

NFPA STANDARDS COUNCIL MEETING
ONE BATTERYMARCH PARK
QUINCY, MASSACHUSETTS
TUESDAY, AUGUST 3, 2010
AFTERNOON SESSION
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1 P R O C E E D I N G S

2 THE CHAIR: We will come back to order
3 for the afternoon session of the Standards Council
4 meeting. My name's Jim Pauley. I'm Chairman of the
5 Council.

6 In a moment I'm going to go around the
7 table and ask all the Council members to introduce
8 themselves, and then we'll go around the room and ask
9 everyone in the room to introduce themselves and
10 their affiliation for the record. Again, Amy, why
11 don't we start with you.

12 MS. CRONIN: Amy Cronin, secretary to the
13 Standards Council.

14 MS. FULLER: Linda Fuller, recording
15 secretary to the Council.

16 MR. BELL: Kerry Bell, member of the
17 Council.

18 MR. HARRINGTON: J.C. Harrington, member
19 of Council.

20 MR. SNYDER: Michael Snyder, member of
21 Council.

22 MR. McDANIEL: Danny McDaniel, member of
23 Council.

1 MR. HUGGINS: Roland Huggins, member of
2 Council.

3 MR. JARDIN: Joseph Jardin, member of
4 Council.

5 MR. MILKE: James Milke, member of
6 Council.

7 MR. CARPENTER: James Carpenter, member
8 of Council.

9 MR. LEBER: Fred Leber, member of
10 Council.

11 MR. GERDES: Ralph Gerdes, Council
12 member.

13 MR. CLARY: Shane M. Clary, member of
14 Council.

15 MR. FARR: Ronald Farr, member of
16 Council.

17 MS. BRODOFF: Maureen Brodoff, NFPA staff
18 and legal counsel to the Standards Council.

19 THE CHAIR: First of all I'm going to
20 start with you.

21 MR. DUBAY: Christian Dubay, NFPA staff.

22 MR. LARRIMER: Pete Larrimer with the
23 Department of Veterans Affairs.

1 MR. ELVOVE: Josh Elvove, the U.S.
2 General Services Administration.

3 MR. BOUCHARD: John Bouchard, Chartis
4 Insurance.

5 MR. FLEMING: Russ Fleming, National Fire
6 Sprinkler Association.

7 MR. LEAVITT: Russ Leavitt, Telgian
8 Corporation representing the Home Depot.

9 MR. GREINER: Mike Greiner, president
10 Hazard Control Technologies.

11 MR. BRANDAO: Armand Brandao, FM Global.

12 MR. CHASE: Barry Chase, NFPA staff.

13 MR. BIELEN: Richard Bielen, NFPA staff.

14 MR. LAKE: Jim Lake, NFPA staff.

15 MR. KLAUS: Matt Klaus, NFPA staff.

16 MR. ROCK: Brian Rock, Hubbell,
17 Incorporated, observer.

18 MR. URAL: Erdam Ural, not a member of
19 the Council.

20 THE CHAIR: Do I have any statements from
21 Council members before we begin this hearing? We are
22 on hearing number 7.

23 This is Agenda Item 10-8-2-a. Deals with

1 NFPA 18 with an appeal to overturn the floor action
2 that was to reject an identifiable part of Comment
3 18-4. Mr. Greiner, I believe you're the appellant in
4 this case.

5 MR. GREINER: Yes, sir.

6 THE CHAIR: While he's taking a seat, let
7 met go over quickly how we're going to operate the
8 hearings.

9 Basically we'll give each side ten
10 minutes to go over their case. So I'll give the
11 appellants first ten minutes to state their appeal
12 before the Council, give anyone that would like to
13 speak on the opposite side of that issue also the
14 opportunity to then speak.

15 We will then take questions from the
16 members of the Council, go back and give about five
17 minutes closing remarks from each side.

18 So we're going to be keeping time so I'm
19 going to ask that you stick within the time frames
20 that we have allotted for this.

21 And also, recognize that any written
22 material that you have submitted the Council does
23 have and has been through, so if you could not repeat

1 what you've already submitted in written material in
2 your oral remarks, that would be excellent.

3 Mr. Greiner, could you give those to the
4 secretary of the Council first, please, and let us --

5 MR. GREINER: Sure.

6 THE CHAIR: Is this material to support
7 your presentation to the Council?

8 MR. GREINER: It is.

9 THE CHAIR: And this is material that
10 wasn't submitted in written submittal prior to this?

11 MR. GREINER: That's correct.

12 THE CHAIR: Mr. Greiner, please proceed.

13 MR. GREINER: Okay. My stance is to
14 reject the identifiable part and to remove --

15 THE CHAIR: I'm sorry, Mr. Greiner, for
16 interrupting. For yourself and for everyone, since
17 we do have a stenotypist recording this, if you could
18 please state your name for the record before
19 speaking, and that way we'll make sure we have the
20 correct remarks attributed to you in the official
21 record. I apologize for interrupting.

22 MR. GREINER: Want the company name as
23 well?

1 THE CHAIR: Yes, please.

2 MR. GREINER: Mike Greiner, Hazard
3 Control Technologies. I've passed out some
4 information here for the Standards Council. I'm just
5 going to briefly go through it.

6 And really what I'm trying to get
7 everyone to understand is why setting an aquatic
8 toxicity pass/fail limit of 10 milligrams per liter
9 in the NFPA standards is not appropriate.

10 We turn to the preface here. Just a
11 couple of definitions. Aquatic toxicity. The LC 50
12 is a determination of the lethal dosage of the
13 concentration of the test substance or of the fire
14 fighting agent that will kill 50 percent of the test
15 fish.

16 It's usually expressed in terms of
17 milligrams per liter or parts per million. The
18 higher the value means the less toxic. The lower the
19 value, the more toxic.

20 The table that you see down below is used
21 to illustrate proportioning rates because all fire
22 fighting agents are typically UL listed at a
23 proportioning rate of 3 percent, 1 percent, quarter

1 of a percent.

2 So this just shows us that at a half a
3 percent we are actually putting out 5,000 milligrams
4 per liter. That would be the amount of solution or
5 concentrate in terms -- expressed in terms of
6 solution that would be going on.

7 My first reason under the substantiation
8 in the next page is that setting this pass/fail limit
9 of 10 milligrams per liters on wetting agent
10 concentrates does not accomplish any objective of
11 providing any protection to the aquatic ecosystems.

12 In fact, it actually does just the
13 opposite. It gives the fire departments a false
14 sense of security that because an agent has passed a
15 10 milligram per liter aquatic toxicity test, that
16 it's not going to harm the environment.

17 And what I want to do here is just take a
18 look at an example. I have a product here. It's a
19 UL listed wetting agent under NFPA 18. It's FireAde
20 2000.

21 It's UL listed for Class A at .25
22 percent. Therefore, when it's applied it's going to
23 be applied in a concentration of 2,500 milligrams per

1 liter.

2 If it was applied on Class B at a half a
3 percent it would be applied at 5,000 milligrams per
4 liter.

5 The next page -- it's this page here --
6 actually shows the UL listing that was printed off
7 UL's web site this morning just so Council can verify
8 that the FireAde 2000 is in fact listed, NFPA 18,
9 2006, which is the latest standard, and it's listed
10 at a half a percent for Class B and a quarter of a
11 percent for Class A.

12 The next couple of pages is a report from
13 the Air Force and it's an unclassified report
14 approved for public comments. Here we can see it's
15 aquatic toxicity screening of fire fighting agents.

16 And if we move forward a couple of pages
17 I've included in here some title pages so that if
18 someone wanted to go and review the entire report
19 they have the ability to do that.

20 When we move to Section 3, the Summary of
21 Results, I've highlighted in the table here the
22 FireAde 2000. Again, UL listed product meeting NFPA
23 18.

1 It has an aquatic toxicity, an LC 50 of
2 74 parts per million or 74 milligrams per liter.
3 Also was tested a second time at 92 milligrams per
4 liter.

5 So what this means is that this product
6 here passes the requirement that's being put into
7 NFPA 18.

8 If you go down and look at the
9 highlighted, the first toxicity screening performed
10 of FireAde had an unusual reaction with the fish.

11 After the fish died, the remains turned
12 to a gel-like consistency. Result had never been
13 observed before.

14 The second batch was closer to a neutral
15 pH but it didn't significantly improve the LC 50
16 indicating there was -- you know, the higher level of
17 toxicity was not the pH.

18 So here's the point. If we look at the
19 summary, this product has an LC 50 of 70 to 95
20 milligrams per liter.

21 Since that is greater than 10, it would
22 pass and meet the requirements of NFPA 18, at least
23 the 10 milligram per liter that's being put into the

1 standard.

2 However, because it's being applied at
3 its UL listed rate of 2500 parts per million, it's
4 actually being applied and could run into the stream
5 at 25 to 30 times the concentration than what killed
6 50 percent of the fish.

7 So if we understand, the LC 50 here is
8 somewhere between 70 and 95 for this product but it's
9 being applied in the field anywhere between 2500 and
10 5,000.

11 So the result is it would kill fish and
12 there's where I have the issue of setting this
13 parameter of 10 parts per million.

14 If we go back to the previous page and we
15 look at AFFF foams, which is the last column, the
16 AFFF foams are 700, 800, 900 parts per million.

17 So if they're applied at 1 percent, which
18 is 10,000 parts per million, if they're allowed to go
19 into the stream, they would also kill fish.

20 But the point is no matter which agent
21 under 18, under NFPA 1150 or 11 goes into the stream,
22 the result's going to be a fish kill.

23 So the point is it's an arbitrary value

1 that doesn't solve an engineering problem. That's my
2 issue with it.

3 And it gives a false sense of security to
4 the fire department, municipal fire department, that,
5 Oh, it passed this requirement so it's okay and safe,
6 when it's not.

7 Under the next page, under Reason 2, I
8 say, It's recognized in the environmental community
9 that the use of a single test as a predicator of
10 toxicity is not appropriate, and that's exactly what
11 the Standards Council is doing. You're using a
12 single indicator.

13 Here I have a document from the Forestry
14 Department and I've highlighted, Determined by using
15 a series of tests, not a single test but a series of
16 tests, to determine the acute and chronic toxicity.

17 Also highlighted below it says, This
18 scale below as a scale is a highly situation-specific
19 and should not be used as a planning or guidance tool
20 relative to toxicity without consulting a
21 toxicologist. Yet there's where the 10 comes from.
22 It got pulled directly from this table.

23 Further down under University of Genoa,

1 department of biology, again it has a statement, you
2 know, using -- the use of different organisms
3 belonging to different levels is required to evaluate
4 overall toxicity, because to date a single specie's
5 ability to describe this effect does not exist.

6 So what I'm trying to point out is what
7 the Technical Committee's doing is singling in on one
8 specific value and saying that this is the value to
9 predict the toxic nature of a product.

10 And then when you look at the value
11 that's being pushed of 10 milligrams per liter is way
12 below the values that the products are applied at, it
13 doesn't solve any problem.

14 The next series of slides that starts
15 here at the University of Genoa --

16 THE CHAIR: One minute to wrap up.

17 MR. GREINER: Okay. Is on -- talks about
18 our product, F 500, which quite frankly won't meet
19 that requirement of 10 milligrams per liter, but it's
20 been evaluated for use as a dispersement agent by the
21 U.S. EPA and meets all the requirements to be used as
22 a dispersant agent.

23 It meets all the requirements of the U.S.

1 EPA to be able to be used as a surface washing agent.
2 And in fact, here's the listing for F 500 to be used
3 as a surface washing agent. It's currently being
4 used on the BP oil spill for cleaning.

5 So my point is we're going down a path
6 here where we're only looking at one value rather
7 than evaluating the full aquatic toxicity.

8 If you move forward here, I have Reasons
9 3, 4, and 5. And I will touch base on just Reason 5.

10 THE CHAIR: We need you to go ahead and
11 begin wrapping up. Your ten minutes have passed.

12 MR. GREINER: Okay. If you look at 4,
13 by setting this standard in the NFPA standard, it
14 actually conflicts with the authorities having
15 jurisdiction.

