

SC #11-8-7-d
D#11-15



Amy Beasley Cronin
Secretary, Standards Council

31 August 2011

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#11-15
Standards Council Agenda Item:	SC#11-8-7-d
Date of Decision*:	10 August 2011
NFPA 101 [®] , <i>Life 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 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, R. Coté, K. Collette, D. Matthews, A. Woodberry
Members, Technical Committee on Furnishings and Contents (SAF-FUR)
Members, Technical Correlating Committee on Safety to Life (SAF-AAC)
Members, NFPA Standards Council (AAD-AAA)
Individuals Providing Appeal Commentary



Standards Council Decision (Final):	D#11-15
Standards Council Agenda Item:	SC#11-8-7-d
Date of Decision*:	August 10, 2011
NFPA 101 [®] , <i>Life Safety Code</i> [®] , 2012 edition	

SUMMARY OF ACTION (for convenience only; not part of official decision): *The Standards Council voted to deny the appeal to Return a Portion of a Report in the form of Proposals 101-221 and 101-222 and related Comments 101-144c and 101-145.*

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 101[®], *Life Safety Code*[®], be issued with the acceptance of Certified Amending Motion (CAM) 101-7. This motion sought to Return a Portion of a Report in the form of Proposals 101-221 and 101-222 and related Comments 101-144c and 101-145. The effect of this motion would be to return Sections 10.2.6.1 through 10.2.6.3 to previous edition text. Section 10.2.6.2 would be deleted since there was no comparable text in the previous edition.

As background, the Technical Committee on Furnishings and Contents (TC) accepted Proposal 101-221 to change “flame spread” to “flame spread index” and “smoke development classification” to “smoke developed index”. Proposal 101-222 suggested additional modifications and was rejected. Comment 101-144c was accepted by the TC and incorporated the changes from the accepted Proposal 101-221 and was a comment on the rejected Proposal 101-222. Comment 101-144c modified 10.2.6.1, proposed a new 10.2.6.2 and a modified 10.2.6.3. Comment 101-45 was Accepted in Principle and the Committee Statement referred back to Comment 101-144c. A Certified Amending Motion seeking to Return the Portion of a Report in the form of the aforementioned Proposals and related Comments was made at the 2011 Association Technical Meeting (Tech Session). The motion failed.

The appeal requests that the Council overturn the action that was recommended by the codes and standards development process. This recommendation represents the consensus judgment of the responsible TC and the Technical Correlating Committee on Safety to Life (TCC), a judgment that was also supported by a vote of the NFPA membership at the 2011 Tech Session. The appellant has failed to achieve acceptance of his position either in the consensus committees or during the Tech Session.

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 new and modified text of Sections 10.2.6.1 through 10.2.6.3 shown in Comment 101-144c will appear in the 2012 edition of NFPA 101.

Without reviewing all of the arguments made by the appellant, the Council wishes to comment on the appellant's assertion that interior finish was not within the jurisdiction of the TC on Furnishings and Contents. While the TC's title and scope might be more explicit on this point, there is no question that the TC was responsible for the subject of interior finish. No other committee within the Life Safety Code project has interior finish included in its scope statement, and interior finish is expressly assigned to the TC on Furnishings and Contents by the TCC in the Supplemental Operating Procedures. The TC, therefore, clearly acted within its authority. Going forward, however, the Council is requesting the TCC to review the title and scope statement for the TC and recommend appropriate revisions to insure that the TC's jurisdiction is clear.