

**FINAL
MINUTES
Standards Council Meeting
October 3(noon)-4, 2007
San Diego, CA**

Members Present:

Philip DiNenno, Chair	Roland Huggins
Kerry Bell	Joseph Jardin
Jim Carpenter	Fred Leber
Shane Clary	Michael Newman
Ronald Farr	Jim Pauley
Ralph Gerdes	

Also Present:

Milosh Puchovsky, Secretary
Leona Attenasio Nisbet, Recording Secretary
Maureen Brodoff, Vice President and General Counsel
Christian Dubay, Vice President and Chief Engineer (Oct 4)
Mark Earley, Asst. Vice President and Chief Electrical Engineer (Oct 4)

Members Absent:

Rick Breezee
Peter Willse

07-10-1 D#07-28 At its meeting of 3-4 October 2007, the Standards Council considered an appeal from C. Cardi of CVC1 Limited LLC requesting that the Council issue proposed Tentative Interim Amendment (TIA) 881 on the 2008 edition of NFPA 70, *National Electrical Code*® (NEC ®). Proposed TIA 881 requests modification to sections 366.23(A)(B), 372.11, 372.17, 374.5, 374.17, 376.22, 378.22, 384.22, 386.22, 388.22, 392.9, 392.10 and 392.11 of the NEC by adding a new exception that allows for an increased number of conductors to be installed if installed with a tested and listed or recognized method or device that maintains spacing for air to surround the conductors. Article 366 pertains to auxiliary gutters, article 372 pertains to cellular concrete floor raceways, article 374 pertains to cellular metal floor raceways, article 376 pertains to metal wireways, article 378 pertains to nonmetallic wireways, article 384 pertains to strut-type channel raceways, article 386 pertains to surface metal raceways, article 388 pertains to surface nonmetallic raceways, and article 392 pertains to cable trays.

Proposed TIA 881 was balloted through Code-Making Panel 8 (CMP 8) and the NEC Technical Correlating Committee (TCC) in accordance with the Regulations Governing Committee Projects, to determine if it had the necessary three-fourths majority support on technical merit and emergency nature to establish a recommendation for issuance. The

ballot failed unanimously, with the exception of one abstention vote, to achieve the necessary support of both CMP 8 and the TCC on both technical merit and emergency nature for issuance of proposed TIA 881.

On an appeal, the Standards Council accords great respect and deference to the results yielded by the NFPA codes and standards development process and will not disturb that result in the absence of some clear and substantial basis for doing so. In the case of TIA 881, the responsible committees, CMP 8 and the TCC, rejected the TIA on both its technical merit and on its emergency nature. The appellant has had the opportunity to submit his position to the responsible committees and has failed to persuade the consensus process in favor of the TIA. After review and consideration of all the information available to it, the Council has found no basis on which to overturn this result and, accordingly, has voted to deny the appeal and not issue TIA 881.

Council member J. Carpenter recused himself during the deliberations and vote on this issue.

07-10-2

D#07-27 At its meeting of 3-4 October 2007, the Standards Council considered an appeal from A. Roe representing H.H. Robertson Floor Systems (Robertson) requesting that the Council issue proposed Tentative Interim Amendment (TIA) 891 on the 2008 edition of NFPA 70, *National Electrical Code*® (NEC ®). Proposed TIA 891 seeks to completely exempt cellular metal floor raceways from the requirement that conductors in such raceways meet ampacity adjustment factors set forth in section 310.15(B)(2) and referenced tables. In general terms, the ampacity adjustment factors, also known as “derating” factors, in section 310(B)(2) are safety measures. They require that, as more conductors are added to a raceway, reductions in the ampacity of the conductors must be made so as to reduce the dangerous buildup of heat.

This is the second time that Robertson has proposed a Tentative Interim Amendment seeking to revise the NEC’s ampacity adjustment, or “derating,” requirements for cellular metal floor raceways. The first TIA, TIA 882, proposed certain revisions to the derating requirements for cellular metal floor raceways in the 2005 edition of the NEC. The TIA was unanimously rejected both on its technical merits and emergency nature by both Code Making Panel 8 (Panel 8) and the NEC Technical Correlating Committee (TCC). Robertson, however, appealed that rejection to the Council. The Council denied the appeal in a decision that sets forth the Council’s reasoning in greater detail than will be recounted here. See Standards Council Decision #06-21(Revised) (SC Agenda Item #06-11-1, November 2, 2006). In denying the appeal, the Council noted, among other things, that Robertson’s own testing submitted in support of the TIA did not fully support the proposed new derating requirements. The Council also declined Robertson’s request that the Council, on its own,

revise the TIA, noting that it was for the consensus technical committees, not the Council, to review and vote, in accordance with NFPA rules and after public review, on the technical content of any revised TIA.

In denying the appeal, however, the Council did provide some observations and guidance. First, although the Council rejected Robertson's contention that cellular metal floor raceways had, until only recently, been completely exempt from the ampacity adjustment, or derating, rules, it accepted Robertson's representations that recent clarification on this point in the 2005 edition of the NEC had adversely affected Robertson's business and that the emergency nature requirement for the issuance of a TIA was met. See Regulations Governing Committee Projects (Regulations) at 5.2(f). The Council indicated, therefore, that "if a revision to the ampacity adjustment factors for cellular metal floor raceways is proposed that can better accommodate Robertson's products, and if, in the consensus view of the Panel, such a proposed revision has been adequately technically substantiated, it should be issued as a TIA."