16 And the authority having jurisdiction in
17 environmental matters is the Environmental Protection
18 Agency in the United States. It's Canadian
19 Environmental Protection Agency in Canada. It's
20 REACH in Europe.

21 The other -- Reason 5, I think putting
22 this requirement in the standard sets up the
23 commercial appearance of discriminatory and

1 restrictive trade practices.

2 And I have a table here showing the
3 standards, NFPA 11, 1150, 18 and 18A. Also in that
4 table it shows the percentage of market share and, as
5 you can see, NFPA 11 occupies 91 percent of the
6 market in terms of product used in the United States,
7 yet there's no aquatic toxicity requirements in NFPA
8 11.

9 The Class A foam occupies 7 percent
10 of the market and there is an aquatic toxicity
11 requirement in that. In 18 and 18A right now they're
12 only reportable. The reason 11 has --

13 THE CHAIR: Mr. Greiner, I'm going to ask
14 you to stop there. You can hold your other comments
15 for the closing remarks if you'd like but we went
16 beyond the allotted time.

17 MR. GREINER: Thank you.

18 THE CHAIR: Is there anyone else speaking
19 in support of the appeal? In speaking in opposition
20 I guess -- had the chair, Mr. Brandao -- Are you
21 speaking in opposition to the appeal or I should say
22 speaking on behalf of the committee?

23 MR. BRANDAO: Yes, I am.

1 THE CHAIR: If you'll please take a seat
2 and again state your name for the record before you
3 begin your remarks.

4 MR. BRANDAO: I'm Armand Brandao, FM
5 Global. I'm the chairman of NFPA 18. And to make it
6 completely clear, I'm here to represent the committee
7 view.

8 FM Global doesn't have a horse in this
9 race. We don't use these materials in any of our
10 protection strategies and FM Approvals does not have
11 a listing certification program for them. So I'm
12 strictly representing the committee view.

13 The argument is kind of interesting
14 because this issue has been debated both with regard
15 to NFPA 18 and 18A and I expect as 18A comes in cycle
16 we'll cover the same grounds there.

17 But the limit that's been chosen is the
18 threshold between what's been called moderately toxic
19 and slightly toxic, and this has not been by the
20 Forest Service but the U.S. EPA.

21 And in some of the correspondence that
22 you have there's a citation for the reference for
23 that.

1 The point has been made in the debates
2 that we've had in committee that even fairly benign
3 substances like salt water, if you were to drop them
4 into a fresh water body locally where there's a
5 school of fish, you might have toxic results for the
6 fish.

7 These materials, while they're used in
8 much higher strengths than the toxicity limit that's
9 been proposed, do not typically go into a body of
10 water without significant dilution very quickly being
11 aqueous materials.

12 The issue has been pushed back and forth
13 a bit. There was a compromise proposal to move the
14 limit to the appendix so that it would become
15 advisory but was still there for the information of
16 authorities having jurisdiction, and that solution
17 was rejected.

18 The argument seems to be for no toxicity
19 limit at all in the standard as opposed to suggesting
20 an alternative limit.

21 And while the limit is based on a
22 laboratory test, while it does not relate to the full
23 strength solution as used in individual fire fighting

1 applications, the argument cannot be that less
2 toxicity is not better.

3 And again, the letters have been
4 submitted by two of the interested members of the
5 committee who could not be here, Cecilia Johnson
6 being probably the most knowledgeable in the
7 implementation of these limits working for the U.S.
8 Forest Service and serving on several of the
9 committees that Mr. Greiner cited. I don't need ten
10 minutes.

11 THE CHAIR: Thank you. I'm going to open
12 it -- Is there anyone else speaking in opposition to
13 the appeal?

14 I'm going to open it up at this time
15 to questions from the members of the Council.
16 Mr. Gerdes.

17 MR. GERDES: Ralph Gerdes, Council
18 member. In your reasons why you're supporting your
19 appeal, you're saying that the NFPA 18 committee is
20 creating conflict with the EPA regulations.

21 But when I look at this letter from
22 Cecilia Johnson from the United States Department of
23 Agriculture, she's contending that these guidelines

1 are in fact coming from EPA. Could you try and
2 clarify that or explain that for me?

3 MR. GREINER: Yes. In here I show a
4 table and the table shows just the guidelines of the
5 EPA depicting what is slightly toxic, moderate toxic,
6 extremely toxic.

7 The EPA does not regulate a specific
8 limit. What the EPA does is exactly what I'm showing
9 in my report here where they look at both acute and a
10 chronic toxicity of a product for that specific
11 application, for example, to be used as a dispersant
12 agent or to be used -- where it's applied to the sea
13 for hydrocarbons.

14 So they don't set the limit and say, Hey,
15 10 milligrams per liter. They've only created the
16 table showing what they consider to be slightly
17 toxic, moderately toxic, non-toxic.

18 MR. GERDES: I still don't understand
19 where the conflict lies.

20 MR. GREINER: The conflict lies in the
21 fact that we set a parameter here that dictates that
22 certain agents will no longer meet NFPA 18 and won't
23 be fire fighting agents. Yet they meet the

1 requirements of the authority having jurisdiction
2 which is the EPA.

3 Mine, for example, won't meet that 10
4 milligrams per liter. We're at about 9.5 milligrams
5 per liter.

6 Yet when you look at the overall
7 scheme of the product and it goes into the waterway,
8 it's approved as a dispersant agent in Europe, it's
9 approved as a dispersant agent in China, it's
10 approved as a dispersant agent in Canada.

11 It's approved under another brand name as
12 a dispersant agent here in the U.S., and it's
13 approved as a surface washing agent in the U.S.

14 And the product's currently being used to
15 clean the beaches of the oil along the Gulf shores
16 which is headed up by BP in conjunction with the EPA.
17 Yet it will no longer meet the requirements of 18.

18 I see that as a conflict, that the EPA
19 uses it for cleaning mechanisms and surface washing
20 but yet we can't use it as a fire fighting agent.

21 There's where I see the conflict. And I
22 think Armand may have understated it when he said no
23 other limits were proposed.

1 Yes, what was proposed was to do -- If
2 you look at my recommendation that I have on the
3 second or third to the last page was, you know,
4 setting the limit of 10 milligrams per liter doesn't
5 solve anything.

6 A product that passes it, if it goes in
7 the water, will still kill fish. And I show that
8 with the FireAde 2000 and you can show that exact
9 same thing with every product that's listed under 11,
10 1150, and 18.

11 Now, what I'm saying is we are better
12 served to have verbiage to have these values
13 reportable to raise the awareness to the municipal
14 fire department and the fire suppression world in
15 general, and then to inform them about ways to keep
16 these agents out of the water.

17 And that's actually what's done in NFPA
18 1145 is there's a whole section -- and that's my last
19 two pages here -- that talks about methods -- you
20 know, don't fill the fire truck within so many feet
21 of a waterway, you know. So --

22 THE CHAIR: Mr. Gerdes, do you have other
23 question?

1 MR. GERDES: Ralph Gerdes, Council
2 member, for the committee representative. This
3 toxicity, is this new material for this standard?

4 MR. BRANDAO: Yes. It's new material for
5 this standard.

6 MR. GERDES: Thank you.

7 THE CHAIR: Jim Pauley, Chair of the
8 Council. I guess -- I'm looking at some of the
9 information that we have in our agenda, Mr. Greiner,
10 and I want to clarify a couple things for the record.
11 Are you on the 18 committee?

12 MR. GREINER: I'm the secretary of the 18
13 committee, yes, sir.

14 THE CHAIR: Did you attend the ROC
15 meeting?

16 MR. GREINER: I've attended every meeting
17 for 18 and 18A with the exception of one in
18 Albuquerque.

19 THE CHAIR: So the particular issues that
20 you're raising for the Council today in this
21 material, was that material also discussed by the 18
22 committee?

23 MR. GREINER: Yes, sir. It's a very

1 small committee. It is -- I don't know if Armand
2 would agree with this.

3 It's been very divided. Depending on who
4 shows up, it either -- 10 milligrams per liter is
5 either in or it's in the appendix. So it's pretty
6 much right down the middle on this issue with the
7 committee.

8 THE CHAIR: Well, to that point, my
9 follow-up question is I notice in looking at the
10 Comment in question Comment 18-4 that places the 10
11 milligrams per liter in, there were six affirmative
12 votes but there were four ballots not returned of
13 which one of yours is shown as not returned.

14 MR. GREINER: I missed returning one
15 ballot out of the whole process.

16 THE CHAIR: Well, the reason why I'm
17 asking is I'm trying to make sure whether the process
18 opportunity was there to raise these particular items
19 in front of the committee both at the meeting and
20 what would have been, I presume, based on what you've
21 presented in front of the Council, what would have
22 been a negative vote or a negative voting comment
23 from yourself on this issue in the ballot.

1 But I understand what you're saying, that
2 the committee is small but also with four ballots not
3 returned, you know, the remaining of that was a six
4 to one vote on the particular comment that's in
5 question. So I wanted to make sure for the record I
6 understood what had been returned and what hadn't.
7 Mr. Bell.

8 MR. BELL: Kerry Bell, member of Council.
9 I think you had indicated you have some kind of EPA
10 acceptance for your agent as a dispersant, is that
11 correct?

12 MR. GREINER: Yes.

13 MR. BELL: The question I have then, in
14 your presentation you make the distinction between
15 the dispersant and an extinguishing agent.

16 Are there different regulations for
17 extinguishing agents established by the EPA compared
18 to dispersants?

19 MR. GREINER: Not in the U.S. There are
20 up in Canada.

21 MR. BELL: Are the requirements for
22 toxicity more stringent for extinguishing agents in
23 Canada?

1 MR. GREINER: No.

2 MR. BELL: Why would -- Just another
3 follow-up. Kerry Bell, member of Council. Why would
4 the EPA only approve yours as a dispersant and not an
5 extinguishing agent?

6 MR. GREINER: Well, they don't have a
7 category for extinguishing agent. Back when they had
8 the Exxon Valdez spill, Congress enacted the Clean
9 Water Act.

10 And the EPA set up what's called a
11 National Contingency Plan, and they have a national
12 contingency product schedule.

13 So what they do is pre-qualify agents on
14 that for use for surface washing agents, for
15 dispersant agents, bioremediation agents.

16 And so we submitted all of our technical
17 data, much of which had to be generated by EPA-
18 approved labs in order to be listed on those
19 categories. So it's listed as a dispersant agent and
20 a surface washing agent.

21 MR. BELL: Thank you.

22 THE CHAIR: Mr. Milke.

23 MR. MILKE: Jim Milke, member of Council,

1 following up Chair Pauley's question on process.

2 There was a proposal to do some reporting of health
3 effects that came out in the ROP.

4 You've got some recommended actions that
5 you're suggesting or recommended language. Was there
6 a reason that didn't go in as a comment to the ROP?

7 MR. GREINER: Yeah. At the time this
8 wasn't really an issue. In the 18, 2006 version it
9 was a reportable value and -- Yuh.

10 MR. MILKE: All right.

11 THE CHAIR: Additional questions? Seeing
12 none, I'll give both an opportunity -- Mr. Greiner,
13 any closing remarks? Five minutes for any closing
14 remarks that you might have.

15 MR. GREINER: Yuh. I just think that
16 it's an arbitrary value that doesn't solve any
17 problem.

18 I could see if it was set at say 30,000
19 milligrams per liter which is what 3 percent is and
20 you didn't -- water went in -- your solution went in
21 and it wouldn't kill any fish, but the fact is that's
22 not the way it is.

23 And I think we would much better served

1 to have those -- My issue is not hiding aquatic
2 toxicity. Mine is bringing it out in the open, have
3 reportable values, have them as part of the product
4 data sheet, have them as a requirement of all codes
5 for Class B, Class A, and wetting agents, and then to
6 adopt some verbiage to raise the awareness and to
7 keep these fire fighting solutions out of the streams
8 as they can have impact on the aquatic ecosystem.
9 Thank you.

10 THE CHAIR: Mr. Brandao.

11 MR. BRANDAO: Yes. Just briefly, a
12 couple of things that were raised. I think the
13 statement was made that half the committee would go
14 one way, half the other way, that at times we wanted
15 it in the appendix, at times we wanted it in the body
16 of the standard.

