SUMMARY AS OF MARCH STANDARDS COUNCIL MEETING FOR THE 2011 PROPOSED CHANGES TO RULES AND REGULATIONS MARCH 2, 2010

#	TOPIC*	AGENDA ITEM	TASK GROUP STATUS	COUNCIL STATUS	SECTION CHANGED	PAGE
1	Elongated required notice for requesting in-person hearing for an appeal	10-3-25	Discussion	Discussion	1.6.2(b) and (c)	2
2	Removal of term “endorsement” and clarification of requirement	10-3-25	Discussion	Discussion	5.1(g)	2

*See Narrative Summary of proposed changes which is appended to this report on page 3.

Regulations Governing Committee Projects	(Numbers in this column correspond to Topic Number on Page 1)
1.6.2(b) **Association Technical Meeting Failed Amendments.** If an amendment recommended at an Association Technical Meeting fails to receive the approval of the TC or TCC pursuant to 4.6.1, it will be automatically docketed as an appeal on the agenda of the Standards Council, and any party may advocate their position either in writing or in person before the Council. Parties wishing to appear in person before the Council shall notify the Council Secretary no later than ~~48 hours~~ 2 business days prior to the Council meeting. Although not required, parties wishing to advocate a position are encouraged, to the extent practicable, to file written submissions in general conformance with 1.6.3 and 1.6.4 in advance of the meeting at which action will be considered. When an automatically docketed appeal has not been pursued by any party, the Council need not consider the matter as an appeal. 1.6.2(c) **Tentative Interim Amendments.** A proposed Tentative Interim Amendment, which has been submitted for processing pursuant to 5.1, will be automatically docketed as an appeal on the agenda of the Standards Council, and any party may advocate their position either in writing or in person before the Council. Parties wishing to appear in person before the Council shall notify the Council Secretary no later than ~~48 hours~~ 2 business days prior to the Council meeting. Although not required, parties wishing to advocate a position are encouraged, to the extent practicable, to file written submissions in general conformance with 1.6.3 and 1.6.4 in advance of the meeting at which action will be considered. When an automatically docketed appeal has not been pursued by any party, the Council need not consider the matter as an appeal.	*#1* *Required notice for requesting in-person hearing for an appeal*
5.1(g) ~~Signature or other evidence of endorsement of the processing of the TIA~~ The written agreement of at least two members of the involved TC or TCC to the processing of the TIA. The agreement to the processing of the TIA is for the sole purpose to allow the TIA to be processed and does not necessarily imply agreement with the merits or emergency nature of the TIA.	*#2* *Removal of term "endorsement" and clarification of requirement.*

NFPA Technical Meeting Convention Rules **(none currently)**	

Guideline for NFPA Standards Council Appeals, Hearings, and Decisions **(none currently)**	

NARRATIVE SUMMARY
(SEE TABLE ON PAGE 1 FOR CORRESPONDING ITEM #)

1) **Elongated required notice for requesting in-person hearing for an appeal.** Proponents are allowed 48 hours to provide notice that they want an in-person hearing. This provides little time for planning in the event it is a single hearing, as is potentially was the case for March 2010, resulting in a notification date on a weekend. With 2 business days, it ensures the notice isn't during the weekend.
   COUNCIL ACTION: Discussed in March 2010.

2) **Removal of term "endorsement" and clarification of requirement.** We've had some issues lately with TCs not familiar with processing TIAs where they have some "heartburn" over the term "endorser". They don't realize that an endorser just has to agree that the TIA isn't "frivolous", not saying their name is "attached" to it or that they truly endorse it, or that they would even vote for it. Could we think of either using a different word, or perhaps define "TIA endorser" in the beginning of the Regs? The relevant section is 5.1 (g) in the 2010 *Regs.* Section 1.4 could be where we add a definition of "TIA Endorser" to clarify this point. One potential definition change suggested is:

   > **TIA Endorser.** A member of the involved TC or TCC who agrees that the TIA has merit to warrant obtaining a committee position on the issue. The endorser is under no obligation to vote affirmatively for the TIA.