Second, the Council suggested that, in pursuing the matter further, Robertson take advantage of the upcoming Panel 8 meeting to vet any potential new TIA with the Panel, and it directed that the Panel, should Robertson wish to do so, meet, within the limits of the available time, with Robertson representatives for review and discussion of its proposal and substantiation. It was the Council's hope that, following any such meeting and in consideration of the input received, that Robertson could make a better informed decision about the content of any new TIA it might wish to submit for formal processing. The Council, in proposing a way forward, however, made clear that it "implies no view on the ultimate technical merits of any new TIA that may emerge. Rather the Council stresses that, while input from Panel 8 may be helpful, it is ultimately the responsibility of Robertson to propose the language of any TIA and to provide and clearly explain to the Panel the technical substantiation offered in support of any TIA it submits."

Following the decision of the Council, Robertson did meet with Panel 8, and the record reveals that the Panel went to extraordinary lengths to provide Robertson with input. The Panel set forth a set of guidelines for testing that it felt should be met in order to substantiate changes to the derating requirements for cellular metal floor raceways (the Panel 8 test guidelines). In addition, the Panel Chair appointed a task group on the subject, which interacted intensively with Robertson representatives and provided substantial input. Robertson, however, disagreed with significant aspects of the Panel 8 test guidelines and the input it received from the task group. As was its right, Robertson decided to proceed with testing that it deemed adequate and to submit for processing the current proposed TIA 891 which, as indicated above, seeks, not to revise or relax the derating requirements for cellular

metal floor raceways, but to entirely exempt cellular metal floor raceways from the derating requirements of section 310(B)(2).

Proposed TIA 891 was balloted through Panel 8 and the NEC Technical Correlating Committee (TCC) in accordance with the Regulations Governing Committee Projects, and the TIA not only failed to receive the three-fourths majority vote on technical merit required by the rules, it failed utterly, with one abstention and not a single affirmative vote from Panel 8 or the TCC. (The Ballot similarly failed on the question of emergency nature, but given the Council's earlier determination to consider this TIA on an emergency basis, nothing turns on that vote and it is not focused on further in this decision.) Robertson, thereafter, appealed to the Standards Council.

On an appeal, the Standards Council accords great respect and deference to the results yielded by the NFPA codes and standards development process and will not disturb those results in the absence of some clear and substantial basis for doing so. No such basis has been demonstrated here. In the NFPA consensus process, it is for Panel 8 as the responsible consensus body (and the TCC on correlation matters within its authority) to make the technical judgments concerning TIA 891. It is not the role of the Council to conduct a detailed technical review of the issues or to substitute its judgment for the technical judgments of the Panel. The Council's job is to assure itself that NFPA rules have been followed and that the Panel's actions appear reasoned and grounded in the record. The record here reveals that extensive and thoughtful consideration has been given by Panel 8 to the issues presented by Robertson, and the Council views as more than reasonable the Panel's conclusion that completely exempting cellular metal floor raceways from the derating requirements of section 310(B)(2) was not supported by adequate evidence of safety. Accordingly, after a hearing and a review and consideration of all the information available to it, the Council voted to deny the appeal and not issue TIA 891.

Without attempting to address all of the arguments made by Robertson, the Council does wish to comment on several points. To begin, Robertson argues that the derating requirements of section 310.15(B)(2) were not intended for and do not "fit" cellular metal floor raceways. This however was not the judgment of Panel 8 and, as the Council indicated in its previous decision, it is clear from the plain language of the NEC that the derating requirements have applied to cellular metal floor raceways long before the 2005 edition of the NEC. In any case, Robertson does not propose a different set of derating rules for cellular metal floor raceways; rather TIA 891 proposes that such raceways be completely exempted from any derating rules. The Panel found overwhelmingly that such a TIA had not been substantiated and none of the arguments made to the Council, at the hearing or on the written record, has caused the Council to question the reasonableness of that judgment. Questions, for example, about the weight to be given, if any, to Robertson's claims of a safe

operating history without derating, about the reasonableness of the tests submitted in support of the TIA, and about the role of circuit breakers or other features of the NEC as protections that made derating unnecessary for cellular metal floor raceways are for the appropriate code-making panel generally to judge. In the Council's view, none of the arguments that Robertson has presented on these subjects call into question the reasonableness of the Panel's judgments or otherwise provide a clear or substantial basis on which to reject the consensus judgment of Panel 8.

Robertson's remaining arguments principally focus on the test guidelines that Panel 8 proposed for supporting revisions to the derating rules. Robertson argues, for example, that these Panel 8 test guidelines were excessively severe, and exceeded conditions expected under normal usage. The Council notes that, as a general proposition, it is not unreasonable for test protocols to encompass challenging or worst case conditions that could realistically be expected to occur in the field. Such test protocols serve to demonstrate that a product is safe for use under a wide range of anticipated real-world conditions. That said, however, the Council has not attempted to assess the technical validity of the Panel 8 test guidelines or, indeed, the input provide by the task group. The validity of those guidelines are not at issue here, and Robertson or others are always free to try to persuade the Panel to modify any view it may have expressed with regard to the appropriate testing going forward. Rather, the question presented by this appeal is whether the more limited tests that Robertson chose to perform on its conductor configurations for its products were sufficient to substantiate a TIA that completely exempted cellular metal floor raceways from any derating requirements. Panel 8 clearly concluded, among other things, that a total exemption was unsafe and that Robertson's own testing did not support such a total exemption. As indicated earlier in this decision, the Council viewed the Panel's judgment as wholly reasonable.

