SC #12-8-5-c-1
D#12-9

Amy Beasley Cronin
Secretary, Standards Council

17 August 2012

To: Interested Parties

Subject:

Standards Council Decision (Final):	**D#12-9**
Standards Council Agenda Item:	**SC#12-8-5-c-1**
Date of Decision*:	9 August 2012
NFPA 61, *Standard for the Prevention of Fires and Explosions in Agricultural and Food Processing Facilities*, 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,

Amy Beasley Cronin
Secretary, NFPA Standards Council

c: D. Berry, M. Brodoff, L. Fuller, M. Curtis, J. Goyette
Members, Technical Committee on Agricultural Dusts (CMD-AGR)
Members, Technical Committee on Fundamentals of Combustible Dusts (CMD-FUN)
Members, Technical Correlating Committee on Combustible Dusts (CMD-AAC)
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 61-9 to accept Comment 61-13.*

DECISION:

At its meeting of August 7-9, 2012, the Standards Council considered an appeal from Erdem A. Ural of Loss Prevention Science & Technologies, Inc. The appeal requests that the 2013 Edition of NFPA 61, *Standard for the Prevention of Fires and Explosions in Agricultural and Food Processing Facilities*, be issued with the acceptance of Certified Amending Motion (CAM) 61-9, which sought to accept Comment 61-13. Specifically, the appellant seeks to modify Section 4.5.2 as follows:

> **4.5.2*** Explosion relief vents designed in accordance with NFPA 68 shall be provided on silos, bins, and tanks.

As background, the Technical Committee on Agricultural Dusts rejected Proposal 61-21 to modify Section 4.5.2 and subsequently rejected Comment 61-13 that sought to do the same. A Certified Amending Motion (CAM) 61-9 that sought to accept Comment 61-13 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. In this case, the recommendation that comes to Council is that Section 4.5.2 remains unchanged.

The appeal requests that the Council overturn the action that was recommended 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 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 Section 4.5.2 remains unchanged in the new edition of NFPA 61.

The denial of this appeal does not mean that consideration of the issue raised by the appeal should come to an end. As with all NFPA standards, consideration of revisions to the standard continue through the regular revision cycle and where appropriate, submission of Tentative Interim Amendments. In this and related appeals (see Standards Council Decisions D#12-7, D#12-8, D#12-10 and D#12-11), the appellant raises important issues related principally to the need for consistency and correlation among NFPA dust standards. The Council having previously considered this question, determined that the best approach to addressing issues of correlation and consistency was to create a Technical Correlating Committee (TCC) with jurisdiction over combustible dusts (see Minute Item 11-3-24). The TCC's scope was approved at this meeting (see Minute Item 12-8-58). In addition, the Council also directed the creation of a new committee on Fundamentals within the dust project (see Minute Item 11-3-24) and also approved the scope at this meeting (see Minute Item 12-8-58). The Council believes that this new committee structure provides the best means going forward for addressing technical issues raised by combustible dusts, including agricultural dusts, and to do so in a manner that achieves correlation and consistency.