17 The committee was fairly divided. It has
18 been debated several times including for 18A, as I've
19 said, as well as 18.

20 And the committee has consistently
21 rejected everything but placing this value in the
22 body of the standard.

23 Now, the idea being that merely reporting

1 values does not give any guidance and it was felt
2 that some guidance was given -- was necessary for
3 authorities having jurisdiction who might not have
4 significant technical resources at their disposal.

5 The other thing, again, I'm now talking
6 outside of my area of expertise, but I think the
7 criteria for a dispersant would be significantly
8 different because there you're talking about a
9 massive assault on the environment from some material
10 like the oil spill.

11 And, I mean, they're washing birds down
12 there with dishwashing liquid, and certainly the EPA
13 wouldn't advocate dumping dishwashing liquid into the
14 ecosystem.

15 So I think you're trying to mitigate an
16 assault on the environment and you might accept
17 chemicals for that that you would not accept if there
18 were other alternatives and there were not already
19 greater damage that you're trying to remediate.

20 THE CHAIR: Thank you, and with that I
21 will bring this hearing to a close. I appreciate
22 your participation in the NFPA Code Standard-making
23 process.

1 I appreciate your time and your effort to
2 be here today in front of the Council. The Council
3 will issue a written decision on this particular
4 appeal.

5 That written decision will come from Miss
6 Cronin, the secretary of the Standards Council. No
7 member of the Council, nor any member of NFPA staff
8 is permitted to convey any part of that decision,
9 verbally or otherwise. It will only come from Miss
10 Cronin as the official decision of the Council.

11 So with that I'll bring this hearing to a
12 close and we will move immediately to our next
13 hearing which is hearing number 8 and Agenda Item
14 10-8-3-a-1.

15 This is an appeal on NFPA 25 and Section
16 5.2.7. It's to uphold the floor action that accepted
17 Comment 25-41 which passed on the floor and
18 ultimately failed committee ballot.

19 Mr. Isman, I believe you are the
20 appellant in this case. Is there anyone else that's
21 going to speak in favor of this particular appeal?

22 Could I have a show -- Who will be
23 speaking against this particular appeal, the

1 opposition?

2 MR. BOUCHARD: I'm the chairman of the
3 committee and I don't expect that I will be speaking
4 in opposition to or in favor of but I may -- would
5 reserve the right to comment on statements that are
6 made, and --

7 THE CHAIR: Just state your name for the
8 record.

9 MR. BOUCHARD: John Bouchard, Global Loss
10 Prevention, Chartis Insurance, and I'm chairman of
11 NFPA 25.

12 THE CHAIR: All right. Thank you.
13 Mr. Isman, please proceed. I'm sorry. I need
14 recusal statements if there are any. Mr. Bell.

15 MR. BELL: Kerry Bell, member of Council.
16 I would like to note for the record that I'm a member
17 of the Committee on Inspection, Testing and
18 Maintenance of Water-Based Systems.

19 As a Technical Committee member I
20 participated in the consideration and voting on the
21 issues that appear to be related to this appeal.

22 I have therefore reviewed my obligations
23 under the Guide for Conduct of Participants in the

1 NFPA process to consider whether there is a reason
2 for me to recuse myself from consideration of this
3 appeal.

4 I have concluded that I do not have any
5 views that are or would appear to be fixed concerning
6 the issues and I am fully able to give open and fair
7 consideration to this appeal.

8 For the record, therefore, I have
9 considered the matter and believe that I can fully,
10 fairly, and impartially fulfill my role as a Council
11 member on this appeal.

12 THE CHAIR: Thank you. Mr. Huggins.

13 MR. HUGGINS: Roland Huggins, member of
14 Council. I'd like to note for the record that I'm
15 also a member of NFPA 25 Technical Committee.

16 As a Technical Committee member I
17 participated in the consideration and voting on
18 issues that appear to be related to this appeal.

19 I have therefore reviewed my obligations
20 under the Guide for Conduct of Participants in the
21 NFPA process, particularly Section 3.5(d) of the
22 Guide, to consider whether there's any reason for me
23 to recuse myself for consideration of this appeal.

1 I have concluded that I do not have any
2 views that are or appear to be fixed concerning the
3 issues and I'm fully able to give open and fair
4 consideration in this process.

5 For the record, therefore, I have
6 considered the matter and believe that I can fully,
7 fairly, and impartially fulfill my role as a Council
8 member on this appeal.

9 THE CHAIR: Thank you. Any others?
10 Mr. Isman.

11 MR. ISMAN: Thank you, Mr. Chair. My
12 name is Ken Isman and I'm with the National Fire
13 Sprinkler Association and on this appeal I'm
14 representing Mr. Richard Ray of Cybor Fire
15 Protection.

16 I'm going to make this relatively short.
17 I'm not even sure exactly why the committee can't
18 come to a consensus on this issue because it seems to
19 be a relatively easy issue to deal with.

20 There is a requirement in Section 5.2.7
21 of NFPA 25 for a quarterly inspection of a sign.
22 Now, I realize that the NFPA has made this a little
23 difficult in that in some of the editions, in some of

1 the printings of the 2008 edition, you'll find the
2 requirement for the sign and in some the printings
3 you won't find the requirements for the sign, so
4 there was an error made in the printing of NFPA 25.

5 But when you straighten it all out, you
6 realize the requirement is supposed to be there in
7 the 2008 edition.

8 It is going to be there in the 2011
9 edition, and all we were trying to do was add the
10 statement right after you inspect to see whether the
11 sign is there or not -- just add that simple
12 statement, If the sign is missing, it needs to be
13 replaced.

14 Now, replacing the sign is not a trivial
15 issue. You have to do some investigation to find out
16 what the information is that needs to go on the sign,
17 but all that we're debating here is the issue of
18 whether the sign needs to be replaced when it's found
19 to be missing.

20 The requirement for the quarterly
21 inspection to occur is definitely going to be in the
22 2011 edition of the standard.

23 Well, the statement that you've got to

1 replace a missing sign that's required to be
2 inspected is really an editorial statement.

3 Whether or not that statement's in NFPA
4 25, the inspection is going to occur, and if the
5 sign's not there, they're going to fail the
6 inspection and the owners are going to want to know
7 what are they going to be able to do to be able to
8 pass the inspection.

9 Well, the only thing they can do is
10 replace the missing sign. So we really just wanted
11 to have this in the standard to help the building
12 owners understand what they need to do to comply with
13 NFPA 25.

14 Building owners are not sophisticated
15 users of NFPA 25. They don't have knowledge of the
16 codes and standards process, so they need to see in
17 black and white what they need to do to fix a problem
18 when a contractor hands them an inspection form and
19 says, You don't pass the inspection, you're missing
20 the sign you're supposed to have.

21 So it really seems to us to be an
22 editorial issue and I can't understand why we
23 couldn't get the committee to agree to it.

1 There was some confusion during the
2 committee meeting and some confusion even at the NFPA
3 floor discussion on this as to whether the
4 requirement was there for the inspection, but we've
5 straightened that out.

6 The requirement is there for the
7 inspection. There's no question about that issue
8 now. So we'd just like you to add the extra sentence
9 about replacing the sign if it's found missing.

10 THE CHAIR: Is there anyone speaking in
11 opposition to the appeal? Please.

12 MR. ELVOVE: Josh Elvove, U.S. General
13 Service Administration. I feel we are an intelligent
14 owner for the record.

15 I think we are a couple of intelligent
16 owners in this space. I want to be on the record to
17 say that I think we are and we would recognize if
18 there was a sign missing and we would know what to
19 do, just for the record.

20 THE CHAIR: Thank you. I'll open it up
21 to questions from the members of the Council.
22 Mr. Bell.

23 MR. BELL: Kerry Bell, member of Council.

1 Do you know how long the requirement for hydraulic
2 name plates has been in existence in say NFPA 13?

3 MR. ISMAN: The requirement to place a
4 sign on the riser has been there since I've been
5 involved in sprinkler design since the mid 1980's.

6 MR. BELL: Just a follow-up question. So
7 the intent would be for those systems that perhaps
8 were installed before that time that the owner would
9 need to put -- determine what the criteria is to put
10 a name plate there, is that it?

11 MR. ISMAN: My understanding is that
12 requirement's been there for pretty much as long as
13 there have been hydraulically calculated signs. So
14 every system that requires a sign should have a sign
15 already.

16 Now, identifying those systems that were
17 not hydraulically calculated and needed -- were pipe
18 schedule systems and don't need a sign, that can be a
19 little tricky.

20 And a part of my original proposal was to
21 actually recommend the building owners that if they
22 had one of those systems, they put a sign on the
23 system that said, This is a pipe schedule system.

1 But the committee didn't want to go that
2 route and I'm not here to appeal that issue, but
3 regardless of what you decide as a Council, the
4 requirement to inspect the hydraulic -- the sign on a
5 hydraulically calculated system is in the standard.

6 MR. BELL: Thank you.

7 THE CHAIR: Other questions? Jim Pauley,
8 Chair of the Council. I'm trying to look at the
9 reasons for negative votes.

10 One of these states that the -- voting
11 negative, the standard should allow the owner to
12 contract the service.

13 Is there anything in this language that
14 would somehow keep an owner from following what might
15 be the normal course of contracting this or -- I
16 am -- Mr. Isman, to your point, I guess I'm just
17 having a lot of trouble grasping what the effect is
18 if these words go in or what the effect is if these
19 words don't go in.

20 This seems to be -- I'm having trouble
21 getting my arms around all of this, with eleven
22 negative votes I might add.

23 MR. ISMAN: I understand your trouble.

1 The language we're discussing is specifically, When
2 observed missing, the owner shall investigate and
3 replace if necessary.

4 I don't see any language there that
5 prohibits the owner from figuring out or contracting
6 out that investigation.

7 In fact, that's how owners comply with
8 all of the requirements in an NFPA 25. It tells the
9 owner they're supposed to do the inspection and
10 testing and yet they contract out those services.

11 So I don't see that to be inconsistent
12 with anything else that's in NFPA 25.

13 THE CHAIR: Additional questions?

14 Mr. Elvove. Well, let me go to the chair of the
15 committee, please.

16 MR. BOUCHARD: John Bouchard, Chartis
17 Insurance, chairman of the NFPA 25 Committee. Maybe
18 just a little clarification as to Ken's remarks and
19 to the Chair's questions.

20 I think that everyone on the committee
21 kind of looked on the back of their head and said,
22 Yeah, why are we so divided or why can't we just move
23 this through?

1 And I think that a great deal of it has
2 to do with there are many users and many owners
3 represented on the committee.

4 And what I heard during proceedings was,
5 Let the owners decide for themselves what they need
6 to do, but also the fact that, yes, there are many,
7 many systems out there that predate the hydraulic
8 nameplate requirements.

9 And there are many small buildings and
10 less-than-very-wealthy owners, and there's just a lot
11 of concern that we were placing a requirement in the
12 document that would require every owner to go out and
13 perhaps contract, do the investigation, and provide
14 the data on the nameplate.

15 And I do go back to the initial proposal
16 from Ken or from the National Fire Sprinkler
17 Association perhaps, and I didn't have any problems
18 with that one.

19 But, again, the committee is somewhat
20 divided on the owner versus NFPA's requirements
21 issues.

22 THE CHAIR: Mr. Clary.

23 MR. CLARY: Yes. Thank you. Shane

1 Clary, member of Council. Mr. Isman, just for
2 clarification, if the -- and this is for a
3 hydraulically calc system.

4 If the label is missing at the time of
5 the annual inspection, then the firm doing the annual
6 inspection in practice could not pass the system,
7 correct?

8 MR. ISMAN: They would be required to
9 report that there's something wrong with the system,
10 yes.

11 MR. CLARY: And they could not issue like
12 a one-year annual inspection tag if the particular
13 jurisdiction required that.

14 MR. ISMAN: Correct.

15 MR. CLARY: And then in the same case for
16 the five-year inspection, if the tag -- if the label
17 is still missing, then the firm that's providing the
18 inspection could not pass the system because it's
19 missing a component of the sprinkler system which is
20 the tag.

