



Amy Beasley Cronin  
Secretary, Standards Council

9 August 2010

To: Interested Parties

Subject:

Standards Council Decision (Final):	<b>D#10-5</b>
Standards Council Agenda Item:	<b>SC#10-8-1-e</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 extend the implementation date from January 1, 2011 to January 1, 2012 for the new text in Section 590.6(A)(3). This new text 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 Chris Turner of Generac Power Systems requesting an extension of the implementation date for a new requirement in Section 590.6(A)(3) in the 2011 edition of NFPA 70<sup>®</sup>, *National Electrical Code*<sup>®</sup>. Specifically, the appellant requests an extension of the implementation date from January 1, 2011 to January 1, 2012 in Section 590.6 requiring new portable generators to have built-in GFCI protection.

As background, the new requirement was added by Panel 3 as a result of accepted Proposal 3-140. Comment 3-69 which sought to reject the Proposal was rejected by the Panel. For the appeal related to that Comment, see agenda item 10-8-1-c; D#10-4. Neither the appellants nor others, however, submitted any comment seeking an extension of the implementation date.

Under the NFPA standards development process, those who disagree with the actions of a panel during the Proposal stage of the process are required to register their objections through the filing of appropriate comments during a Comment phase. This gives the consensus bodies within the NFPA process the opportunity to consider any objections or new information, and the submitting of a Comment is generally a prerequisite to the making of an amending motion during the subsequent Association Technical Meeting (Tech Session) of the NFPA membership. In this case, however, neither the appellant nor others submitted any comment seeking an extension of the implementation date. Accordingly, an amending motion at the 2010 Tech Session was not in order. See NFPA *Regulations Governing Committee Projects (Regs.)* at Section 4.6.6, *Summary of Amending Motions at Association Technical Meetings*. Having failed to take all of the necessary steps to seek an extension of the implementation date within the NFPA codes and standards process, the appellant now brings this appeal requesting that the Council itself implement an extended implementation date.

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. Moreover, in circumstances such as these, where the appellant

has failed to take advantage of all the steps available to him within the process, the Council is especially reluctant to consider overturning the results that have been yielded by that process. The Council, having reviewed the entire record concerning this matter and having considered all the arguments put forth in this appeal, has found no basis on which to overturn the results recommended by the NFPA codes and standards development process. Accordingly, the Council has voted to deny the appeal. While the Council appreciates the able presentation made to it by the appellant's representatives, the Council does not believe that it is appropriate for it to act without the issue having been considered within the codes and standards development process. If the appellant or others wish to address this or other issues discussed during the appeals hearing, they can do so in the regular document revision process, or if the issues are believed to be of an emergency nature, a Tentative Interim Amendment (TIA) can be submitted.

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