   The Council agreed preliminarily to modify the requirement so as not to use the term "endorser" which inherently means "agreement" versus creating a definition.
   COUNCIL ACTION: Discussed in March 2010.

ITEMS FOR HOLD

SUMMARY OF 2010 HOLD ITEMS FOR RULES AND REGULATIONS AS OF OCTOBER 27, 2009

#	TOPIC*	AGENDA ITEM	TASK GROUP STATUS	COUNCIL STATUS	SECTION CHANGED	PAGE
1	Reinventing the Process (related to SMuncy Letter)					N/A
2	Discuss recommendation that the Council have a strict 14 day deadline for accepting appeals or comments on appeals prior to the Council Meeting	03-1-12	Monitoring	Hold	Regs 1.6 and Guidelines for Appeals, Hearings, and Decisions	5
3	Discuss TC Application and Re-appointment Letter for SEs	06-3-31e	Monitoring	Hold	TC Guide of Conduct ; TC App and Re-Appoint Ltrs;	---
4	Discuss Follow-up Motions Versus Re-consideration	06-7-4-c	Monitoring	Hold	Convention Rules 3.4.4	6
5	Immediate Council issuance for documents with no comments			Hold	*Regs.* 4.4.8.4	5
6	GOT Biggest Offenders					7-9

Regulations Governing Committee Projects – Items on Hold	(Numbers in this column correspond to Topic Number on Page 5)
1.6.4 Other Submissions Relating to an Appeal. Any interested party may submit responses or other written submissions relating to any appeal filed with the Council. To the extent practicable, responses should contain, in separately denominated sections, the following: (a) Name, affiliation, and address of the submitter (b) Statement identifying the appeal to which the submission relates and stating whether the submitter supports or opposes the appeal I Argument setting forth the grounds for opposing or supporting the appeal (d) Statement of recommended Council action. Parties are encouraged, to the extent practicable, to file written submissions X days prior to the start of the meeting at which action will be considered.	*#2* *Apply a deadline for accepting appeals or comments on appeals prior to SC Meeting*
4.4.8.4 No Comment Received. If no Comment is received, and the TC has confirmed that they have no committee comments, the document shall not be opened for the making of motions at the Association Technical Meeting in accordance with Section 4.5. A notice of that fact shall be published in the Report on Comments and the document shall be forwarded directly to the Standards Council for action in accordance with Section 4.8.	*#5* *Immediate Council issuance for documents with no comments*

NFPA Technical Meeting Convention Rules Items on Hold	(Numbers in this column correspond to Topic Number on Page 5)

3.3.4 Follow Up Amending Motions. Upon completion of action on all certified motions related to an NFPA document, the Presiding Officer shall entertain any Follow-Up Motions. A Follow-Up Motion is a motion that becomes necessary as a result of a previous successful Amending Motion. A motion to return a document or to return a portion of a document, affected by a previous successful amending motion, is always in order as a follow-up motion as long as it is not repetitious. The Presiding Officer shall make the determination whether a motion is a proper follow-up motion. A follow-up motion shall require two seconders.	*#4* *Clarify at a Tech Session the Difference Between a Follow- Up Motion and a Reconsideration.*

Guideline for NFPA Standards Council Appeals, Hearings, and Decisions Items on Hold	(Numbers in this column correspond to Topic Number on Page 5)

I. Appeals **1) General.** Anyone can appeal to the Council concerning procedural or substantive matters related to the development, content, or issuance of any Document of the Association or on matters within the purview of the authority of the Council, as established by the Bylaws and as determined by the Board of Directors. Such appeals must be in written form and filed with the Secretary of the Council <u>X days prior to the start</u> of the meeting at which action will be considered (See Regulations at 1.6.1)	*#2* *Apply a deadline for accepting appeals or comments on appeals prior to SC Meeting*

Glossary of Terms Technical Advisory Committee	(Numbers in this column correspond to Topic Number on Page 5)