21 MR. ISMAN: Correct.

22 MR. CLARY: And so for the building owner
23 to finally get the system to be approved or to get

1 the five-year certification or the annual
2 certification, they would have to get the tag.

3 MR. ISMAN: Correct.

4 MR. CLARY: It's already sort of inherent
5 in the standard already that the tag -- at some point
6 within a year you've got to get the tag made,
7 correct?

8 MR. ISMAN: Correct.

9 MR. CLARY: Thank you.

10 THE CHAIR: Additional questions?

11 Mr. Elvove, did you have --

12 MR. ELVOVE: If I may.

13 THE CHAIR: Tell you what, let me finish
14 with the questions of the Council and then I'll come
15 back around to you.

16 Jim Pauley, Chair of the Council. I
17 guess just one question that I've got. The issue was
18 in the proposal stage and apparently the committee
19 agreed to put it in the annex by a pretty significant
20 margin, I think 29 to zero or 29 to 1 or something.

21 And then a comment came back and the
22 committee changed and put some text in. I'm just
23 trying to understand, is there a perspective on

1 whether or not the ROP was problematic from some
2 view?

3 I mean, the language was in there.

4 Granted it was in the annex but -- Mr. Isman, do you
5 have any --

6 MR. ISMAN: My understanding is what got
7 into the annex is an explanation as to why the sign
8 is important but it doesn't say you actually have to
9 replace it. The annex text.

10 THE CHAIR: At least looking at the annex
11 text, that would appear to be accurate. So it's
12 really -- This all came back up again because
13 somebody wanted to -- believed there needed to be
14 enforceable text in the document. Thank you.
15 Mr. Huggins.

16 MR. HUGGINS: Roland Huggins, Council
17 member. Follow-up on Mr. Clary's questions since it
18 introduced some potential confusion.

19 Would you say the system could not be
20 passed or would you say that the report form would
21 have to check off that there's no sign there since,
22 as you said a minute ago, there may not need to be a
23 sign if there's a pipe schedule?

1 So as opposed to saying the system fails,
2 it just simply says something has to be done to
3 resolve a potential no or N/A on an inspection form.

4 MR. ISMAN: The problem with NFPA 25
5 right now as it stands -- Now, we're going to get
6 into this whole discussion in another appeal, but the
7 problem with NFPA 25 as it stands right now is NFPA
8 25 treats sprinkler systems and other fire protection
9 systems in a binary way. It's either a great system
10 or it failed.

11 And so if there's a system that's
12 supposed to have a hydraulic nameplate on it and it
13 doesn't -- and so that already assumes one piece of
14 information.

15 You know it's a hydraulically calculated
16 system, supposed to have a hydraulic nameplate on it
17 and it doesn't. Then most jurisdictions treat that
18 as a failure.

19 You can't say, I put a green tag on this
20 system, it's a good system, it passes all the
21 inspections, because there's one thing it hasn't
22 passed.

23 And granted, that's not a real important

1 thing and it's not going to impair the system from
2 operation, but right now the way NFPA 25 treats
3 sprinkler systems or any other fire protection
4 system, it either passes all of these requirements or
5 it doesn't.

6 And as contractors doing this inspection
7 work, we are required to report it doesn't pass.
8 Now, we give you a report as to the things that don't
9 pass and the owner needs to address those in some
10 way.

11 And what we're trying to get into NFPA 25
12 are the ways to address those problems, because in
13 our experience building owners don't want that sheet
14 of paper that just says all these no or problem
15 statements.

16 They want to know what they need to do to
17 correct the problems, so they're looking for those
18 answers.

19 THE CHAIR: Any final questions from
20 members of Council? Mr. Isman, any closing remarks?
21 Mr. Elvove, since you spoke on the other side of the
22 issue do you have any closing remarks?

23 MR. ELVOVE: I don't have a big bone in

1 this fight. For the record, Josh Elvove, U.S.
2 General Services Administration.

3 I just wanted to point out that the
4 language that would be proposed to go in, it says,
5 The owner shall investigate.

6 Everywhere else in the standard that was
7 changed to owners or designated rep. I can't speak
8 for the committee whether that was thought through
9 every time, every single time the issue was thought
10 that the designated rep would work.

11 That discussion didn't come up here so
12 this would be the only place in the standard where it
13 would not say, or designated rep. May be editorial
14 but I just wanted to point that out to the Council.

15 THE CHAIR: Thank you. Mr. Bouchard, any
16 closing remarks from you?

17 MR. BOUCHARD: No, not at this time.

18 THE CHAIR: Thank you. With that, we
19 will bring this particular hearing to a close.
20 Again, I'll remind everyone that the written decision
21 will be issued by the secretary of the Standards
22 Council.

23 No member of the Council or NFPA staff is

1 permitted to convey the Council's decision. That
2 written decision will stand as the response of the
3 Council on this issue.

4 With that we will move directly into the
5 next hearing which is hearing number 9. This is on
6 Agenda Item 10-8-3-c-1, again on NFPA 25, with
7 respect to Chapter 14.

8 We actually have two issues that are
9 wrapped together with this. It's c-1 as I mentioned
10 but it's 10-8-3-b-1 as well.

11 One is to uphold the floor action that
12 accepted Comment 25-101. The other is to uphold the
13 floor action that accepted Comment 25-104. Both of
14 these passed on the floor. One passed ballot. One
15 failed ballot.

16 So Mr. Larrimer, I see you at the end of
17 the table which would be -- On the particular agenda
18 items that we have, CAM 25-19 is the one that passed
19 on the floor but then ultimately failed committee
20 ballot.

21 Is anyone else speaking in favor of this
22 particular appeal? Is anyone speaking opposed to
23 this appeal? I have a couple hands in the back.

1 So again, same routine that we'll go
2 through. Basically we'll try to give you about ten
3 minutes to state what you need to, and then we'll go
4 to the opposing side as well as any statements from
5 the members of the Council.

6 MR. BELL: Kerry Bell, member of Council.
7 I would like to note for the record that I'm a member
8 of the Technical Committee on the Inspection,
9 Testing, and Maintenance of Water-Based Systems.

10 As a committee member I participated in
11 the consideration and voting on issues that appear to
12 be related to this appeal.

13 I have therefore reviewed my obligations
14 under the Guide for Conduct of Participants in the
15 NFPA Process to consider whether there is any reason
16 for me to recuse myself from consideration of this
17 appeal.

18 I have concluded that I do not have any
19 views that are or would appear to be fixed concerning
20 the issues and I am fully able to give open and fair
21 consideration to this appeal.

22 For the record, therefore, I have
23 considered the matter and believe that I can fully,

1 fairly, and impartially fulfill my role as a Council
2 member on this appeal.

3 THE CHAIR: Mr. Huggins.

4 MR. HUGGINS: Roland Huggins, member of
5 Council. I'd like to note for the record that I'm a
6 member of the NFPA 25 Technical Committee.

7 As a Technical Committee member I
8 participated in the consideration and voting on
9 issues that appear to be related to this appeal.

10 I have therefore reviewed my obligations
11 under the Guide for Conduct of Participants in the
12 NFPA Process, particularly Section 3.5(d) of the
13 Guide, to consider whether there's any reason for me
14 to recuse myself from consideration of this appeal.

15 I've concluded that I do not have any
16 views that are or would appear to be fixed concerning
17 the issues and I am fully able to give open and fair
18 consideration to this appeal.

19 For the record, therefore, I have
20 considered the matter and believe that I can fully,
21 fairly, and impartially fulfill my role as a Council
22 member on this appeal.

23 THE CHAIR: Thank you. And by the way,

1 for those of you in the audience that feel that's
2 becoming repetitive, we have to get that on the
3 record for each one of the appeals hearings as we go,
4 so that's the reason why you hear that repeated.

5 Mr. Elvove, did you have a question?

6 MR. ELVOVE: Yes, please. When would one
7 say they're not able to participate?

8 THE CHAIR: When would a --

9 MR. ELVOVE: When would a Council member
10 say -- If they're a committee member and they
11 actually voted on the subject, actually had comment
12 on the subject, when would they be able to say, I
13 can't vote on this, I need to recuse myself?

14 THE CHAIR: Council members review those
15 issues individually and in many cases discuss them
16 with myself and with the legal counsel to be able to
17 do it.

18 And we rely on the Council members to
19 essentially look at those issues or how they
20 participated and carry that forward. So those were
21 the statements that you heard from the two members of
22 the committee. Ms. Brodoff.

23 MS. BRODOFF: If you have any objections

1 you should state them.

2 MR. ELVOVE: Just for the record, I
3 note that 101, which is my proposal, 25-101 that's
4 being discussed here, we debated it during the ROP
5 meeting and Mr. Huggins had an opinion.

6 And I just want to let that be known. We
7 definitely debated it. So I don't know if that is an
8 issue for this discussion but I do remember he was
9 not in favor of that.

10 THE CHAIR: Miss Brodoff.

11 MS. BRODOFF: Are you asking that he
12 recuse himself? If that's the case, then we can take
13 a break and we can consider anything you have to add
14 other than what you've said.

15 MR. ELVOVE: I'll leave it on his good
16 faith.

17 MR. HUGGINS: I did look at it and I know
18 the proposals and so forth I submitted was on the
19 topic but for clarification, and having submitted a
20 ballot doesn't impose me one way or the other on
21 looking at the actions that take place within the
22 appeal. You know, particularly procedural and so
23 forth. And so that's why I feel that I can proceed

1 unbiased.

2 THE CHAIR: Mr. Larrimer, when that topic
3 came up you raised your hand also. Did you have a
4 comment on that?

5 MR. LARRIMER: Well, I guess the original
6 submission that I was looking at was submitted by the
7 UL/FM/NFSA Standards Review Committee which is what
8 I'm going to present today.

9 I guess -- I don't know if Kerry was
10 involved in that or not, but this whole five-year
11 mandatory inspection criteria came out as an original
12 submission through a UL/FM/NFSA Standards Review
13 Committee.

14 So that was the only issue where we
15 thought you all might have recused himself, although
16 I don't really know what those grounds would have
17 been one way or the other. So I respect that he says
18 what he says and I'll leave it at that.

19 THE CHAIR: Mr. Bell.

20 MR. BELL: Kerry Bell, member of Council.
21 Out of an abundance of caution on this issue and in
22 response to his concerns and comments, for the record
23 I am recusing myself on this Agenda Item.

1 I will not participate as a member of the
2 Standards Council hearing deliberations or voting on
3 this matter.

4 THE CHAIR: Mr. Harrington.

5 MR. HARRINGTON: J.C. Harrington, member
6 of Council. As part of FM -- You made reference to
7 FM as well, and I'm not recusing myself.

8 I wasn't part of this study that you
9 mentioned at all. I don't know any of that
10 background with it, so I don't see a need to recuse
11 myself from this item that we discuss.

12 THE CHAIR: Further discussion? All
13 right. With that completed, Mr. Larrimer, please
14 proceed with your appeal.

15 MR. LARRIMER: Thank you, Mr. Chairman.
16 My name is Peter Larrimer. I'm with the U.S.
17 Department of Veterans Affairs. I'm a member of the
18 NFPA 25 Committee.

19 And there's two issues here. There's
20 Comment 101, which is what I'm trying to approve,
21 that was passed on the floor and did fail ballot, and
22 then there's 104. And they're essentially two
23 different issues.

1 My issue deals with the actual
2 requirement to do a mandatory five-year inspection of
3 all sprinkler systems that are out there which is now
4 required.

5 The 104 proposal is tweaking the
6 requirements after you establish that that
7 inspection's required. So they're essentially two
8 different areas.

9 My whole issue on this proposal is that
10 I feel that the committee has not followed the rules
11 that are in the rules governing committee projects.

12 Specifically 4.3.5.1, the Technical
13 Committee action on proposals, paragraph E states,
14 The Committee action shall include a statement --
15 Well, actually, if we go back to what you have in
16 front of you, it identified in 433 that a proposal
17 submitted to the committee should state the problem
18 and also substan -- and provide substantiation to
19 address that problem.

20 And I feel that this original requirement
21 to do an inspection of every sprinkler system out
22 there every five years was never substantiated.

