



Amy Beasley Cronin  
Secretary, Standards Council

16 September 2011

To: Interested Parties

Subject:

Standards Council Decision (Final):	<b>D#11-6</b>
Standards Council Agenda Item:	<b>SC #11-8-15-a-1 and-8-15-a-2</b>
Date of Decision*:	10 August 2011
<i>NFPA 2112, Standard on Flame-Resistant Garments for Protection of Industrial Personnel Against Flash Fire, 2012 edition</i>	

Dear Interested Parties:

At its meeting of August 9-10, 2011, the Standards Council considered an appeal on the above referenced matter. On August 18, 2011, NFPA issued the Council's decision on the appeal in the form of a "Short" decision which briefly stated the outcome of the appeal and which indicated that a full Final decision on the appeal would be issued in due course and sent to all interested parties as soon as it became available.

The Council's Final decision is now available and is attached herewith.

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, D. Beach, J. Goyette, E. Carroll  
Members, Technical Committee on Flash Fire Protective Garments (FLG-AAA)  
Members, NFPA Standards Council (AAD-AAA)  
Individuals Providing Appeal Commentary



Standards Council Decision (Final):	<b>D#11-6</b>
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At its meeting of August 9-10, 2011, the Standards Council considered two appeals on the issuance of the 2012 edition of NFPA 2112, *Standard on Flame-Resistant Garments for Protection of Industrial Personnel Against Flash Fire*. The appellants, Patricia Gleason of Safety Equipment Institute and Jeffrey Stull of International Personnel Protection, Inc., requested that NFPA 2112 be issued with the rejection of Certified Amending Motion (CAM) 2112-1. This motion sought to Return a Portion of a Report in the form of Proposal 2112-7 and related Comment 2112-17. In more practical terms, this appeal seeks to have a requirement added to the new edition of NFPA 2112 that certification organizations must recognize and accept component testing from other certification organizations.

As background, the Technical Committee on Flash Fire Protective Garments (TC) accepted Proposal 2112-7 that added a new definition and associated new requirements for “Component Recognition.” In particular this Proposal required that certification organizations recognize and accept component testing from other certification organizations. Comment 2112-17 was thereafter submitted proposing revisions to the new component recognition material and making component recognition optional only. The TC accepted the Comment in principle, but revised the proposed text to reintroduce a mandate that, within certain specified conditions, a certification organization must recognize the component certification of another certification organization (hereafter, the “component recognition requirement”). This component recognition requirement was thereafter challenged at the 2011 Association Technical Meeting (Tech Session). The challenge was accomplished through CAM 2112-1 which sought to delete the component recognition requirement through the Return a Portion of a Report, specifically Proposal 2112-7 and related Comment 2112-17. The amendment passed the vote of NFPA membership, but failed to pass the subsequent balloting of the TC. This means, under NFPA rules, that no change from the existing edition should occur, or, in effect, that the component recognition requirement and other new material introduced through actions on Proposal 2112-7 and related Comment 2112-17, are not added in the 2012 edition of NFPA 2112.

The appeals request that the Council overturn the result yielded by the 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 results of the 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.

In rejecting the appeal, the Council wishes to provide the following guidance going forward. This appeal sought to mandate that certification organizations accept the test results and component recognitions of other certification organizations, including direct competitors, in performing their testing and certification services. The NFPA membership, through its action at the Tech Session, prevented this new provision from going forward. This action and the concerns underlying it reflect, in the Council's view, a correct understanding of the limited role of standards in regulating business and commercial relationships. Specifically, a provision such as the component recognition requirement is not appropriate for inclusion in an NFPA standard. NFPA standards should not include requirements concerning commercial arrangements between competitors, particularly in circumstances such as this where, in addition to other business and commercial considerations, certification places heavy responsibilities and potential liabilities on the certifier to control and police its certification mark. Going forward, NFPA committees should refrain from including any provision in their standards that requires a certification organization to accept the component testing or recognition of another organization.

Finally, on a separate matter, the Council, based on information in the record on this appeal, is requesting the Council's Membership Task Group to review Mr. Stull's committee interest classification and make any recommendations, as appropriate.

Council Member Kerry Bell recused himself during the hearings, deliberation and vote on the issue.