Boilerplate Definitions **Baffle. (NFPA 54)[3]** An object placed in or near an appliance to change the direction of, or to retard the flow of, any combination of air, air—gas mixtures, air—fuel mixtures, and flue gases. **Building. (NFPA 101)[11]** A permanent structure with a roof and walls that is used to enclose an occupancy. **Combustible. (NFPA 220)[10]** Capable of reacting with oxygen and burning if ignited. **Combustible Liquid. (NFPA 30) [19]** A liquid that has a closed-cup flash point at or above 37.8°C (100°F). **Combustible Liquid Classification. (NFPA 30)** **Combustible Liquid Class II.** Any liquid that has a flash point at or above 37.8°C (100°F) and below 60°C (140°F). **Combustible Liquid Class IIIA.** Any liquid that has a flash point at or above 60°C (140°F), but below 93°C (200°F). **Combustible Liquid Class IIIB.** Any liquid that has a flash point at or above 93°C (200°F). **Combustible Material. (NFPA 220) [9]** Any material that will burn, regardless of its autoignition temperature. **Combustion. (NFPA 5000) [4]** A chemical process of oxidation that occurs at a rate fast enough to produce heat and usually light in the form of either a glow or flame. **Confined Space. (NFPA 1670) [6]** An area that is not intended for continuous occupancy and that has limited openings for the entry and exit of persons performing assigned work within the space. **Container. (NFPA 30) [17]** A receptacle used for storing or transporting materials of any kind. Optional Annex A: Containers include, but are not limited to, bags, barrels, cans, cartons, cylinders, drums, and tanks. **Explosion. (NFPA 69) [6]** The sudden conversion of potential energy (chemical, mechanical, or nuclear) into kinetic energy that produces and violently releases gas. **Fire Area. (NFPA 5000) [3]** An area that is physically separated from other areas by space, barriers, walls, or other means in order to contain fire within that area.	*#6* *"Big Offenders" that Council could consider for full enforcement by GOT*

Boilerplate Definitions (continued) **Flammable Liquid. (NFPA 30) [18]** A liquid that has a closed-cup flash point that is below 37.8°C (100°F) and a maximum vapor pressure of 2068 mm Hg (40 psia) at 37.8°C (100°F). **Flammable Liquid Classification. (NFPA 30)** **Flammable Liquid Class I.** Any liquid that has a closed-cup flash point below 37.8°C and a Reid vapor pressure not exceeding 2068.6 mm Hg (40 psia) at 37.8°C (100°F). **Flammable Liquid Class IA**. Any liquid that has a flash point below 22.8°C (73°F) and a boiling point below 37.8°C (100°F). **Flammable Liquid Class IB.** Any liquid that has a flash point below 22.8°C (73°F) and a boiling point at or above 37.8°C (100°F). **Flammable Liquids Class IC.** Any liquid that has a flash point at or above 22.8°C (73°F) and a boiling point at or above 37.8°C (100°F). **Flash Point. (NFPA 30) [12]** The minimum temperature at which a liquid or a solid emits vapor sufficient to form an ignitable mixture with air near the surface of the liquid or the solid. **Incident Management System (IMS). (NFPA 1561) [13]** A plan that defines the roles and responsibilities to be assumed by personnel and the operating procedures to be used in the management and direction of emergency operations. Optional Annex A: The system is also referred to as an incident command system (ICS). **Inert Gas. (NFPA 69) [6]** Any gas that is nonflammable, chemically inactive, noncontaminating for the use intended, and oxygen deficient to the extent required. **Inerting. (NFPA 69) [5]** A technique by which a combustible mixture is rendered nonignitable by addition of a noncombustible gas or a noncombustible dust. **Interlock. (NFPA 318) [3]** A device, or an arrangement of devices, in which the operation of one part or one mechanism of the device or arrangement controls the operation of another part of another mechanism. **Liquid. (NFPA 30) [6]** A substance in which the molecules move freely so that the substance flows readily, but in which there is enough cohesion so that it does not expand indefinitely like a gas. Optional Annex A: A liquid can also be classified as having a fluidity greater than that of 300 penetration asphalt when tested in accordance with ASTM D 5, *Standard Test Method for Penetration of Bituminous Material*s. Unless otherwise specified, the term *liquid* includes both flammable and combustible liquids. **Maintenance. (NFPA 10) [14]** Work performed to ensure that equipment operates as directed by the manufacturer. Optional Annex A: The work includes, but not limited to, repair, replacement, and service. **Noncombustible. (NFPA 80) [13]** Not capable of igniting and burning when subjected to a fire.	*#6* *"Big Offenders" that Council could consider for full enforcement by GOT*