23 Now, the committee rules also state in

1 4.3.5.1 on proposals that the committee action shall
2 include a statement, preferably technical in nature,
3 on the reason for the Technical Committee action.

4 Such statement shall be sufficiently
5 detailed so as to convey the Technical Committee's
6 rationale for its actions so that a rebuttal may, if
7 desired, be submitted during the comment period.

8 A proposal that does not include all the
9 information listed in 4.3.3(a) through (d) may be
10 rejected by the Committee for that reason.

11 Also on the same rule in paragraph
12 4.4.6.3 on a Comment, it says that the Technical
13 Committee action on two Comments shall include a
14 statement, preferably technical in nature, on the
15 reason for the Technical Committee action.

16 Such statement shall be sufficiently
17 detailed so as to convey the Technical Committee's
18 rationale for its action.

19 My whole appeal is essentially based on
20 these rules. The technical nature of inspections on
21 a sprinkler system is not the issue here. It's
22 whether or not the committee is actually following
23 the rules in the book.

1 What I did is I went back from the
2 original 2002 edition, which was actually the
3 November 2001 ROP, and I went back to where this
4 proposal was instituted.

5 And Mr. Fleming from the National Fire
6 Sprinkler Association put this in: A five-year test
7 of piping and branch line conditions shall be
8 conducted by opening a flushing connection at the end
9 of one main and removing a sprinkler toward the end
10 of one branch line, both selected randomly, and
11 physically checking the interiors of waterways.

12 Tubercles or slime found within the
13 piping shall be tested for indications of
14 microbiologically-influenced corrosion.

15 Now, the substantiation that was provided
16 was, There is a need to check for the possibility of
17 clogged mains and lines other than routine inspection
18 inspectors' test flows.

19 This proposal was developed by the
20 UL/FM/NFSA Standards Review Committee. So I don't
21 know what the problem is.

22 I was at the meetings. We knew that
23 there was MIC involved in a plan out in Phoenix when

1 we were there.

2 So I'm pretty sure that this was -- I'm
3 sure this was an attempt to address MIC that we were
4 finding in systems, which is exactly what he says,
5 that the slime shall be tested for indications of
6 MIC.

7 But the mandatory five years was never
8 justified, nor was the actual problem substantiated
9 one way or the other.

10 In the vote on negative back in 2002 when
11 I was a -- not a principal member, the principal
12 member for the VA voted negative, the one negative
13 vote on this issue.

14 During the ROC phase I put in a comment
15 and said, Reject the proposal because there was no
16 substantiation. The committee stated, The committee
17 stands by the original justification. The
18 requirement more appropriately belongs in Chapter 10.

19 Again, the committee did not address my
20 substantiation, nor did -- for their unsubstantiated
21 requirement in the first place.

22 Now, in the 2006 ROP, which made up the
23 2008 actual code, a gentleman from General Motors put

1 in a proposal to eliminate the requirement with the
2 same substantiation.

3 The committee rejected it and the
4 committee's statement for the rejection was, It is
5 the intent of the committee to retain the five-year
6 requirement.

7 There's nothing for me to argue against
8 when they don't tell me why the five-year requirement
9 went in. This went on from 2002 all the way through
10 the ROC stage.

11 At the ROC stage and the 2006, Josh
12 submitted a comment that said, Accept the original
13 proposal. And again, the committee did not respond
14 to the substantiation that the original requirement
15 to do a five-year inspection of wet pipe sprinkler
16 systems that have a great record be inspected for
17 corrosion.

18 Again, for the 2010 ROP, both Josh and
19 I put in proposals to eliminate the five-year
20 requirement to maintain an inspection requirement if
21 there is triggers, 14 of which are in the Code.

22 When there's a trigger that would
23 identify that there's an issue that you need to look

1 inside the pipe, then you go and inspect the pipe.

2 The committee rejected it with a
3 committee statement saying, It is important to look
4 inside the pipe every five years. And then they
5 reference 25-187 for addressing the structure, so
6 they're tweaking a problem again. So that was the
7 response.

8 So based on the committee action it was
9 only at the ROC stage when the committee came back
10 and actually addressed it.

11 And their statement says -- at the ROC's
12 when we again asked them to remove the five-year
13 requirement was, Reports of obstructions under actual
14 fields inspections supports the validity of the
15 five-year internal inspection criteria. It is
16 important to keep consistent collection points until
17 more data can be collected.

18 I'm on the committee. There was no
19 report submitted to the committee. There was
20 anecdotal information shared orally around the table,
21 but to what extent and how bad the situation is
22 nobody knows because there was no reports.

23 The information that I shared on the

1 floor of the committee was the reports of the success
2 of sprinkler systems which I believe is why the body
3 of NFPA passed that on the floor.

4 The requirement is poorly written for
5 these inspections and one of the reasons is that
6 because it's not substantiated, people -- because
7 it's not substantiated, people don't understand
8 what's required: Are we testing for MIC or are we
9 testing for any type of obstruction?

10 If you look at page 28 of 33 in 10-8-3-c,
11 there are four individuals in there that still want
12 to ensure that non-metallic piping systems are
13 included even though Proposal 104 eliminated the
14 requirement for inspecting inside plastic systems.

15 And that's because back in the 2001 ROC,
16 the committee again made a change and added the
17 words -- On an ROC Comment 25-33 they said, Add to
18 the end of the first sentence, and investigating for
19 organic or inorganic material.

20 So now we're changing from inspecting for
21 MIC to inspecting for organic or inorganic material.
22 Committee statement for their justification is,
23 Editorial. Makes consistent with Chapter 10.

1 So now we go from MIC to looking for
2 organic or inorganic material with absolutely no
3 justification.

4 You can see why a lot of the committee
5 members want plastic pipes to be inspected now,
6 because they think that pulling a sprinkler head off
7 and checking a flushing connection is to be checking
8 for organic or inorganic material which could be any
9 type of material.

10 THE CHAIR: I'll give you a couple
11 minutes to begin to wrap up.

12 MR. LARRIMER: Okay. Just a couple more
13 points. The reason that this is a problem for the VA
14 and for users in general is because the costs are
15 significant.

16 Even though it's only done five years,
17 this is every wet pipe sprinkler system in my
18 building. And I'm in my sprinkler systems all the
19 time because we modify health care facilities all the
20 time.

21 We are in the pipe, we see what's in the
22 pipe. To do this arbitrarily every five years is not
23 a positive thing for the owners at the cost that it

1 costs us.

2 Not only that, the criteria that was
3 accepted in 104 redefined new criteria at the ROC
4 stage, redefined what a system was, and it actually
5 increases the number of systems that will have to be
6 inspected.

7 So if you read the requirements which are
8 found on 27 of 33, actually there's a vote in there
9 that actually says that on a negative vote from
10 Mr. Fantuzzi.

11 And his concerns are that the costs and
12 the burden placed on the owners will increase due to
13 that new requirement.

14 So what I'm asking you to do is accept my
15 comment that was proposed on the floor. It will
16 eliminate the five-year requirement to mandatory do
17 it every five years, but it will still require an
18 inspection to be performed if there's a trigger, one
19 of which was pinhole leaks which we added into the
20 Chapter 14. Thank you.

21 THE CHAIR: Thank you. Mr. Elvove, did
22 you want to -- No. Those speaking in opposition?
23 Mr. Fleming.

1 MR. FLEMING: Russ Fleming, National Fire
2 Sprinkler Association and a member of the NFPA 25
3 Committee.

4 I just want to make a few comments, bring
5 to the attention of the Council, first of all, that
6 we're dealing here with the 2011 edition of NFPA 25.

7 And Mr. Larrimer's concern is not really
8 with the 2011 edition so much -- or even the
9 processing of the 2008 edition.

10 He's got a problem with the process in
11 the 2002 edition of NFPA 25, and he's lamenting the
12 fact that in the 2011 processing we're not including
13 enough information on which to help him make his
14 argument.

15 Now, unfortunately the way the NFPA
16 system works is that you make your arguments for a
17 particular edition. You submit data. And you either
18 get the change you seek or not.

19 But once it's in the document, if you
20 want to change it, the burden of proof now switches
21 to the side that wants to make the change.

22 So the burden of proof at this point in
23 time with regard to the need for that test altogether

1 actually rests with Mr. Larrimer, not with the
2 committee to continue to defend something that's been
3 in the standard and has proven successful.

4 Now, Mr. Larrimer mentioned that I was
5 secretary of the UL/FM/NFSA Standards Committee back
6 in 2001 or 2000 when this original change was
7 proposed.

8 And to the best of my recollection that
9 change actually came about as a result of a nursing
10 home fire in which a woman was killed and the
11 sprinkler activated by the heat of the fire but no
12 water came out because of obstructions in the piping.

13 And at that point it was -- an issue came
14 before the industry: Why don't we ever look inside
15 our systems? We never look inside our systems.

16 And that was complained about of sorts
17 because, yes, we do have those 14 triggers that could
18 cause one to do an obstruction inspection,
19 investigation, but none of the triggers was
20 apparently hit in that particular case.

21 So as a result of that, the proposal was
22 made that every five years you do some minimal
23 things. You pull one sprinkler random, just look up

1 in the piping above that sprinkler, and you open an
2 end cap, a flushing cap on the main someplace.

3 We've been providing those flushing caps
4 for more than 30 years. It's not an onerous test.
5 You have to shut down the system, yes, but there are
6 other aspects of NFPA 25 that require that every
7 system be shut down at least once every five years
8 anyway.

9 NFPA 25 for cycles before that had
10 required that every system check valve has to be
11 inspected internally at least on a five-year basis.

12 So it is expected that the system will
13 be shut down every five years for maintenance anyway,
14 and during that time all we're saying is take a quick
15 look inside the system.

16 It's not a thorough inspection by any
17 sense of the word, but at least you'll check on a
18 couple of things.

19 Now, Mr. Larrimer also mentioned that
20 anecdotally some mention was made of the fact that
21 there is data to substantiate this ongoing test, and
22 that is the case.

23 VDS, the German insurance organization,

1 did an inspection of 8,000 older systems between the
2 years of 1998 and 2008.

3 8,000 systems over 25 years they looked
4 at. And they found that in 31 percent of the wet
5 systems and 44 percent of the dry systems, there were
6 corrosion and sediment, at least at the threshold
7 level, of what concerned them, and in a smaller
8 percentage, 4 percent of the wet and 23 percent of
9 the dry, there was heavy corrosion or considerable
10 sediment in that piping.

11 So this to our knowledge is the most
12 comprehensive look yet at older systems and it
13 justifies the idea of looking inside these systems.

14 Is five years necessary in all cases?
15 Well, that was the consensus back two cycles ago,
16 three cycles ago.

17 Mr. Larrimer has never come out with a
18 proposal that I'm aware of to change the cycle for
19 wet systems. In fact, the committee itself acted
20 this time to lessen the rigor for wet systems and has
21 said that where you have multiple wet systems you can
22 inspect every other one every five years, so
23 essentially moving to a ten-year cycle for wet

1 systems.

2 And Mr. Larrimer also mentioned that the
3 new wording defines what a system is. That's not
4 true. Just because one committee member mentions a
5 concern for that in his ballot doesn't make it so in
6 the standard.

7 There isn't a good definition of
8 what constitutes a system and I can understand
9 Mr. Larrimer's concern that in a high-rise building,
10 is that one system or is it a system on every floor?
11 That's something the authority having jurisdiction
12 decides, and this wording doesn't change that one way
13 or the other.

14 Right now if an authority having
15 jurisdiction wants to, they can declare every floor a
16 system. It doesn't matter what we do in NFPA 25.

17 Finally, I just want to point out that
18 the corresponding item, on which we don't really need
19 to have a hearing, 104, was originally intended just
20 to clarify this whole internal inspection.

21 And it's interesting what happened with
22 104. This is Comment 104. Comment 104 was made up
23 to work with three different proposals that had all

1 passed committee.

2 One of those proposals was made by
3 Mr. Huggins as an editorial proposal and it was a
4 good one because right now in the standard the
5 obstruction inspection is within the section on
6 obstruction investigation which is very confusing.

