. 978 was balloted through the Technical Committee (TC) on Explosives in accordance with the *Regulations Governing Committee Projects*. In order to pass the ballot of the TC, the TIA had to achieve a three-fourths majority vote of the TC on both technical merit and emergency nature. The TIA failed on both counts. No public comments on the proposed TIA were received.

The appeal requests that the Council overturn the action of the responsible TC, and instead issue the TIA. On appeal, the Council accords great respect and deference to the NFPA codes and standards development process and would only reject the result yielded by that process where a clear and substantial basis for doing so has been demonstrated. Having reviewed the record, the Council finds no basis to reject the results of the consensus process. Accordingly, the Council has voted to deny the appeal and not issue TIA No. 978.

The Council notes that the material that was the subject of the TIA will be a proposal for the next revision cycle since the material was also submitted as a comment during the Fall 2009 revision cycle and was held for further study. Therefore, the appellant or others may continue to advocate their positions through this process. The Council also calls attention to Agenda item 10-3-30 where approval was given to expedite the revision cycle for NFPA 495 from Fall 2014 to Fall 2012. In the TC's justification for the expedited cycle, they noted their intent to incorporate task group work on revisions to Chapter 11 of NFPA 495 regarding ground vibration during blasting and protection for buildings and other structures. It was also noted in the TC justification for the cycle change that the expedited cycle would "...enable the Committee to consider the technical issues raised by the (TIA) submitter during the full revision process and in a timely manner."