



Amy Beasley Cronin
Secretary, Standards Council

18 August 2011

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#11-21
Standards Council Agenda Item:	SC#11-8-5-c
Date of Decision*:	10 August 2011
NFPA 90A, <i>Standard for the Installation of Air-Conditioning and Ventilating Systems</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.

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, A. Fraser, D. Matthews, A. Woodberry
Members, Technical Committee on Air-Conditioning (AIC-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 OF ACTION (for convenience only; not part of official decision): *The Standards Council voted to deny the appeal to revise the Committee Actions on Comments 90A-2 and 90A-46 by deleting certain text from Sections 4.3.11.2.6.6 and 4.3.11.5.5.*

DECISION:

At its meeting of August 9-10, 2011, the Standards Council considered an appeal from David W. Ash of Lubrizol Advanced Materials, Inc. The appeal requests the Council to revise the text of the new 2012 edition of NFPA 90A, *Standard for the Installation of Air-Conditioning and Ventilating Systems*, in a manner that was not processed through the NFPA codes and standards process.

As background, the Technical Committee on Air Conditioning (TC) accepted in principle Proposal 90A-40 that modified Section 4.3.11.2.6.6. The TC also accepted Proposal 90A-54 that modified 4.3.11.5.5. Comments 90A-21 and 90A-46 were made on Proposals 90A-40 and 90A-54, respectively, and sought to reconsider and reject the respective Proposals. Both Comments were accepted in principle, and the TC, as part of those Committee Actions, generated and accepted revised text for the relevant sections as follows:

4.3.11.2.6.6 Plastic piping and tubing used in plumbing systems shall be permitted to be used within a ceiling cavity plenum when it exhibits a flame spread index of 25 or less and a smoke developed index of 50 or less when tested in accordance with ASTM E84 or UL 723 at full width of the tunnel and with no water or any other liquid in the pipe during the test.

4.3.11.5.5 Plastic piping and tubing used in plumbing systems shall be permitted to be used within a raised floor plenum when it exhibits a flame spread index of 25 or less and a smoke developed index of 50 or less when tested in accordance with ASTM E84 or UL 723 at full width of the tunnel and with no water or any other liquid in the pipe during the test.

(Emphasis added). The appellant is requesting that the Council delete the emphasized text in each of these sections. The appellant could have sought to raise his concerns by filing and pursuing, in accordance with NFPA rules, appropriate Amending Motions at

the 2011 Association Technical Meeting (Tech Session). See, for example, *Regulations Governing Committee Projects* at 4.5.5(b)(3) (motion to reject an identifiable part of a Comment as modified by the TC) or 4.6(c)(2) (motion to return portion of a Report). Such motions may or may not have fully met his needs, but they would have at a minimum given him the opportunity to raise his concerns for consideration and debate within the process. He did not take any action, however, and now brings this appeal asking that the Council itself, without TC or Tech Session review, take the action that was not raised within the process.

On appeal, the Council accords great respect and deference to the NFPA codes and standards development process. The Council will generally uphold the results yielded by that process unless there is a clear and substantial basis for departing from those results. Moreover, in circumstances such as the present, where the TC has reached clear consensus and where no debate and public review of the action requested on the appeal has taken place, the Council is especially reluctant to consider overturning the results of the process. The Council, having reviewed the entire record concerning this matter, has found no basis on which to overturn the results of the process, and has voted to deny the appeal. The effect of this action is that the proposed new edition of NFPA 90A will be issued with the text of Sections 4.3.11.2.6.6 and 4.3.11.5.5 as accepted by the TC in the Committee Report.