



Amy Beasley Cronin
Secretary, Standards Council

11 August 2010

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#10-21
Standards Council Agenda Item:	SC#10-8-2-a
Date of Decision*:	5 August 2010
NFPA 18, <i>Standard on Wetting Agents</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, R. Bielen, B. Chase, J. Moreau-Correia
Members, TC on Water Additives for Fire Control and Vapor Mitigation (WAB-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.



Standards Council Decision (Final):	D#10-21
Standards Council Agenda Item:	SC#10-8-2-a
Date of Decision*:	5 August 2010
NFPA 18, <i>Standard on Wetting Agents</i> , 2011 edition	

SUMMARY ACTION: *The Standards Council voted to deny the appeal. The appeal sought to reject the identifiable part of Comment 18-4 and to accept Comment 18-17.*

At its meeting of August 3-5, 2010, the Standards Council considered an appeal from Michael Greiner of Hazard Control Technologies, Inc. The appeal seeks to reject an identifiable part of Comment 18-4 and to accept Comment 18-17 for the 2011 edition of NFPA 18, *Standard on Wetting Agents*. When taken together, these actions would delete a new requirement establishing a 10 mg/L fish toxicity limit of the wetting agent in Sections 4.5.2.2 and 5.2.7.2 (CAM 18-1).

As background, Proposal 18-15 sought to delete toxicity requirements from the standard to allow for the toxicity to be evaluated independently from the standard. The Proposal was rejected since it did not pass TC ballot. The committee reconsidered the issue during the Comment stage, however, and, in accepted Comment 18-4, the committee again addressed toxicity. Specifically, the identifiable part of Comment 18-4 which is the subject of this appeal added new section 4.5.2.2, which provides as follows:

4.5.2.2 The fish toxicity of the wetting agent shall not be less than 10 mg/L when tested in accordance with 4.5.2.2.1.

Additionally, accepted Proposal 18-33 introduced aquatic toxicity in Section 5.2.7. Subsequent Comment 18-17 sought to delete the toxicity (LC₅₀ value) of 10 mg/L in Section 5.2.7.2 and was rejected. In an effort to reject these actions, a Certified Amending Motion (CAM 18-1) seeking to reject an identifiable part of Comment 18-4 and to accept Comment 18-17 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 technical 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 at each stage of the full codes and standards 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 proposed fish toxicity limit in Sections 4.5.2.2 and 5.2.7.2 remains as revised in the Committee Report.