Finally, Robertson makes an additional argument related to the Panel 8 test guidelines that is difficult to follow but goes something like this. When Robertson conducted testing on its cellular metal floor raceway products, it also conducted similar tests on other products in conductor configurations that were compliant with the derating rules in section 310(B)(2). Some of those products failed some these tests. While Robertson's tests were not the same as the testing proposed in the Panel 8 test guidelines, they were, according to Robertson, sufficient to show that some code-compliant products could not pass all of the Panel 8 test guidelines. This in turn formed the basis for an argument along the lines that if products derated in accordance with section 310.15(B)(2) could not pass the tests, it was unfair to require Robertson's proposed conductor configurations for cellular metal floor raceways to do so.

As grounds for issuing TIA 891, this argument misses the mark. Assuming, without deciding, that Robertson's test results support the argument being made, the fact that some

code-compliant products might not meet all of the Panel 8 test guidelines, equally supports a conclusion that the derating rules need to be strengthened as it does a conclusion that they should be completely dispensed with for Robertson's products. The NEC is not perfect which is why, like all NFPA codes and standards, it is regularly subjected to review and revision as new knowledge and experience are gained. Whether the derating rules need further review and refinement in the future is, of course, for the Panel to address, and the Council has not attempted to evaluate the validity of the claims that Robertson has made for its test results with respect to these other products. That some of these rules may arguably be too weak for some of the products to which they apply is hardly a reason to eliminate those very rules for cellular metal floor raceways.

To facilitate any further consideration of the derating rules, the Council is directing the appropriate NFPA staff liaison to transmit the documentation submitted on Robertson's tests to the affected code-making panels along with the transmittal of this decision for further review and evaluation by the NEC project, as appropriate. In addition, if the appellant or others believe that revisions to the derating rules, either for cellular metal floor raceways or for other products are in order, they should make proposals to the NEC or take other action as appropriate in accordance with NFPA rules.

Council member J. Carpenter recused himself during deliberations and vote on this issue.

07-10-3

D# 07-30 At its meeting of 3-4 October 2007, the Standards Council considered an appeal from A. Hay of the Fire Department of the City of New York requesting that the Council issue proposed Tentative Interim Amendment (TIA) 883 on the 2008 edition of NFPA 1851, *Standard on Selection, Care, and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting*. Proposed TIA 883 requests that paragraph 10.1.2 and the associated annex text, which pertain to the retirement of fire fighting ensembles and ensemble elements, be modified to exclude protective helmets. Proposed TIA 883 was balloted through the Technical Committee on Structural and Proximity Fire Fighting Protective Clothing and Equipment (TC) and the Technical Correlating Committee on Fire and Emergency Services Protective Clothing and Equipment (TCC) in accordance with the Regulations Governing Committee Projects, to determine if it had the necessary three-fourths majority support on technical merit and emergency nature to establish a recommendation for issuance. The ballot failed to achieve the necessary support of both the TC and the TCC on both technical merit and emergency nature for issuance of proposed TIA 883. After review and consideration of all the information available to it, the Council voted to deny the appeal and not issue TIA 883. Although the Council may overturn the recommendation of the TC and the TCC if clear and substantial reasons exist to do so, it finds no such reason in this case. In denying the appeal, the Council notes that, if the appellant or others believe that the subject of the proposed TIA is deserving of further consideration, they may pursue the matter by submitting appropriate proposal(s) during the next revision cycle of NFPA 1851.

Council member J. Jardin recused himself during the deliberations and vote on this issue.

07-10-4 It was voted to issue a proposed Tentative Interim Amendment to 5.2.1.5 (New) to the 2008 edition of NFPA 58, Liquefied Petroleum Gas Code (TIA No. 884).

07-10-5 It was voted to issue a proposed Tentative Interim Amendment to 11.6.3 (New) to the 2008 edition of NFPA 58, Liquefied Petroleum Gas Code (TIA No. 890).

07-10-6 D#07-26 At its meeting of 3-4 October 2007, the Standards Council considered an appeal from B. Costello of FirePASS Corporation requesting that the Council issue proposed Tentative Interim Amendment (TIA) 886 on the 2008 edition of NFPA 2001, *Standard on Clean Agent Fire Extinguishing Systems*. Proposed TIA 886 requests modification to Table 1.4.1.2 – *Agents Addressed in NFPA 2001*, to add an agent under the trade name of “FirePASS agent” and under the chemical name of “hypoxic air” . It also seeks modification to Table A.1.4.1(b) – *Physical Properties of Inert Gas Agents (SI Units)*, and Table A.1.4.1(d) – *Physical Properties of Inert Gas Agents (English Units)*, by adding the physical properties of the FirePASS agent.

The proposed TIA was submitted by the appellant (who will be referred to in this decision as FirePASS) and was balloted through the Technical Committee on Gaseous Fire Extinguishing Systems (TC) in accordance with the Regulations Governing Committee Projects, to determine if it had the necessary three-fourths majority support on technical merit and emergency nature to establish a recommendation for issuance. The ballot failed to achieve the necessary support of the TC for issuance of proposed TIA 886. This appeal requests that the Council reject the ballot results of the TC and issue the TIA.

On an appeal, the Standards Council accords great respect and deference to the results yielded by the NFPA codes and standards development process and will not disturb those results in the absence of some clear and substantial basis for doing so. In the case of TIA 886, the responsible Technical Committee rejected the TIA on both its technical merit and on its emergency nature. FirePASS has had the opportunity to submit its position to the Technical Committee and has failed to persuade the consensus process to adopt its position. The Council has found no basis on which to reject the decision of the TC and accordingly has voted to deny the appeal and not issue the TIA.

