



Amy Beasley Cronin
Secretary, Standards Council

9 August 2010

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#10-8
Standards Council Agenda Item:	SC#10-8-1-j-1
Date of Decision*:	5 August 2010
NFPA 70 [®] , <i>National Electrical Code</i> [®] , 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 17 (NEC-P17)
Members, TCC on National Electrical Code (NEC-AAC)
Members, NFPA Standards Council (AAD-AAA)
Individuals Providing Appeal Commentary

*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 and reject the amendment to modify Section 680.26(B)(2) as shown in Comment 17-86.*

At its meeting of August 3-5, 2010, the Standards Council considered an appeal from Wayne Robinson, Lothian, MD, requesting that the 2011 edition of NFPA 70, *National Electrical Code*[®] be issued with the acceptance of Comment 17-86 (CAM 70-22). The accepted comment would revise Section 680.26(B)(2), which addresses bonding of the perimeter surfaces of a permanently installed pool. The text would require a copper equipotential bonding grid rather than a single wire copper conductor along the pool perimeter.

As background, some of the material that is the subject of this appeal was originally brought to the Council as a Tentative Interim Amendment (TIA). This TIA had failed ballot and was not issued by the Council (see agenda item 09-8-1-g; D#09-13). In the current revision cycle, the material was submitted to Panel 17 and rejected as Proposal 17-179 and subsequently submitted and rejected as Comment 17-86. A Certified Amending Motion (CAM 70-22) seeking acceptance of Comment 17-86 was made at the 2010 Association Technical Meeting (Tech Session). The amending motion was supported by the NFPA membership, but failed to pass the subsequent balloting of the Panel by the requisite two-thirds affirmative vote and failed to pass the NEC Technical Correlating Committee (TCC) by the requisite three-quarters vote.

When a recommended amendment is not approved by the Panel or the TCC, under NFPA rules, the default recommendation of the codes and standards process is that no change from the from the existing edition should occur, and the portion of the Report modified by the Association recommended amendment is returned to previous edition text. In this case, therefore, the default recommendation to Council is that Section 680.26(B)(2) is not modified as shown in Comment 17-86.

The appeal requests that the Council overturn the action recommended by the NFPA codes and standards development process. 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 of the arguments raised 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 recommended by the NFPA codes and standards development process. Accordingly, the Council has voted to deny the appeal and reject the amendment to modify 680.26(B)(2) as shown in Comment 17-86.