



Amy Beasley Cronin
Secretary, Standards Council

17 August 2012

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#12-12
Standards Council Agenda Item:	SC#12-8-17-a-1
Date of Decision*:	9 August 2012
NFPA 1582, <i>Standard on Comprehensive Occupational Medical Program for Fire Departments</i> , 2013 Edition	

Dear Interested Parties:

At its meeting of August 7-9, 2012, 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, K. Holland, Y. Smith
Members, Technical Committee on Fire Service Occupational Safety and Health (FIX-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 accept Certified Amending Motion 1582-1 to accept Proposal 1582-13 and accept Comment 1582-5.

DECISION:

At its meeting of August 7-9, 2012, the Standards Council considered an appeal from Jason A.S. Arvizu of Bakersfield, California. The appeal requests that the 2013 Edition of NFPA 1582, *Standard on Comprehensive Occupational Medical Program for Fire Departments*, be issued with the acceptance of Certified Amending Motion (CAM) 1582-1, which sought to accept Proposal 1582-13 and Comment 1582-5. Specifically, the appellant seeks to change the category of monocular vision from Category A to Category B and other associated modifications. Generally speaking, for purposes of NFPA 1582, a Category A medical condition is a medical condition that would preclude a candidate from being hired as a firefighter. A Category B medical condition is a condition that might preclude a candidate from being hired as a firefighter, depending on the severity or degree of the condition. See NFPA 1582 at Section 3.3.13.

As background, the Technical Committee on Fire Service Occupational Safety and Health (TC) rejected Proposal 1582-13 that sought to modify the medical condition category of monocular vision from a Category A to Category B and other associated modifications. Subsequently, the TC rejected Comment 1582-5 that sought to delete annex material that would support the automatic exclusion of monocular vision (Category A). A Certified Amending Motion (CAM) 1582-1 that sought to accept Proposal 1582-13 and Comment 1582-5 was made at the 2012 Association Technical Meeting (Tech Session). The amending motion was supported by the NFPA membership in attendance, but failed to pass the subsequent balloting of the TC. This means, under NFPA rules, that no change from the existing edition should occur. See NFPA *Regulations Governing Committee Projects* at Section 4.7.1(c). In other words, the medical condition of monocular vision will remain a Category A medical condition in the new edition of NFPA 1582.

The appeal requests that the Council overturn the results of the NFPA 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 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 no change from the existing edition should occur. In this case, the medical condition of monocular vision will remain a Category A in the new edition of NFPA 1582.

The denial of this appeal does not mean that consideration of the issue raised by the appeal should come to an end. The understanding of medical issues is continually evolving and progressing. The Technical Committee, moreover, has been diligent in processing regular new editions to NFPA 1582 to continually update the standard to reflect new knowledge and understanding. The appellant and others are free to continue advocating their positions through the NFPA codes and standards process and to make their case to the Technical Committee, either through the processing of a Tentative Interim Amendment (TIA), if deemed to be of an emergency nature, or through the next revision cycle.