



Amy Beasley Cronin  
Secretary, Standards Council

9 August 2010

To: Interested Parties

Subject:

Standards Council Decision (Final):	<b>D#10-4</b>
Standards Council Agenda Item:	<b>SC#10-8-1-c</b>
Date of Decision*:	5 August 2010
NFPA 70 <sup>®</sup> , <i>National Electrical Code</i> <sup>®</sup> , 2011 edition	

Dear Interested Parties:

At its meeting of 3-5 August 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, M. Earley, J. O'Connor  
Members, NEC Code-Making Panel 3(NEC-P03)  
Members, TCC on National Electrical Code (NEC-AAC)  
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. Notice of the intent to file such a petition must be submitted to the Clerk of the Board of Directors within 15 calendar days of the Date of Decision noted in the subject line of this letter.



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**SUMMARY ACTION:** *The Standards Council voted to deny the appeal to accept Comment 3-69. This action maintains the new text in Section 590.6 that requires new portable generators to have built-in GFCI protection in temporary wiring installations.*

At its meeting of August 3-5, 2010, the Standards Council considered an appeal from Michael Flegel of Reliance Controls Corporation requesting that the 2011 edition of NFPA 70<sup>®</sup>, *National Electrical Code*<sup>®</sup> be issued with the acceptance of Comment 3-69 (CAM 70-6) that sought to reject Proposal 3-140. Specifically, through the acceptance of Comment 3-69, the appellant seeks to delete the new text in Section 590.6 requiring new portable generators to have built-in ground fault circuit interrupter (GFCI) protection. The effect of accepting Comment 3-69 would be to retain the 2008 edition language in Section 590.6 which requires GFCI protection for some temporary wiring installations, but does not require GFCI protection to be integral to the portable generator.

As background, the new requirement was added by Panel 3 through accepted Proposal 3-140. Comment 3-69 which sought to reject the Proposal was rejected by the Panel. A Certified Amending Motion (CAM 70-5) seeking acceptance of Comment 3-69 was made at the 2010 Association Technical Meeting (Tech Session). The motion failed.

The appeal requests that the Council overturn the action that was recommended by the full NFPA codes and standards development process. This recommendation represents the consensus judgment of the responsible panel and NEC Technical Correlating Committee, a judgment that was also supported by a vote of the NFPA membership at the 2010 Tech Session. The appellant has had the opportunity to advocate his position during the process, and failed to persuade the consensus process to adopt his position.

On appeal, the Council accords great respect and deference to the NFPA codes and standards development process. In conducting its review, the Council will overturn the result recommended through that process, only where a clear and substantial basis for doing so is demonstrated. The Council has reviewed the entire record concerning this matter and has considered all the arguments put forth in this appeal. In the view of the Council, this appeal does not present any clear and substantial basis on which to overturn the results yielded by the NFPA codes and standards development process. Accordingly, the Council has voted to deny the appeal. The effect of this action is that the new requirement in Section 590.6 that new portable generators must have built-in GFCI protection in temporary wiring installations is retained.

Council Chair James Pauley, Council Member Kerry Bell and Council Member Shane Clary recused themselves during the hearings, deliberations and vote on the issue.