In making its decision, the Council has reviewed all the various procedural and substantive arguments made by FirePASS and has found none of them persuasive. Without attempting

to review each argument that the Council has considered and rejected as part of this appeal, the Council makes the following observations.

FirePASS has argued before the Council that the TC was wrong on the technical merits of its proposed TIA. It is not for the Standards Council to second guess the technical judgments of the TC provided that those technical judgments have some reasonable, articulable basis. There is no question here that the judgment of the TC on the technical merits of the TIA was reasonable. A review of the ballots of the TC reveals numerous reasonable concerns with the adequacy of the TIA. Without listing them all, one salient theme underlying the TC's rejection of the TIA is the failure of the TIA to include sufficient provisions to even minimally serve the stated purpose to allow the use of the FirePass fire prevention system.

Specifically, the proposed TIA does nothing more than identify the FirePASS agent as an agent addressed by NFPA 2001 and state its physical properties as an inert gas agent. Given the intended use of the FirePASS agent as described in the TIA submission, an insufficient means to address the agent's application and use within the standard is presented. NFPA 2001 is currently structured to address the deployment of clean agents in fire extinguishing systems. According to FirePASS, however, the FirePASS agent is not intended to be used in a fire extinguishing system. Rather, as described in the TIA submission and during this appeal, the FirePASS agent is an inert gas agent used in a fire prevention system which, through the use of the agent, permanently maintains within the protected area a "hypoxic" atmosphere that contains reduced levels of oxygen and elevated levels of nitrogen than would be contained in normal breathing air. This hypoxic FirePASS agent, it is claimed, will not support combustion and is, at the same time, a safe atmosphere for humans to work in and breathe over extended periods of time. As has been pointed out in the TC balloting, however, NFPA 2001, as written, would not permit such a system even if the TIA were issued. This is because NFPA 2001 stresses that with respect to human safety "[u]nnecessary exposure to inert gas agent systems resulting in low oxygen atmospheres shall be avoided" and that the "[m]aximum exposure time in any case shall not exceed 5 minutes." (See NFPA 2001 at section 1.5.1.3). The TIA simply fails to propose or substantiate revisions to the standard that would revise or address this requirement so as to permit the constant exposure to an inert gas agent that is entailed by the FirePASS system.

Additionally, it does not appear that proponents of the TIA have provided adequate substantiation of the safety of constant exposure of humans to the FirePASS agent entailed by the FirePASS system. The EPA letter submitted by FirePASS in this regard hardly constitutes such substantiation. That letter indicates that an agent called "FirePASS-S" needed no further EPA approvals to be marketable because it is essentially the same as other inert gas extinguishants already approved under the EPA's "SNAP" program. It stressed, however, that, "[a]s with all inert gas extinguishing systems," the FirePASS-S agent, must -

to name just one significant qualification cited in the letter - be used “in accordance with the safety guidelines in the latest edition of NFPA 2001.” Since, as noted above, NFPA 2001 limits exposure to 5 minutes, it seems clear that (even assuming that “FirePASS-S” is the same as the FirePASS agent) the EPA letter does not imply approval of the FirePASS agent for use in a fire prevention system in which human exposure would be constant. Nor does the record contain any other substantiation that would justify the Council in overriding the TC’s judgments with respect to this issue.

The above discussion is by way of example only to illustrate some inadequacies of the proposed TIA and to show that, as the TC clearly concluded, an agent for use in a fire prevention system simply does not fit within the existing structure of NFPA 2001 and could not be made to do so without proposing significant additional provisions regulating its use, either for inclusion in NFPA 2001 or, perhaps, as a separate standard addressing such systems. Such a set of provisions might of course be possible to propose and substantiate. Several of the TC comments contained in the TC ballots, in fact, indicated that the concept described in the TIA submission was interesting and potentially valid provided technical substantiation existed or could be developed. No such set of provisions regulating the use of the FirePASS agent was, however, proposed in the TIA, and as such, the TC was more than justified in rejecting the TIA.

In addition to finding that TIA 886 lacked technical merit, the TC was also unpersuaded that the TIA met the requirements of emergency nature required to allow its provisions to enter the standard by way of the more limited review afforded a Tentative Interim Amendment. The Council agrees. In particular, the proponents’ own actions belied the necessity of dealing with this issue on an emergency basis. FirePASS acknowledged at the hearing that it had desired some form of recognition of the FirePASS technology by NFPA’s codes and standards since 2002. Yet, until the filing of TIA 886 in September 2007, FirePASS took none of the steps necessary to propose such recognition. For example, while NFPA records indicate inquiries were made concerning a potential TIA in 2002, FirePASS simply failed to follow through and actually file a TIA. At the hearing, a proponent of the TIA suggested that he believed that a TIA had in fact been filed. But even if such a belief were reasonable, one would have expected that, having received no acknowledgment of the supposed filing from NFPA nor any other indication that it had been balloted in accordance with NFPA regulations, he would have made inquiries of NFPA and, if dissatisfied with the response, filed an appeal with the Standards Council. Since he took no steps to either file a TIA or if he believed it was filed, to complain of NFPA’s apparent inaction through the means available under NFPA’s published procedures, he can hardly complain now, for the first time, some five years later, that NFPA had in some fashion acted improperly.

