



Amy Beasley Cronin
Secretary, Standards Council

14 September 2011

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#11-16
Standards Council Agenda Item:	SC#11-8-16-a
Date of Decision*:	10 August 2011
NFPA 5000 [®] , <i>Building Construction and Safety Code</i> [®] , 2012 edition	

Dear Interested Parties:

At its meeting of August 9-10, 2011, the Standards Council considered an appeal on the above referenced matter. On August 19, 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, R. Solomon, T. Golinveaux, D. Matthews, A. Woodberry
Members, Technical Committee on Building Construction (BLD-BLC)
Members, Technical Correlating Committee on Building Code (BLD-AAC)
Members, Technical Committee on Air Conditioning (AIC-AAA)
Members, NFPA Standards Council (AAD-AAA)
Individuals Providing Appeal Commentary



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SUMMARY OF ACTION (for convenience only; not part of official decision): *The Standards Council voted to deny the appeal to accept Certified Amending Motion 5000-2 to accept Comment 5000-45a.*

DECISION:

At its meeting of August 9-10, 2011, the Standards Council considered an appeal from Joseph T. Holland of Hoover Treated Wood Products, Inc. The appeal requests that the 2012 edition of NFPA 5000[®], *Building Construction and Safety Code*[®] be issued with the acceptance of Certified Amending Motion (CAM) 5000-2. This motion sought the acceptance of Comment 5000-45a. The effect of this motion would be to issue NFPA 5000 with the changes as proposed by the Technical Committee on Building Construction (TC) in Comment 5000-45a and reject the modifications proposed by the Technical Correlating Committee on the Building Code (TCC). If the appeal were upheld, fire-retardant-treated wood (FRTW) would be permitted within a ceiling cavity plenum exposed to the airflow.

As background, the TC created and accepted Committee Proposal 5000-80a, modifying Sections 7.2.3.2.14 through 7.2.3.2.20. The text accepted in this proposal would, among other things, allow FRTW in plenum spaces. Alluding to correlation problems created by the allowed use of FRTW, the TCC directed the TC to review the proposal during the Comment stage to address the apparent conflicts that the language would create between NFPA 101[®], *Life Safety Code*[®], and NFPA 90A, *Standard for the Installation of Air-Conditioning and Ventilating Systems*. During the Comment stage, the TC created and accepted Comment 5000-45a which extracted substantial material on plenums from NFPA 90A into 7.2.3.2.14 and its associated annex material. The Comment, however, in proposed section 7.2.3.2.14.2.6, continued to allow FRTW to be exposed to the airflow in ceiling cavity plenums (hereafter, “the FRTW provision”). The TCC, in response, reversed the TC’s action on the FRTW provision. Specifically, the TCC directed that the action on Comment 5000-45a be changed to Accept in Part and that the FRTW provision be deleted and an extract tag to NFPA 90A added, as follows:

7.2.3.2.14.2.6 Materials within a ceiling cavity plenum exposed to the airflow shall be noncombustible or comply with one of the following. [90A: 4.3.11.2.6].
~~FRTW shall be permitted within a ceiling cavity plenum exposed to the airflow.~~

The TCC, as the basis for its action, noted that FRTW is not permitted by NFPA 90A in spaces affected by the airflow and that deletion of the FRTW provision would avoid a conflict between NFPA 90A, NFPA 101 and NFPA 5000.

Seeking reconsideration of the TCC action to delete the FRTW provision, a Certified Amending Motion seeking to Accept Comment 5000-45a was made at the 2011 Association Technical Meeting (Tech Session). The motion failed, meaning that, as the appeal comes before the Council, the FRTW provision has been deleted.

The appeal requests that the Council overturn the action that was yielded by the codes and standards development process and reinsert the FRTW provision. 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.

Without attempting to review each argument that the Council has considered and rejected as part of this appeal, the Council wishes to make several points. The decision to remove the text permitting FRTW within a ceiling cavity plenum exposed to the airflow in NFPA 5000 was done by the TCC for correlation and was within the TCC's authority. The construction of materials exposed to airflow in plenums is clearly within the jurisdiction of the Technical Committee on Air Conditioning, as previously determined in Council Decision No. 05-24 (SC#05-7-4, July 29, 2005). The TCC was justified in concluding that Technical Committee on Air Conditioning has, in NFPA 90A, determined that FRTW should not be exposed to the airflow in a plenum. This understanding of the NFPA 90A position on FRTW exposed to the airflow was reconfirmed during the Annual 2008 revision cycle, where the appellant submitted both a Proposal and a Comment seeking to permit FRTW to be exposed to the airflow (Proposal 90A-120 and Comment 90A-13); both were rejected by the Technical Committee on Air Conditioning. Going forward, the Standards Council is requesting that the Technical Committee on Air Conditioning review NFPA 90A and consider whether further clarification of the text on this issue would be useful. If the appellants or others wish to seek further consideration of their positions on the issue, they should direct their advocacy to the Technical Committee on Air Conditioning through the submission of proposed revisions to NFPA 90A in accordance with NFPA procedures.