7 The inspection is what we've been talking
8 about which is a five-year quick peek inside the
9 system.

10 An obstruction investigation is a more
11 thorough examination of the system and would result
12 from either a -- something found during the quick
13 inspection or one of the other triggers that
14 Mr. Larrimer mentioned.

15 Now, because of the way it's organized
16 within the standard at present, it's very confusing.
17 And Mr. Huggins had submitted an editorial change to
18 just simply clarify that those are two different
19 things.

20 An obstruction inspection is not the same
21 as an obstruction investigation. And in fact, part
22 of that clarification is changing the name of it to
23 an internal inspection of piping. So that's a very

1 positive thing.

2 And that proposal to make that editorial
3 change and reorganize it passed the committee 27 to 2
4 at the ROP stage.

5 There are a couple of other ROP items
6 that affected it. 189 was submitted by Mr. Isman and
7 it had to do with exempting CPVC piping because of
8 experience in the field and enough people finding
9 that this didn't seem to be a problem with CPVC.
10 That passed the committee 27 to 2 also. Not
11 controversial.

12 And the committee itself put in a
13 proposal 25-191 stating that if the cross main
14 connection was inaccessible, you didn't have to open
15 a cross main to look inside. And that passed the
16 committee 29-nothing.

17 So now at the comment period when they
18 combined a committee comment on those three main
19 items and repackaged them to smooth everything out
20 and they made it an omnibus comment, all of a sudden
21 it had problems. And that's the one that barely
22 passed committee.

23 In fact, it passed and then there was a

1 problem in the voting and it failed by -- missed it
2 by one ballot.

3 And so I submitted it for the floor
4 consideration because I thought that was a nice
5 cleanup item and it did express the will of the
6 committee.

7 Passed on the floor and then barely
8 passed during the subsequent balloting, and I think
9 it's because all of this other item got wrapped up in
10 it.

11 But the -- Again, the basic idea of
12 having the internal inspection of piping has been
13 there for several cycles and there is substantiation
14 for it. It is working. And we would urge that you
15 do not find in favor of this Comment 25-101.

16 THE CHAIR: Thank you. Mr. Bouchard, any
17 comments?

18 MR. BOUCHARD: My comment -- I'll just
19 stand up. My comments are to earlier remarks that
20 Mr. Larrimer made regarding his feeling that the
21 regulations were not met.

22 The committee in my view did follow the
23 recommendations. They were -- at several meetings --

1 and this goes back the previous editions of the
2 standard, etcetera.

3 The NFPA staff has been very diligent
4 in pointing out various issues of substantiation.
5 Sometimes those regulations -- And just in case you
6 don't know, I used to be an NFPA staff liaison.

7 And although I'm not that old, but I am
8 old school. And I do know that over the years the
9 definition of what is adequate substantiation versus
10 what is not adequate substantiation has always been
11 explained or attempted to be explained by the staff
12 liaisons and it's a very difficult thing to define.

13 So basically it involves the committee's
14 decisions whether or not they individually feel that
15 there is adequate substantiation for their vote, and
16 that is what happened and happens with this committee
17 very, very often.

18 But I want to speak to the point that I
19 believe that the committee followed the regulations
20 both on my commentary during the meetings but also
21 from the staff who were in attendance at the
22 meetings.

23 Going back to the old school, everyone

1 mentions the fact that a certain item was defeated or
2 passed with a 29-to-1 vote, with a unanimous vote.

3 At the meetings themselves as -- many of
4 you who are committee members, you know that the
5 voting at the committee very often is very close and
6 quite often committee members express their views,
7 they express their feelings and vote at the meetings.

8 And at the time of the formal ballot many
9 committee members say, Okay, I lost at the meeting
10 and therefore I'm going to vote with and approve what
11 the committee did.

12 And several of our committee members vote
13 that way and others do not. They are given the
14 option to vote on the document as a whole or they are
15 also given the option of addressing each individual
16 item and voting on each individual item.

17 And therefore at times the committee
18 ballot that is referred to, which is the formal
19 ballot, may indicate an overwhelming success, whereas
20 the committee members themselves know that at the
21 meeting many of these items are quite contentious and
22 very often the ballot is very close during the
23 meeting.

1 So I wanted to point that out, but in
2 making those close ballots I believe that the
3 committee members are cognizant of those regulations
4 relative to the substantiation and they each
5 individually make a determination to their mind
6 whether or not the substantiation is adequate to
7 guide them in their vote.

8 And so that is neither in support of or
9 against the particular motion on the floor. I just
10 wanted to point that out to the Standards Council in
11 support of the committee and also in support of the
12 NFPA staff at the meetings, because we feel that the
13 regulations are followed.

14 And maybe it goes a little bit to Russ's
15 comment, Russ Fleming's comment, relative to burden
16 of proof. There is some validity to that statement,
17 I believe, because this requirement has been in the
18 document.

19 I mean, personally speaking I don't agree
20 with it, but having listened to and seen the
21 committee balloting, you know, I'm resigned to the
22 fact that that's the way the committee has gone.

23 But in terms of support of the committee

1 activity, that's what I'm speaking to, that I believe
2 that the regulations were followed and that the
3 balloting, as you see in the ROP and the ROC, are
4 valid.

5 THE CHAIR: Thank you. Open it up to
6 questions from members of the Council. Mr. Huggins.

7 MR. HUGGINS: Actually, two part --
8 Roland Huggins, Council member. Two separate
9 questions. I think the simplest, fastest is to
10 Mr. Fleming.

11 You had stated that the 104 -- Comment
12 104 was a repackaging of the proposal data. Would
13 you concur that it was 95 percent proposal
14 information that passed very strongly and then a
15 small amount of some additional clarification, in
16 particular the doing every other system every five
17 years and defining a --

18 MR. LARRIMER: I would tend to agree with
19 that. It's interesting -- and I commend staff on
20 picking up the fact that Comment 101 and Comment 104
21 can't be compatible.

22 104 is a cleanup of a test that's already
23 in there. 101 would get rid of that inspection

1 altogether, so they're incompatible to say we could
2 do them both.

3 101 is a substantial change because it
4 would get rid of that internal pipe inspection. 104
5 is basically a cleanup and some technical tweaking.

6 What I'd also like to point out for the
7 Council is that if you look the negative ballots on
8 104 that came in, it got the necessary two-thirds so
9 it's on track to go through the system.

10 But it's interesting that when you
11 package different proposals together and then send it
12 out as an omnibus proposal or comment, you tend to
13 pick up negatives because some people felt it was too
14 strict and some people felt it was too lenient, and
15 you get both groups, you know, taking shots at what's
16 in the middle there as sort of the committee
17 consensus.

18 And that's why I believe 104 wasn't
19 overwhelmingly approved, because I do believe it's
20 the middle ground of the committee.

21 THE CHAIR: Mr. Harrington, J.C.
22 Harrington. You have another question?

23 MR. HUGGINS: Yes. A continuation.

1 Roland Huggins, member of Council, and this is for
2 Pete. Would you agree or feel that part of the
3 problem that garnered you some negative votes was
4 that the comment sent it back to proposal which then
5 blended in to obstructions being a trigger and
6 created some confusion, shall I say, on using that as
7 a trigger as opposed to just simply deleting the
8 requirement?

9 Because the original proposal that
10 comment's tied to does that. So it was a different
11 act than simply doing away with internal inspection.
12 So did that make any sense in --

13 MR. LARRIMER: No, I'm not sure I
14 understand what your question is.

15 MR. HUGGINS: I was asking if you felt
16 that maybe some of the people that voted against you
17 was based on not the intent to do away with it but
18 with the presentation of it being tied to that
19 original proposal which created a lot of confusion
20 because it linked into obstruction triggers, not to
21 internal inspection.

22 MR. LARRIMER: I don't know --

23 MR. HUGGINS: You don't have to answer if

1 I'm not making myself clear. The point I was trying
2 to make I think is there was a lot of confusion on
3 how it was presented.

4 MR. LARRIMER: I believe the reason that
5 104 exists is because the synonymous terms that were
6 there was internal inspection, evaluation,
7 investigation, and they were basically used
8 synonymous.

9 And there was a lot of confusion. Even
10 to this day and on the committee we in the committee
11 do not know if it's an inspection for MIC or if it's
12 an inspection for other items other than MIC.

13 So I don't know that that was a reason
14 for anybody to go -- I think the reason was because
15 the proposal was to eliminate the mandatory five-
16 year.

17 Now, the inspection is not eliminated.
18 It's just needs a trigger to start one. Mr. Fleming
19 continues to say that the inspection has been
20 eliminated.

21 My proposal does not eliminate the
22 inspection. It requires a trigger, the same triggers
23 that would require an obstruction investigation to do

1 an inspection of the pipe.

2 Once you do the inspection you might
3 further need additional work to be done, but that's
4 what my Proposal 101 would do. It doesn't eliminate
5 the inspection. It requires a trigger to do so.

6 The trigger that we were most concerned
7 with back in 2002, I thought, looking at the
8 proposal, that what really didn't identify what the
9 problem was. It looked like it was looking for MIC.

10 As a matter of fact, the comment I said
11 was, Why would you be looking for MIC in plastic
12 systems? And that was my comment at that stage.

13 So I'm not sure what the committee was
14 doing. I'm still not. That's why there's so much
15 confusion on this issue.

16 It was a 19-to-10 vote in the original
17 proposal. This has never been one way or the other.
18 This has always been down the middle.

19 It's the owners voting, We don't need
20 this, our sprinkler systems are working good, and
21 it's the others that think the sprinkler systems need
22 additional help.

23 THE CHAIR: Mr. Huggins.

1 MR. HUGGINS: Roland Huggins, Council
2 member. Final question, the follow-up to what you
3 just said though. This is an odd situation since
4 we're dealing with two different actions, 101 and
5 104.

6 And we've been talking about 101 but
7 something you just said in essence indicates the
8 effect on 104 and the confusion that exists in the
9 current criteria. Do you agree or disagree that 104
10 would clean up a lot of that confusion?

11 MR. LARRIMER: Yes, I agree. Like I
12 said, this is not an issue of 104 being wrong. 104
13 is addressing the tweaking of the issues.

14 It's making it more burdensome for an
15 owner because many people will look at that and say,
16 We need more systems inspected. But I do believe
17 that it has clarified some of the confusion.

18 My whole purpose for being here is that
19 since 2002 through 2010 the committee has never
20 responded to my justification of saying there's no
21 justification to mandate a five-year requirement.

22 And nothing's ever been presented and
23 still nothing has been presented. And it was always

1 my thought that something would need to be presented
2 so that I could rebut against it, and I haven't been
3 able to do that other than the committee believes
4 that five years is necessary.

5 How do you respond to that? The
6 committee believes five years is necessary. Well, I
7 don't think five years is necessary but I'm not sure
8 how I can argue that because I don't know what you
9 argued the five years with in the first place.

10 So I agree with you. 104 will fix some
11 of the confusion that exists now. However, some of
12 the new stuff that wasn't reviewed by the public will
13 be more onerous to me I believe.

14 MR. HUGGINS: Thank you.

15 THE CHAIR: Mr. Harrington.

16 MR. HARRINGTON: J.C. Harrington, member
17 of Council. Question for Mr. Larrimer. I know you
18 mentioned that the five-year requirement from your
19 perspective for a building owner was burdensome and
20 onerous.

21 But when Mr. Fleming was talking earlier,
22 he had talked about other requirements in the code
23 that dictate a shutdown of a system anyway every five

1 years or so to perform other activities, and framed
2 it somewhat from the standpoint of where the system
3 is shut down, the requirement that you're talking to
4 would not be that burdensome.

5 Yet I guess you don't see it that way?
6 You still see it as a burdensome requirement even if
7 the system's being shut down for other reasons?

8 MR. LARRIMER: I think that whole basis
9 is the check valve. And I typically will have a
10 campus system with a fire pump with a booster pump,
11 with a bypass line.

12 And I have checked valves both in my fire
13 pump line and in my bypass line, and I simply isolate
14 one line to check the valve while leaving the system
15 in service, and I can check both of those check
16 valves if in fact that was an issue. That's the sole
17 basis for that.

18 If you have a check valve in a system and
19 you have to shut down the system for that five-year
20 internal inspection of the check valve, that might
21 be. But that's not an issue for me. That's not an
22 issue.