Even aside from any failure of FirePASS to follow through on a TIA in 2002, there is more serious neglect on FirePASS's part to use available procedures within the NFPA process to make proposals concerning his FirePASS technology. Beginning in 2005, NFPA 2001 entered its regular full revision cycle culminating in the 2008 edition. FirePASS simply failed to submit any proposals during this regular revision cycle concerning the FirePASS agent. Because of the multiple stages and full public review and comment, the regular revision process is the preferred method for revising NFPA codes and standards, particularly where the proposed revisions involve assessment of new and difficult issues that require significant study, review and debate. One cannot, without reason, simply forego participation in that process and then insist that the issue be treated as an emergency and subjected only to the more limited review available through the TIA process. This appears, on the record before it, to be what has taken place. And it is no response, as FirePASS vaguely asserts, that NFPA, through its staff, bore some kind of responsibility to ensure that FirePASS raised and followed through on the issues of concern to them. While NFPA staff tries to be of assistance, it is the responsibility of the participants in the NFPA codes and standards making system to know and comply with all NFPA rules, and to make and execute their own decisions on what and how to advocate with respect to their position.

In denying this appeal and upholding the decision of the TC rejecting TIA 886, the Council wishes to stress that standards development activities concerning this subject need not be at an end. As noted above, the FirePASS Technology or others like it may have merit and may be appropriate for inclusion in an NFPA standard provided that adequate requirements for the use of the technology can be generated and the requirements are supported by adequate technical substantiation concerning human safety and all other relevant issues. It appears from some of the comments in the TC ballot on TIA 886 that there may be some question whether a fire prevention system such as the FirePASS system fits within the scope of NFPA 2001. If FirePASS, therefore, reaches the point where it is ready to submit a fully developed and substantiated proposal for requirements related to the FirePASS technology, the Council encourages the appellant to communicate with the TC through its staff liaison in a timely fashion so that a determination can be made on the question of whether the FirePASS agent and system lies within the scope of both NFPA 2001 and the TC. If the TC concludes that it is not within the document scope or its TC scope, either the committee or the appellant or others are free to approach the Council with a request for a new standard or committee scope or committee project. If the TC concludes that the subject lies within its committee scope and the scope of NFPA 2001, the Council encourages FirePASS or other interested parties going forward to propose and advocate for appropriate revisions to NFPA 2001 utilizing the procedures available to them within the NFPA standards process as set forth in the Regulations Governing Committee Project.

Council Chair P. DiNenno recused himself during deliberation and vote on this issue, and turned the Chair over to Council Member J. Pauley.

07-10-7 It was voted to issue a proposed Tentative Interim Amendment to 7.5.8.2 to the 2006 edition of NFPA 1983, Standard on Life Safety Rope and Equipment for Emergency Services (TIA No. 887).

7-10-8 D#07-29 At its meeting of 3-4 October 2007, the Standards Council considered an appeal from D. Freeland chair of the Technical Committee on Cultural Resources (TC) requesting that the Council issue, with modification, proposed Tentative Interim Amendment (TIA) 888 on the 2005 edition of NFPA 909, *Code for the Protection of Cultural Resource Properties*. Proposed TIA 888 requests the addition of new sections 12.4.4.3, A.12.4.4.3, 12.4.4.3.1, A.12.4.4.3.1, 12.4.4.3.2, A.12.4.4.3.2.1, 12.4.4.3.3, 12.4.4.3.4, A.12.4.4.3.4, 12.4.4.3.5 and 12.4.4.3.6, which provide additional provisions on the design of preaction and dry pipe sprinkler system systems to minimize the risk of corrosion.

Proposed TIA 888 was balloted through the TC in accordance with the Regulations Governing Committee Projects, to determine if it had the necessary three-fourths majority support on technical merit and emergency nature to establish a recommendation for issuance. The ballot achieved the necessary support of the TC on both technical merit and emergency nature for issuance of proposed TIA 888.

However, upon completion of balloting of the TIA, there was discussion among the TC regarding the proposed TIA, and the TIA was placed on the agenda for the September 24-26, 2007 TC meeting. During the meeting, those TC members present (23 of 29 voting members) reconsidered their position on the proposed TIA language, and voted (by a vote of 22 in favor and 1 abstention) to recommend to the Council that TIA 888 should not be issued as written and balloted, but instead should be issued as modified by the deletion of section 12.4.4.3.4 and the associated annex text. The TC chair, Ms. Freeland, has now communicated this recommendation to the Standards Council in the form of an appeal.

After review and consideration of all the information available to it, the Council has voted to not issue TIA 888 either as balloted or as modified. Since it appears that the TC is no longer in support of TIA 888 as balloted, the Council has no difficulty in concluding that it should not be issued, and to that limited extent, the Council upholds the appeal and has voted to not issue TIA 888. However, under the circumstances, the Council does not believe that it is appropriate to issue a TIA that has been modified as the TC requests. While the requested modification has been characterized as minor, it has, nevertheless, not been published for

public review and input in accordance with NFPA Regulations, and the Council has not been presented with any sufficient basis for it to issue such a modified TIA in the absence of full processing as a TIA. The Council, therefore, has voted to deny the appeal to the extent that it requests issuance of a modified TIA. If the TC believes that a revision to NFPA 909 along the lines it has requested is merited, it may proceed to process such a revision as a new TIA or as a proposal during the next revision cycle, as appropriate.