Boilerplate Definitions (continued) **Noncombustible Material. (NFPA 220) [15]** A substance that will not ignite and burn when subjected to a fire. **Product Label. (NFPA 1971) [14]** A label or marking affixed to a product by the manufacturer that provides general information, warnings, instructions for care and maintenance, and other information. Optional Annex A. The product label is not the label, symbol, or identifying mark of the certification organization; however, the label, symbol, or identifying mark of the certification organization can be attached to, or can be part of, the product label.	*#6* *"Big Offenders" that Council could consider for full enforcement by GOT*

NARRATIVE SUMMARY FOR ITEMS ON HOLD
(SEE TABLE ON PAGE 5 FOR CORRESPONDING ITEM #)

1) **Document Revisions Through Other Than a Majority.** This topic involves the relatively rare situation when a change occurs through other than a majority. Various possible changes have been discussed, including requiring a "super majority" to move forward with revisions, possibly by revising 4-8.1 and other sections of the *Regs*.
   (a) Establishment of Muncy Ltr Task Group. As background, see the SMuncy Letter dated 23/Oct/2002 which triggered this discussion. An ad-hoc Process Task Group of MBrodoff, CGrant, KIsman (Chair), LNisbet and PWillse addressed this further and generated an interim report dated 23/Jun/04. This ad-hoc group has since become referred to as the "Muncy Task Group". At the October 2004 meeting, the P&P TG reviewed the work of the Muncy TG and considered adding the words: "Note: A rejected proposal, which has a comment to accept the proposal that is likewise rejected (or fails ballot), shall not be interpreted as the proposal being accepted." This was tabled at that time for further discussion.
   (b) Interim Report Jan 2005. An interim report from the Muncy TG was provided by MBrodoff dated 7/Jan/05 (attached), and this led to a discussion at the Jan 05 Council meeting of a concept for proposals to have an action of "redirect" rather than "accept in principle". This would provide all revisions with their own log numbers, and would focus the balloting on the original submittal rather than on the TC action. It was agreed that more work needs to be done with this concept, including clarifying the role of a TCC. This discussion led to the consideration (at the subsequent January 2005 Council meeting) to delete 3.4.3(g), which is now separated out as a new item 9.
   (c) Interim Report June 2005. Another meeting of the Muncy Task Group was held in Las Vegas, NV on 7 June 2005. The report of the Task Group is attached, with the fundamental concept being to assure that at least a 2/3 majority is required to move forward with a change. Possible revisions were considered on the comment form and on the ballot statement. Additional background information can be found in Council Agenda Items 03-1-12, 04-9-8 and H.O. 05-1-23.
   This item was further discussed at a P&P Task Group meeting in Orlando, FL on 5 June 2006. No additional action was taken at that time, although it was agreed that this item should remain open. At the 25 July 2006 Council meeting no additional action was taken by the P&P Task Group.
   (d) Additional Information for Review. At the P&P Task Group on 19 October 2006, a write-up was provided by MBrodoff (attached). This was tabled to allow a chance for the task group members to review this information prior to the next meeting. At this time this item remains open, and was tabled at the March 2007 meeting. Further review and final action by the P&P Task Group and the Council is pending.
   (e) Interim Report: July 2007. Recommendation to defer to staff in-house mapping project. Hold for further action until completion of this project.
   (f) Interim Report: March 2008. NFPA staff provided an update of the Mapping Project which is a review of and documentation of all the steps, both internal and external, involved in NFPA's codes development and production process. The objective of the project is to evaluate the current process and recommend any improvements. The project is ongoing, with the next phase to involve NFPA volunteers and committee members.

