



Amy Beasley Cronin
Secretary, Standards Council

16 August 2010

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#10-18
Standards Council Agenda Item:	SC#10-8-13-a-2 thru 13-e
Date of Decision*:	5 August 2010
<i>NFPA 654, Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids, 2011 edition</i>	

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, G. Colonna, J. Moreau-Correia
Members, TC on Handling and Conveying of Dusts, Vapors, and Gases (HAP-AAA)
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 appeals to reject the Association action to return the entire report of the 2011 edition of NFPA 654, Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids. This means that proposed 2011 edition of NFPA 654 will not be issued and the existing edition shall remain in effect. The entire document is returned to the Committee.*

At its meeting of 3-5 August 2010, the Standard Council considered several appeals regarding the Association action to return the entire report of the 2011 edition of NFPA 654, *Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids*.

The Council considered an appeal from Walt Frank, Frank Risk Solutions, Inc., requesting that the Council reject the Association action to return the entire report of the 2011 edition of NFPA 654, and that instead, the Council issue the proposed 2011 edition as shown in the Committee Reports.

The Council also considered other related appeals from John Cholin of JM Cholin Associates that requested the Council reject the Association action to return the entire report and issue the proposed 2011 edition, and a) accept the two motions that passed before the motion to return the entire report and b) accept two motions that were tabled before the motion to return the entire report.

As background, at the 2010 Association Technical Meeting (Tech Session), an amending motion to return the entire report of the 2011 edition of NFPA 654 was made, and was supported by the NFPA membership. Under NFPA rules, when the membership at the Tech Session votes to return a document to committee, the document should not be issued, but should go back for further processing in accordance with one of the available options set forth in the *NFPA Regulations Governing Committee Projects (Regs.)* at Section 4.4.7.3.

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. In the case of an NFPA document that had been returned to Committee by the NFPA membership, it would be rare indeed for the Council to intervene. It is recognized that during this revision cycle, the Technical Committee on Handling and Conveying of Dusts, Vapors, and Gases (TC) did extensive and valuable work in an attempt to incorporate new equations and the new Section 6.1 during the revision of NFPA 654. Nevertheless the debate and vote of the membership at the Tech Session reflected the view that the document was not yet ready for issuance and that further work was needed. The record before the Council contains some support for that view, and the Council must, therefore, respect the outcome of the process. The Council notes that an informational ballot of the, while advisory only (see *Regs.* at Section 4.7.2[a]), failed to demonstrate TC support for the return to committee. However, after reviewing and considering all the information available to it, the Council voted to deny the various appeals to issue the document. The result of this action is that the entire document is returned to the Committee. This means that proposed 2011 edition of NFPA 654 shall not be issued and the existing edition shall remain in effect. See *Regs.* at Section 4.7.2(a).

There remains the question of further processing of NFPA 654. After considering the recommendation of the TC, the Council is directing that NFPA 654 should be entered into the Annual 2012 cycle and processed according to the option described in the *Regs.* at Section 4.4.7.3(c). Specifically, under this option, the document will be processed through a full revision cycle without a call for new public proposals. This requires the TC to reconsider and act on all public proposals previously filed, generate any new TC proposals, and publish and prepare an amended Report on Proposals (ROP), followed by the processing of the new Report on Comments (ROC).