07-10-9

D#07-25 At its meeting of 04 October 2007, the Standards Council considered an appeal regarding the issuance of proposed Tentative Interim Amendment (TIA) No. 889 on the 2005 edition of NFPA 11, *Standard for Low-, Medium-, and High-Expansion Foam*. The proposed TIA seeks to modify section 4.7.3.4 as follows: “Rubber or elastomeric-gasketed fittings shall not be used in fire-exposed ~~areas~~ hazards unless the foam system is automatically actuated, or test data is submitted to show acceptable performance under fire conditions within a fire exposed hazard.”

As background, proposed TIA No. 889 was balloted through the Technical Committee (TC) on Foam in accordance with the Regulations Governing Committee Projects to determine if it had the necessary three-fourths majority TC support on technical merit and emergency nature to establish a recommendation for issuance. The ballot achieved the required support of the TC on technical merit but failed on the issue of emergency nature. No public comments on the proposed TIA were received. The appeal requests that the Council overturn the action recommended by the NFPA codes and standards development process and issue the TIA.

After a review and consideration of all the information available to it, the Council voted to uphold the appeal and issue TIA No. 889 (attached). The Council will generally defer to the responsible TC on technical issues. However, the question of emergency nature is one on which the Council gives less deference to the judgment of the TC since evaluation of emergency nature often involves issues of a non-technical nature that the Council itself has an obligation to evaluate to ensure fairness in the treatment of subjects addressed by TIAs. This is particularly true where, as here, those voting negatively on the issue of emergency nature have largely failed to provide any real basis for a conclusion that recognition of an alternate technology that addresses significant new regulatory mandates should be deferred. In these circumstances and based on a review of the entire record, the Council has no difficulty in concluding that the TIA meets the requirements of

the Regulations Governing Committee Projects for demonstrating emergency nature. See Regulations at 5-2. Accordingly, the Council has voted to issue TIA No. 889.

- 07-10-10 It was voted to issue a proposed Tentative Interim Amendment to 8.7 to the 2007 edition of NFPA 1994, Standard on Protective Ensembles for First Responders to CBRN Terrorism Incidents (TIA No. 892).
- 07-10-11 It was voted to issue a proposed Tentative Interim Amendment to 8.67 to the 2007 edition of NFPA 1971, Standard on Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting (TIA No. 893).
- 07-10-12 D#07-31 At its meeting of 3-4 October 2007, the Standards Council considered an appeal from J. Stull of International Personnel Protection, Inc. requesting that the Council issue proposed Tentative Interim Amendment (TIA) 895 on the 2007 edition of NFPA 1971, *Standard on Protective Ensemble for Structural and Proximity Fire Fighting Protective Ensembles*. Proposed TIA 895 deals with the important subject of optional protection recently added to NFPA 1971 against chemical, biological, radiological and nuclear threats (the CBRN option). This CBRN option was incorporated into the 2007 edition of NFPA 1971. TIA 895 proposes new test requirements, contained in new sections 7.1.5.1 and 8.6.11.5, for secondary closures that are part of the CBRN option. The proponents of the TIA suggest that, because of the large scope of work involved in incorporating the CBRN option into NFPA 1971, the issue of test requirements for secondary closures was overlooked during the processing of the 2007 edition. They note that these test requirements have already been recognized and incorporated into NFPA 1951, *Standard on Protective Ensemble for Technical Rescue Incidents* (2007 ed.), and they urge that the new test requirements are needed now in NFPA 1971 in order for structural and proximity fire fighting protective ensembles incorporating the CBRN option to become available to the fire service.

Proposed TIA 895 was balloted through the Technical Committee on Structural and Proximity Fire Fighting Protective Clothing and Equipment (TC) and the Technical Correlating Committee on Fire and Emergency Services Protective Clothing and Equipment (TCC) in accordance with the Regulations Governing Committee Projects, to determine if it had the necessary three-fourths majority support on technical merit and emergency nature to establish a recommendation for issuance. The ballot failed to achieve the necessary support of the TC on both technical merit and emergency nature, but passed the TCC ballot with respect to both technical merit and emergency nature. Where the ballot does not pass both the TC and TCC on technical merit and

emergency nature, the default recommendation to the Council is to not issue the TIA.

After review and consideration of all the information available to it, the Council voted to defer action on proposed TIA 895 pending a reballoting of the TIA by the TC and TCC. The Council is directing the reballoting of the TIA for several reasons. First, the state of the record on the balloting by the TC was confused. While it was reported in the summary of the ballot results that the TIA had passed the ballot of the TC on technical merit, the Council's review of the actual ballots suggests that the TIA narrowly failed this ballot. In addition, it appears that some TC ballots were not returned. Finally, it also appears that the balloting of the TC and the TCC were conducted simultaneously such that the TCC did not have access to the TC ballot results when it conducted its ballot. While the Regulations on balloting of TIA's are explicit on this point (see Regulations at 5.4), the Council believes that it is implicit that the TCC ballot on a TIA should be conducted, as with any other TCC ballot, following the ballot of the TC(s) under its jurisdiction. The TCC performs its correlation and related functions by reviewing the actions of the TC(s) within its jurisdiction. It cannot conduct this review with respect to a TIA if it cannot review and assess the TC ballots. For this reason, the TCC ballot should generally take place only after the TC has been balloted. Because this was not the case here and because of the other factors discussed, namely the closeness of the voting, the confusion over the TC ballot results together with the fact that some ballots were not returned, the Council believes that the best course of action on the significant issue presented by this TIA is to conduct a complete reballot of the TIA.