   COUNCIL ACTION: HOLD March 2009. Recommendation to defer to staff in-house mapping project. Hold for further action until completion of this project.

2) **Council Material Deadline.** No Commentary**.**
   COUNCIL ACTION: HOLD March 2009.

3) **TC Membership Application.** At the Policy & Procedures Task Group meeting at the March 2006 Council meeting a question evolved as to how the system clarifies the representation of "SE" members. This discussion had its genesis in the 2006 review of the NFPA 90A TC membership. Further review will be made of the TC application and the annual re-appointment letters, to clarify if the wording should be revised or enhanced.
   (a) Review of Applications from Other Organizations. This item was further discussed at a P&P Task Group meeting in Orlando, FL on 5 June 2006. No additional action was taken at that time, although it was agreed that this item should remain open. A follow-up discussion took place at the P&P Task Group meeting on 25 July 2006.

(b) Interim Status Review November 2006. This item was further addressed at the P&P Task Group meeting on 19 October 2006. Discussion was held on adding a new item or items to items 3(c) on the TC application form. We need to clarify if an SE is representing a particular organization. Other possible questions are as follows: "1) Are you representing any specific interests on this TC? 2) Do you represent any interest of any group or company etc on any other NFPA TC? 3) Do you receive any income related to the work of this TC?" This is a tough problem, and the solution is not clear. A concern was expressed that it seems like we're heading down a path to needlessly screen 200 good people to possibly find one bad participant. To assist staff will attempt to get applications from other organizations for review (attached).

(c) Interim Discussion at March 2007 Meeting. The current applications were reviewed and further discussion provided the following. Not sure we can ever ask the right questions. Perhaps it's best to stick with what we have. Would it help to define what we want a Special Expert to be? Putting our expectations in writing would help. Not sure, however, what to change on the application. Critical question of application is 3b. We could resolve our concerns by having all SEs sign-off on their representation via the annual reappointment letters. Thus they would clarify every year. Possible questions that should be asked for special annual SE re-appointment letter are: (1) Have you been retained or contracted to represent any organization, other than your sponsoring organization, relating to the work of this TC? (2) Have you or your organization derived greater than 2% of revenue on activities related to the work of this TC?

Yet it may be better to ask this of everyone, and thus put this on the application. Also, we should ask all members to reconfirm their applications annually, and not just the SEs. But we need to keep this logistically manageable, since we have 7100 TC members, and thus focus toward the problem group which is the SEs. One way around this is to consider this by document cycle rather than annually for all documents. First we should figure out what we want to do, and then worry about the logistics. We want the Council's expectation to be clear, and to have the TC members declare that they are conforming, and to put the burden on them.

A proposal to move forward is to fix the Guide of Conduct, so that it indicates what we have as expectations. Let's use the Guide of Conduct as our vehicle. This is currently addressed in the Guide of Conduct section 3.3(e), but this perhaps should be redrafted with a white sheet approach. Roland Huggins, Joe Jardin and Mike Newman offered to work with Pete Willse to generate some proposed changes to 3.3(e). They will work with staff to address this issue.

(d) Interim Discussion: June 2007 Meeting (at 2007 WSCE). Further discussion indicated that some concern exists that the nature of the information used is in confidence, based on the alternative of requiring the submittal of a client list. This is a concern asking for confidential business information. It would be good to have an annual certification of SEs. Phil DiNenno and Maureen Brodoff agreed to provide a draft write-up and report back at the next meeting. At this time this item remains open, and further review and final action by the P&P Task Group and the Council is pending.