23 THE CHAIR: Ms. Brodoff.

1 MS. BRODOFF: Maureen Brodoff.
2 Mr. Larrimer, I just wondered if you had any comment
3 on the data that was cited by Russ Fleming showing
4 some significant levels of corrosion in the 8,000
5 systems that --

6 MR. LARRIMER: I've never seen any data.
7 The only data that I've seen is the 2010 February
8 report by NFPA that Doctor Hall did that I presented
9 on the floor that said sprinkler systems work and
10 when they fail, here's why they fail, and
11 obstructions is not a problem for failing.

12 That's the only data that I've seen.
13 Nothing's ever been submitted to the committee such
14 that he indicated or that other committee members --
15 and I'm not saying that there isn't any out there,
16 because I have systems in the VA where I have
17 corrosion in my pipe.

18 When you put black steel and water and
19 oxygen together, you're going to get corrosion. But
20 that NFPA paper also indicated that a vast majority
21 of sprinkler systems, when they operate, control the
22 fire in two heads or less.

23 So even with corrosion my argument is

1 wet pipe systems work and they have a good record.

2 Do we really need to go into them every five years?

3 THE CHAIR: Additional questions?

4 Mr. Elvove, we might be able to get to you in closing
5 comments but right now I'm taking questions from the
6 Council members.

7 Seeing nothing further we will go to any
8 closing remarks. Mr. Larrimer? Since you're the
9 appellant I'll give you the first opportunity and if
10 you would like Mr. Elvove to comment as well, you
11 have that opportunity.

12 MR. LARRIMER: Yes, I would, but I just
13 wanted to provide you with the chair's votes both at
14 the original proposal when Mr. Linder was the chair.

15 He voted negative saying, I agree with
16 the comment that this proposal will add significant
17 cost to the maintenance of a sprinkler system and
18 that the current guidance on obstruction
19 investigation is adequate.

20 While we have seen numerous problems with
21 MIC in recent years, there's not sufficient problems
22 to justify opening all sprinkler systems for internal
23 inspections every five years.

1 That was the chairman of the Committee
2 NFPA 25 in 2002 and that was his vote, negative.
3 When I voted to remove the requirement, he voted with
4 me.

5 The present chair Mr. Bouchard abstained
6 and you have it on your paperwork on both Attachment
7 10-8-3-c-1, page 4 of 16, and 10-8-3-c, page 22 of
8 33.

9 I just want to read this. And it says, I
10 agree with nearly all that Comment 104 accomplishes
11 and I believe that most of the Committee is in
12 agreement with that fact also.

13 However, I do not agree with the
14 mandatory nature of the five-year requirement for
15 internal investigation or inspection of piping unless
16 one of the indicators listed in the document triggers
17 such an investigation.

18 Technical justification has not been
19 provided to the Committee for either the requirement
20 for the five-year interval without which I feel this
21 becomes an unnecessary and costly requirement that
22 would be placed squarely on the shoulders of all
23 owners of automatic sprinkler systems.

1 He went on to say, I have abstained from
2 voting on this issue at the time as I don't feel that
3 Comment 101 accomplishes as much as the Committee
4 would like, although I do agree with the removal of
5 the mandatory internal inspection based on a five-
6 year interval.

7 I am not convinced that Comment 101
8 creates an improved version over previous texts and
9 prefer to review the circulation of the Committee
10 member results and comments prior to making a
11 decision on this issue.

12 I guess my point is that the chairmen
13 basically are agreeing that there's never been any
14 substantiation. If there's some substantiation,
15 that's all I was looking for, and I could rebut
16 against substantiation.

17 I can't rebut against, We want it every
18 five years because we want it every five years. I
19 guess that's all I have to say. I would like to
20 recognize Josh.

21 THE CHAIR: Mr. Elvove.

22 MR. ELVOVE: Thank you. Reason why I
23 don't speak on 101 -- Josh Elvove with U.S. General

1 Services Administration.

2 The reason I didn't speak on 101 is I
3 thought Pete articulated everything perfectly and
4 there's nothing for me to add. I still have nothing
5 to add other than I support 101.

6 I do have issues with 104 and if the
7 floor is open for me to speak on that, I'd like to do
8 that because Mr. Fleming did introduce some issues
9 with 104 as did Mr. Bouchard.

10 The vote on 104, if you look at the
11 ballot, it won by one vote which means any one person
12 could swing it. That's the way it goes. That's how
13 we got Mr. Bush.

14 That notwithstanding [sic], the chairman
15 of this particular committee chose to abstain. Had
16 the chairman decided to vote negative against both,
17 which is the way it almost kind of read, it would
18 have failed.

19 I also want to point out there were two
20 new members introduced to the committee. On the
21 Standards Council you all approved two new members in
22 March of 2010. Those two members actually voted.

23 We went from 30 voting members to

1 32 voting members at the floor hearing. Those two
2 voting members I'm assuming approved 104 because
3 there's no statement otherwise.

4 So we had two new individuals who had
5 nothing to do with the process, who were not involved
6 with the discussion, rather than do the ethical thing
7 and abstain, voted for 104, maybe because -- as I
8 say, that's their privilege.

9 The point of the fact is had those two
10 abstained, this Item 104 fails. Had the chair voted
11 negative -- I mean, it was that close.

12 We're talking about an issue that passed
13 by one vote and you heard Mr. Larrimer talk about the
14 dissension in the group about this particular issue,
15 so keep that in mind.

16 Mr. Bouchard mentioned something about
17 the vote. You know, we're all committee members. We
18 tend to argue during the discussion and then we
19 sometimes, as is was stated, Well, the committee
20 went --

21 I take the other approach. I say it's
22 easy to voice your opinion at the committee meeting
23 and then when you get home you have to write that

1 silly negative. It's difficult. You say, What the
2 heck. So I keep that in perspective.

3 I think a lot of us are guilty of that.
4 We can't sometimes vote all the time and so sometimes
5 the vote swings more disparatively because we don't
6 have time to do that. So keep that in mind.

7 Talk about efforts. I submitted the
8 25-101 -- I submitted the actual original proposal.
9 Mr. Larrimer submitted another one.

10 Both were rejected at the committee.
11 Both had similar but different proposals to try to
12 remove the five-year approach. That got rejected.

13 A comment -- which we're not even talking
14 about here. I submitted a compromise which was 25 --
15 I think 09 -- for dry pipe systems.

16 So we had a debate about that which
17 actually failed, too. So I want you to know, there's
18 been efforts by us, with the data that Mr. Fleming
19 mentioned about the dry pipes being more serious,
20 trying to even submit that for dry pipes and that one
21 failed. So the committee clearly wasn't going to
22 budge getting away from that five-year requirement.

23 Mr. Fleming mentioned something about

1 Mr. Huggins' benign editorial change. Actually, if
2 you look at it, there was a change of title which was
3 fine, but there was another change as well.

4 And that change, if you look at
5 Mr. Isman's comment, Mr. Isman in ROC actually
6 rejected that, quote, editorial change that
7 Mr. Huggins submitted. So there was obviously -- It
8 was more than just adding a title.

9 Now, at comment you did submit something
10 that was strictly putting in the editorial change for
11 obstruction investigation, which was fine.

12 But I just want to point out that the
13 actual proposal was flawed and your own person
14 rejected it. So just -- You know, you should talk
15 sometimes.

16 Finally I want to say that Mr. Fleming
17 said there was three simple changes, two of which
18 were actually approved -- I'm getting technical so
19 I'm sorry, but there was two of them that were
20 actually approved during ROP.

21 There are actually -- If you look at the
22 justification for 25-104, there's actually five new
23 things and we've already talked about systems

1 which -- I don't know if you understand it or not,
2 but one person says that the system requirement has
3 reduced, relaxed, the requirement for testing and the
4 other one says it's increased it.

5 There's confusion amongst our committee
6 so what's the public who's going to use this document
7 going to think?

8 So I contend that 104 actually had more
9 technical changes than you're led on to believe here,
10 and five of them are new and new means it wasn't
11 actually submitted out to the public to view.

12 The first time they got to see it was
13 when the ROC was published and to hear it on the
14 floor.

15 So since 104 is here discussed I think
16 we've got some problems with 104 and as much as I'd
17 like to see 101 pass, I'd like to see both rejected
18 in this case and let's go back to work.

19 I just don't think 104 fixes it. Some
20 people say 104 is better. Pete actually said
21 something about 104 being better. I question it
22 being better. I also question the technical new.
23 So --

1 THE CHAIR: Mr. Bouchard.

2 MR. BOUCHARD: Yes. I just want to make
3 a quick comment on a couple of comments that have
4 been made relative to my balloting.

5 My balloting was based on my personal
6 opinion. And in my opinion the committee was
7 divided. And so therefore I wanted to wait and see
8 what the balloting on the floor actions produced.

9 The balloting did not produce any
10 clearcut committee opinion and therefore I remained
11 as an abstention on that ballot.

12 My statement therein is, again, my
13 personal opinion relative to the adequacy of the
14 substantiation for any changes.

15 However, in defense of the committee --
16 not that they need defense but just to explain -- the
17 committee has discussed and debated all of these
18 issues that you're hearing today for a few at least
19 additions of the NFPA 25.

20 And to imply that my vote as chairman
21 carries any extra weight or is a stronger or a strong
22 indication that something wasn't so, I reject that
23 thought.

1 So I want you to understand that when
2 I voted, it's personal opinion and based on my
3 experience and what I believe is correct.

4 Relative to the overall committee
5 balloting, I would say that is the same for each one
6 of the committee members and their ballots.

7 And if we were to go back to -- If we
8 could recreate the 2002 meeting where this -- I
9 believe that I was speaking against it at that time,
10 but again going old school, when the committee
11 decided that that's the direction they wanted to
12 take, my ballot -- and I don't even remember but it
13 probably supports that committee action.

14 In other words, you probably do not see
15 a negative ballot from me on that issue and with a
16 substantiation.

17 So I'm just trying to explain a little
18 bit as to -- My name has come up here a little bit
19 just recently and I just wanted to point out those
20 facts.

21 THE CHAIR: Thank you. Mr. Fleming, do
22 you have any final closing remarks?

23 MR. FLEMING: Yes. First of all, again,

1 the 101 Comment was based on the initial proposal
2 185, a fairly radical proposal which, although
3 Mr. Larrimer says it wouldn't get rid of the internal
4 inspection, it would require a trigger.

5 But from the start this has been
6 considered and proposed back in 2000 as a random
7 internal inspection, a random internal inspection.
8 Every five years you at least take a quick look
9 inside the pipe.

10 If you require a trigger for it, it's not
11 a random internal inspection and you lose the random
12 internal inspection.

13 104, even as Mr. Larrimer admits, it's
14 cleaner, it's more understandable. It's the
15 committee consensus.

16 It does include some compromises. As I
17 mentioned, for wet systems where you have multiple
18 systems it essentially allows ten years instead of
19 five years between these random internal inspections.

20 And finally, Mr. Larrimer states, Where
21 am I supposed to get the data to make a change?
22 Well, like the rest of us using the NFPA system, you
23 have to collect the data.

1 We have here the Veterans Administration
2 and General Services Administration, two of the
3 largest building owners in the country, that carry
4 out NFPA 25 inspections.

5 I'm sure the committee would welcome the
6 chance to review their data. If they're doing these
7 random internal inspections on wet pipe systems and
8 they're not finding anything, the committee will take
9 that into consideration. Show us the data.

10 When you open a sprinkler system you
11 should either see nothing or water. That's about it.
12 There shouldn't be anything there what would obstruct
13 the discharge of the sprinkler.

14 That's the point. If you find something,
15 that means there's a need to dig deeper.

16 THE CHAIR: With that, that will bring
17 this particular hearing to a close. Again, I
18 appreciate everyone's involvement in the NFPA Codes
19 and Standards process.

20 I appreciate your appearance here today
21 as well. The Council certainly appreciates your
22 appearance and your time that you took today for this
23 hearing.

1 I will remind everyone that the Council's
2 decision will be issued as a written decision by Miss
3 Cronin the secretary of the Council.

4 No member of NFPA staff nor member of
5 the Standards Council is permitted to convey that
6 decision and will only be done by the secretary of
7 the Council.