In reballoting, the Council is urging all TC and TCC members to return their ballots. In addition, with respect to the TCC ballot, the Council has been informed that the CBRN provisions set forth in the TIA have already been incorporated into NFPA 1951, and it has been argued that issuance of the TIA is warranted for reasons of correlation and consistency. The Council, therefore, is requesting the TCC members in their reballoting to specifically address and explain any correlation issues that were taken into consideration in their voting.

07-10-13 It was voted to issue a proposed Tentative Interim Amendment to 8.4.5 to the 2007 edition of NFPA 1951, Standard on Protective Ensembles for Technical Rescue Incidents (TIA No. 894).

07-10-14 The Council considered a request from several fire service organizations that NFPA form a new project to cover Data Exchange for the Fire

Service, and voted to approve the request, in principle, pending an expression of interest from the affected parties in applying for and participating in the proposed project. NFPA Staff will be contacting the identified interests, i.e. The U.S. Fire Administration, the DHS-NIMS Integration Center, and the Federal Geospatial Data Committee, as well as the requesting organizations, i.e., Center for Public Safety Excellence, International Association of Fire Chiefs, International Association of Fire Fighters, Metropolitan Fire Chiefs, Volunteer and Combination Officer's Section, and the National Volunteer Fire Council, for that further confirmation of interest.

- 07-10-15 The Council considered the request of the TC on Health Care Facilities, that Chapter 20, Hyperbaric Facilities, be removed from NFPA 99 and be processed and published as a new separate stand alone document, NFPA 99A, reporting in the Fall 2009 Revision Cycle. The Council voted to defer action on the request.

Among the concerns expressed by the Council was the TC rationale for removing Chapter 20 and making it a stand-alone document. It was indicated that since NFPA 99B, *Standard for Hypobaric Facilities*, is a stand alone document, a similar stand alone document on hyperbaric facilities is also in order. However, as noted in the Origin and Development of NFPA 99B, hypobaric chambers are no longer used for medical purposes, and this was the reason why the material was removed from NFPA 99 to form a new NFPA 99B. A similar argument for hyperbaric facilities does not appear applicable as such facilities are still used in health care applications. Additionally, the Council further notes that as a general practice NFPA has been looking for opportunities to consolidate documents on similar or related subjects, and that this effort to create a new NFPA 99A appears contrary to this effort.

The Council is requesting additional information from the TCC on Health Care Facilities on the entire subject. This includes information on whether there should be a separate TC that covers one document on hyperbaric and hypobaric facilities which then reports to the TCC only on issues related to hypobaric facilities in health care facilities.

- 07-10-16 At its meeting on October 3-4, 2007, the Standards Council considered recommendations from the NEC Technical Correlating Committee (TCC) pertaining to the restructuring and disbandment of certain Code Making Panels (CMP), and the reassignment of several articles within the NEC as follows:

1. Reassign Articles 690, 692 and 705 to CMP 4
2. Disband CMP 20 with thanks and gratitude
3. Reassign Article 708 to CMP 13
4. Discharge CMP 13 and call for new membership

The Council voted to take action on all four items noted above as recommended by the TCC.

07-10-17 The Council heard a status Report of the NEC TCC on the status of the new TC on Electrical Equipment Evaluation indicating that there will be two documents, Unlabeled Electrical Equipment Evaluation and Third Party Field Evaluation Bodies, under the jurisdiction of one TC, and that the NEC TCC appointed a task group to recommend a proposed scope for the new TC.

07-10-18 It was voted to approve the request of the TC on Special Operations Protective Clothing and Equipment, to process a new document, proposed NFPA 1952, Standard on Protective Clothing and Equipment for Surface Water Operations reporting in the Fall 2009 Revision Cycle.

In approving this request, the Council directed staff be reminded of the requirements in 4.3.1.1 that a TC must request Council permission to develop a new document, and then present a proposed document scope and TC ballot results before requesting Council permission to enter cycle.

07-10-19 It was voted to approve the request of the TC on Electronic Safety Equipment to process a proposed new document, NFPA 1801, Standard on Thermal Imagers for the Fire Service, reporting in the Fall 2009 Revision Cycle.

07-10-20 In accordance with its policy, the Council heard a report of TC on Hazardous Chemicals regarding its activities related to Homeland Security.

07-10-21 It was voted to defer action on the request of the TC on Gaseous Fire Extinguishing Systems, that NFPA 12 report on a 3 1/2 year cycle, reporting Annual 2010, pending an indication that this request is supported by the TC and/or TC Chair.

07-10-22 It was voted to defer action on the request of the TC on Flammable and Combustible Liquids, that NFPA 30 report on a 3 1/2 year cycle, reporting Annual 2010, pending an indication that this request is supported by the TC and/or TC Chair.