(e) Interim Discussion: July 2007 Meeting. TG discussed revising wording in Guide of Conduct to better address disclosure of a TC member's financial and business interests in the outcome of potential code changes. Make reference in appointment and annual re-appointment letter to revised Guide of Conduct. PD and MB to provide additional information.

(f) Interim Discussion: March 2008 Meeting. TG discussed this further but was uncertain on specific recommendations to the rules which would identify the type of information to be obtained, how it is to be obtained and how the status of client relationships with committee members should be monitored. There was also uncertainty on specific criteria that should be established for making a determination on committee member interest category. It was agreed that this item should be placed on hold until more specific study and evaluation of the relent issues can occur.

COUNCIL ACTION: HOLD March 2008.

4) **Tech Session Follow-up Motions Versus Re-consideration.** This is the issue of clarifying the difference between follow-up motions and re-considerations at a Tech Session under the new Convention Rules.

(a) Initial Discussion: March 2006. Prior to the A06 Tech Session, the Motions Committee had an unresolved disagreement on this topic in Orlando. This was discussed at the P&P Task Group meeting and by the full Council at their March 2006 meeting. Part of the focus is on the difference between a follow-up motion and a re-consideration, and what constitutes a follow-up motion versus a re-consideration. The original intent is that a follow-up motion is something that you didn't know was required beforehand. The biggest concern is when the same text is addressed more than once.

(b) Interim Discussion: July 2006. This was discussed at length at the P&P Task Group meeting and by the full Council at their 25 July 2006 meeting. Another option would be to divide the question, and this is allowed per the rules, although nobody can remember this ever being used. The concept of dividing the question would arguably make the debate on the floor clearer, and some felt that we should consider utilizing the dividing of the question more in the future. To assist with discussion at the upcoming November 2006 meeting, staff is asked to generate various conceptual tools for use as a starting place to help us to better organize our thought process on this topic. This should include prototype situational examples of motions that can be made on the floor, and possibly a short list of goals to help facilitate discussion. This is also related to agenda item 06-7-4-c, which is an appeal on NFPA 14 that includes a process question on the follow-up motion that occurred on NFPA 14 at the A06 TCR session.

(c) Interim Discussion: October 2006. This item was further discussed at the P&P Task Group meeting on 19 October 2006. Background provided on this highly polarized discussion topic. The group focused on the flowchart provided by Ken Isman, and potentially how it should be revised to address this topic. Extensive discussion once again occurred on this issue. Everyone was asked to think further on this issue and be ready to discuss again at the November 2006 meeting.

(d) Interim Discussion: March 2007. This is a very polarized issue in the Council. For now, the default position is to allow follow-up motions, to get through the upcoming 2007 June Annual Meeting. This can be addressed further at the Task Group meeting scheduled for June 2007.

(e) Interim Discussion: June 2007 Meeting (at 2007 WSCE). It was agreed that no action should be taken on this item pending until after the TCR Session at the 2007 WSCE in Boston. At this time this item remains open, and further review and final action by the P&P Task Group and the Council is pending.

(f) Interim Discussion: July 2007 Meeting. No issues reported from June 2007 Tech Session. Hold any potential changes and continue to monitor Tech Sessions.

COUNCIL ACTION: HOLD October 2007.

5) **Immediate Council issuance for documents with no comments.** This change is for parity with *Regs.* Section 4.5.6 allowing documents with no certified amending motions (CAMs) to immediately be issued. It was noted during the July 23, 2009 P&P Task Group call that there would be several other sections that would be modified since there are situations (*Regs.* 4.6.8) where someone doesn't have to submit a comment in order submit a valid NITMAM. It was noted that it would also affect 1.6.2, 4.5.6, 4.5.7, 4.6.8.2(b) and would need to be changed. It was noted that we will likely not do this and it will be considered in the new process.

6) **GOT Biggest Offenders.** In October 2009, this item was moved to the Hold items since the GOT processes are being worked on. This list will be kept as a reminder to review at the time when the GOT is in a good maintenance position.