- 07-10-23 It was voted to approve the request of the TC on Oxygen Enriched Atmospheres that NFPA 53 report on a one time six year schedule, reporting in the Fall 2009 Revision Cycle instead of the Fall 2008 Revision Cycle, as the TC will change the document from a recommended practice to a standard and additional time is needed to accomplish this task.
- 07-10-24 It was voted to approve the request of the TC on Fire Doors and Windows, that NFPA 105, report in the Annual 2009 Revision Cycle to be in the same cycle as NFPA 80, as the TC is responsible for both of these documents.
- 07-10-25 It was voted to approve the request of the TC on Chimneys, Fireplaces and Venting Systems for Heat Producing Appliances, that NFPA 211 report on a one time four year revision schedule, reporting in the Fall 2009 Revision Cycle as the TC has a new chair and staff liaison, and its work is to be coordinated with NFPA 54.
- 07-10-26 It was voted to approve the request of the TC on Pyrotechnics, that NFPA 1123 report on a permanent four year revision schedule, reporting in the Annual 2009 Revision Cycle so as to coordinate and report with NFPA 1124.
- 07-10-27 It was voted to approve the request of the TC on Hazardous Material Protective Clothing and Equipment, that NFPA 1994 report on a one time 3 1/2 year revision schedule, reporting in Fall 2009 Revision Cycle so as to coordinate and report with NFPA 1991 and NFPA 1992.
- In taking this action, the Council directed that staff be reminded that all requests should contain evidence that the request is supported by the affected TC and/or TCC Chair.
- 07-10-28 It was voted to defer action on the request of the TC on Gaseous Fire Extinguishing Systems, that NFPA 2001 report on a 3 1/2 year cycle, reporting in the Annual 2010 Revision Cycle, pending an indication that this request is supported by the TC and/or TC Chair.
- 07-10-29 It was voted to approve the request of the Smoke Management Committee that NFPA 204 be moved from the Fall 2010 Revision Cycle to the Fall 2009 Revision Cycle, to coordinate with the IBC.
- 07-10-30 It was voted to approve the request of the Smoke Management TC to combine NFPA 92A and NFPA 92B into one document reporting in the Annual 2011 Revision Cycle.

- 07-10-31 The Council considered the Report of the Policy and Procedures Task Group, which included certain changes to the Regulations Governing Committee Projects and the Committee Officer's Guide, and directed that these recommendations be forwarded to the Board of Directors for approval at its November 2007 meeting. Changes approved by the Council are contained in Attachment 07-10-31.
- 07-10-32 It was voted to defer action on the Report of the Scoping Task Group
- 07-10-33 It was voted to approve the Schedules for Processing 2012 Annual and Fall Revision Cycle Documents.
- 07-10-34 Technical Committee Membership
- 07-10-34-a The Council considered the Membership Task Group's recommendations on pending applications for Committee Membership and took appropriate action on each. Changes in Committee Membership approved by the Council can be found in Attachment 07-10-34-a.
- 07-10-34-b It was voted to reappoint all members of record for an additional one year term, except for certain members that were not recommended for reappointment based on the recommendation of the Membership Task Group and other available information available to the Council.
- 07-10-34-c It was voted to approve a proposed start-up roster for new TC on Commissioning Fire Protection Systems as shown in Attachment 07-10-34-c.
- 07-10-34-d It was voted to approve a revised classification guideline for the Fire Department Rescue Tools TC.
- 07-10-35 As part of his report to the Standards Council, NFPA's Chief Engineer briefed the Council on the Fire Protection Research Foundation (FPRF) project and report entitled *Fire Safety in Consumer Fireworks Storage and Retail Facilities – Hazard Assessment*. The report is dated October 1, 2007, and is available from FPRF at the following web site:
<http://www.nfpa.org/assets/files//PDF/Research/PyrotechnicsLiteratureReview.pdf>.
- The Council has considered this report in particular as it relates to provisions concerning the retail sales of consumer fireworks as contained in Chapter 7 of NFPA 1124, *Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic*
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Articles. The stated purpose of NFPA 1124, with respect to Chapter 7, is to establish reasonable minimum fire and life safety requirements for the retail sales of consumer fireworks. The FPRF report, however, raises serious concerns regarding the technical basis for the requirements of Chapter 7, and calls into question whether sufficient research and other technical substantiation exists to support meaningful standards development in this area.

Based upon the findings presented in the report, the Council is contemplating the following actions:

- a) revising the scope of the Technical Committee on Pyrotechnics (TC), which is responsible for NFPA 1124, so that it no longer covers the retail sale of consumer fireworks, and
- b) taking steps to revise the scope of NFPA 1124 to exclude the retail sales of consumer fireworks, and to delete chapter 7 from NFPA 1124.

Prior to making a final decision on this issue, the Council has directed that a notice be published soliciting public input on the Council's contemplated course of action. Furthermore, the Council will be holding a public hearing on Monday June 2, 2008 from 8:00 AM until 11:00 AM in conjunction with NFPA's World Safety Conference and Exposition in Las Vegas, NV to consider this matter. In making its decision on the matter, the Council will, in addition to the existing record, consider written submissions received by NFPA by Friday, May 9, 2008, as well as information presented at the hearing.

07-10-36 The Council discussed programs for recognition of Technical Committee, Correlating Committee, and Code-Making Panel Members. All current Members will be receiving a letter of thanks from NFPA along with information on registration discounts for the World Fire Safety Exhibition, and a tangible expression of appreciation in the form of a Mag-Lite® (flashlight) with the NFPA logo.

07-10-37 The Council heard a Report of Recording Secretary on the status of the Minutes of the July 24-27, 2007 meeting, which were awaiting final approval by the entire Standards Council.

07-10-38 The Council approved dates and places for upcoming Council meetings, as follows:

January 10, 2008 (10:00 A.M.)

March (3) noon 4-5(noon) 2008

June 2, 2008 (11:00 AM -1:00 PM)

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Teleconference

San Juan, Puerto Rico

Las Vegas, NV

Standards Council Meeting

October 3(noon)-4, 2007

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July (21) noon-22-24, 2008
October 28-29, 2008 (tentative)

NFPA, Quincy, MA
Texas or California

Respectfully submitted,

A handwritten signature in cursive script that reads "Leona".

Leona Attenasio Nisbet
Recording Secretary
NFPA Standards Council