8 With that we are going to take a ten-
9 minute break before we move into the next hearing.
10 So I currently have ten minutes to 3. We will start
11 back at 3 o'clock.

12 (Whereupon at 2:50 p.m. the hearing recessed and
13 reconvened at 3:01 p.m.)

14 THE CHAIR: I'm going to call the session
15 back to order please. We are moving in on hearing
16 number 10. This is Agenda Item 10-8-3-d.

17 I'm going to ask if there's anyone in the
18 room that did not introduce yourself previously when
19 we were on the record, if you can do that now. Yes,
20 sir.

21 MR. VICTOR: Terry Victor representing
22 SimplexGrinnell and Tyco.

23 THE CHAIR: Thank you. Anyone else?

1 Yes.

2 MR. FULLER: David Fuller representing FM
3 Global.

4 THE CHAIR: Thank you. Is that
5 everybody? Okay. Josh, you want to move down to the
6 end? This particular item is on NFPA 25. It's
7 Section 3.3.4 overturning the floor action to accept
8 Comment 25-11 that failed on the floor.

9 I think since most people were here,
10 we're going to follow the same format that we did
11 previously.

12 Is anyone else speaking in favor of this
13 motion? Is there anyone speaking in opposition to
14 the motion? Two folks. Thank you. Josh.

15 MR. ELVOVE: Josh Elvove with the U.S.
16 General Services Administration.

17 THE CHAIR: I'm sorry, Josh. I have some
18 Council member statements please. Mr. Bell.

19 MR. BELL: Kerry Bell, member of Council.
20 I would like to note for the record that I am a
21 member of the Technical Committee on Inspection,
22 Testing, and Maintenance of Water-Based Systems.

23 As a Technical Committee member I

1 participated in the consideration and voting on the
2 issues that appear to be related to this appeal.

3 I have therefore reviewed my obligations
4 under the Guide for Conduct of Participants in the
5 NFPA Process to consider whether there's any reason
6 for me to recuse myself from consideration of this
7 appeal.

8 I have concluded that I do not have any
9 views that are or would be fixed considering the
10 issues and I am fully able to give open and fair
11 consideration to this appeal.

12 And for the record, therefore, I have
13 considered the matter and believe that I can fully,
14 fairly, and impartially fulfill my role as Council
15 member on this appeal.

16 THE CHAIR: Mr. Huggins.

17 MR. HUGGINS: Roland Huggins, member of
18 Council. I'd like to note for the record that I'm a
19 member of the NFPA 25 Technical Committee.

20 As a Technical Committee member I
21 participated in consideration and voting on issues
22 that appear to be related to this appeal.

23 I have therefore reviewed my obligations

1 under the Guide for Conduct of participation in the
2 NFPA Process, particularly Section 3.5(d) of the
3 Guide to consider whether there's any reason for me
4 to recuse myself from consideration of this appeal.

5 I have concluded that I do not have any
6 views that are or would appear to be fixed concerning
7 the issues and I'm fully able to give open and fair
8 consideration to this appeal.

9 For the record, therefore, I have
10 considered the matter and believe that I can fully,
11 fairly, and impartially fulfill my role as a Council
12 member on this appeal.

13 THE CHAIR: Others? Mr. Elvove, please.

14 MR. ELVOVE: Thank you. Josh Elvove with
15 the U.S General Service Administration and I'm here
16 asking you to accept Comment 11 which is to return
17 the definition of deficiency back to the 2008
18 edition.

19 The discussion invariably will center
20 around Comment No. 12, because Comment 12 was the
21 comment that actually made the change, but my Comment
22 11 was based on the proposal, initial ROP, that
23 started to tinker with the definition of deficiency,

1 but I just wanted to entertain that we will be
2 talking about 12 because of the changes it made.

3 I'm concerned, similar to Pete, but now
4 at least we're talking about 2011 cycle. I submitted
5 Comment 25-11 and my comment basically was rejected,
6 and the committee's statement referred the reader to
7 Comment No. 12 which is why we're introducing Comment
8 12.

9 And Comment No. 12, which was
10 Mr. Leavitt's proposed change to the term deficiency,
11 doesn't even address my issues.

12 I had asked for substantiation for
13 turning it back and all the committee did was
14 basically say how good ROC 12 is, so I never got the
15 answer that I indeed was looking for.

16 In my letter to the Standards Council you
17 see basically my reasons for being here. I'll
18 just -- I believe there's a conflict with the new
19 definition.

20 The term deficiency and impairment I
21 think is more muddy than it was before. I'm
22 concerned about new material being introduced for
23 both this comment, 25-12, with the two new terms,

1 critical deficiency and non-critical deficiency, that
2 were not introduced to the public.

3 Those two terms are new sub definitions
4 to deficiency and they are only used in the annex,
5 and the annex material is also new material.

6 Annex E, which is basically the reason
7 why they created critical and non-critical
8 deficiencies, was to kind of come up with a
9 distinction between the two because, as Mr. Isman
10 said earlier, to some AHJ's it's black or white.

11 And the idea was to come up with some
12 sort of -- you know, a gray area so not to impede a
13 system, that it gets your certification and move on
14 and deal with the non-critical ones.

15 But the concern I have is those two
16 terms, the new sub definitions, don't work unless you
17 have Annex E, and Annex E is 14 pages of material.

18 And if you read my testimony and you read
19 some of the rebuttal to the testimony, that you will
20 agree that there's some concerns there and you decide
21 whether or not it's -- because it's Annex E that
22 means we're allowed to go out and have some things
23 that aren't accurate.

1 There's actually contradictions in there.
2 There's mistakes in there, and I point a couple out
3 in my testimony. I don't need to rehash them here.

4 So I'm concerned procedurally that
5 introducing 14 new pages of annex material to
6 basically supplement the new definitions, which were
7 also introduced newly during the ROC, is a concern.

8 Whether or not the need is there, I'm
9 concerned about the procedure. All right? And I'm
10 also concerned, going back to the proposed
11 definition, that there is no longer a term to
12 describe deficiencies as they would apply to design
13 issues in Chapter 4, and we'll talk about Chapter 4
14 in the next hearing item.

15 But the current definition basically
16 removed an opportunity to use that term for
17 potential design issues and we're concerned that
18 there's no longer a term for that.

19 I have to fold in NITMAM No. 5 that was
20 Marcello's parallel motion which was basically to
21 introduce a different definition for deficiency which
22 was also rejected on the floor.

23 But if you looked at the testimony on

1 NITMAM 4, it actually continues. I call NITMAM 5
2 NITMAM 4B because the testimony pretty much continued
3 mostly on Marcello's proposed definition there, which
4 I was never opposed to at all.

5 I preferred returning it back but
6 Marcello's had some value to it because it gave you
7 an or condition.

8 It basically in the first part of the
9 definition gave you the opportunity to maybe look at
10 maybe Chapter 4 design-type deficiencies.

11 And the second part of the definition
12 gave you a chance to look at traditional ITM
13 deficiencies.

14 That would have worked but that was
15 defeated on the floor, so now we're left with what's
16 in 25-12 which basically is pretty much a one
17 opportunity -- It's only ITM, yet there's more than
18 ITM in the standard and we'll discuss that in the
19 scoping issue in the next discussion.

20 So another thing I would have -- on
21 Mr. Isman, who's actually fortunate to be in the
22 room, he actually submitted a Comment No. 9 which was
23 to modify the existing definition as we have it today

1 and add, "that does not result in an impairment,"
2 which I thought would have worked as well.

3 So there were two alternative
4 definitions, ROC 9 and ROC 13, that probably would
5 have worked as well, but I believe that ROC 12 is the
6 least of the 13, but I still stand at the ROC No. 11,
7 the old existing definition for deficiency, which
8 actually was inserted into the Code last cycle
9 through the Glossary of Terms.

10 And no committee member at that
11 particular time had any concern with the definition
12 which was basically taking from NFPA 10-71 and I know
13 there'll be some discussion about whether that means
14 we should buy it or not.

15 But there was no concern with it last
16 time and so it lasted three cycles with no issues
17 that to our knowledge, even though I recognized there
18 was proposals being made here to change it to focus
19 strictly on the ITM issues.

20 But I believe that we're better off with
21 the ROC 11 terminology which is going back to 2008
22 rather than the new proposed terminology because of
23 the problems that I've alluded to and I've mentioned

1 in my letter to you all. So with that I'll conclude.

2 THE CHAIR: Thank you, Mr. Elvove. I
3 guess those speaking in opposition to the motion, if
4 you'll sort of come down here to the end of the
5 table. Whichever of you would like to go first.

6 MR. LEAVITT: Good afternoon. My name is
7 Russ Leavitt of Telgian Corporation. I'm a principal
8 member of the 25 Committee representing the Home
9 Depot.

10 As Josh or Mr. Elvove alluded to, there
11 was some circumstances that brought this up so we
12 can't neglect that in looking at this -- at this
13 change, so it's critical in my opinion to look at a
14 little bit of background real quick.

15 With the advent of more and more
16 states -- and at my count there's twelve currently,
17 and number of local jurisdictions -- that have
18 enacted some level of mandatory reporting and/or
19 rating or some call it tagging of sprinkler systems.

20 The committee felt there was a need to
21 rate deficiencies. Previous editions of the standard
22 essentially treat all and treated all deficiencies as
23 equal.

1 The standard simply states that
2 deficiencies must be corrected by the owner.
3 Therefore a missing sign or an inoperable flow switch
4 are theoretically treated with the same level of
5 urgency.

6 As a result there have been numerous
7 reports and, in the case of my constituency, I've had
8 personal experience where jurisdictions have
9 exercised fines and, in the extreme, in the state of
10 Florida a large facility was actually ordered closed
11 and vacated until control signs were added to the
12 control valves on the facility.

13 Florida is a great example. They have
14 two ratings; green and red. The system either is
15 compliant or not compliant.

16 And as a result of this type of pass/fail
17 consideration, it places the inspection service
18 provider and the owner in a very tenuous situation.

19 Owners are upset by the appearance of
20 petty deficiencies, in their opinion, that are
21 reported and, as a result, they feel sometimes like
22 they're being held hostage by the service provider.

23 Service providers are then stuck trying

1 to, you know, be reasonable on behalf of their
2 customer but, at the same time, trying not to expose
3 themselves to undue liability.

4 I personally have had to answer
5 complaints by local jurisdictions to two different
6 state contractor boards for failure to include
7 deficiencies that in reality weren't even a part of
8 NFPA 25.

9 And in both cases I was able to rectify
10 that after appearing, but it was an unnecessary
11 exercise of time and cost.

12 So the changes that were enacted were
13 done to provide some guidance in relationship to
14 deficiencies to help jurisdictions particularly
15 develop some reasonable requirements for reporting
16 and addressing the same.

17 I don't argue the fact that the wording,
18 for instance, of the definition for deficiency could
19 be better. I myself did not care for the add-on of,
20 "does not rise to the level of impairment."

21 However, as the submitter of the appeal
22 has stated, I do not agree that the language accepted
23 by the committee creates an undue situation of

1 confusion.

2 And the addition of critical and
3 non-critical goes a way to solving the problem that
4 currently exists and frankly is getting worse as we
5 go on.

6 Specifically a couple things that are
7 mentioned in the letter that was provided by
8 Mr. Elvove: He states that the new text in A.4.1.4
9 gives -- is not good and was added, but in my opinion
10 gives excellent guidance regarding the intent of the
11 committee and regarding the idea of the correction of
12 deficiencies.

13 Annex E was added as the committee felt
14 that by including this information, a good deal of
15 feedback will be generated, could be generated, and
16 assist in refining the classifications going forward.

17 In fact, I should mention the fact that
18 I was the chairman of that Task Group appointed by
19 the chair of the committee in looking at the
20 definitions as well as this list.

21 We felt that there is no better way to
22 get good public feedback by getting this information
23 out there in an annex form.

1 Regarding the specific criticisms, yuh,
2 there are some issues. You're talking 225 issues.
3 There was some misrepresentation in the report by
4 Mr. Elvove.

5 He mentioned, for instance, that it says
6 that if we have bags covering sprinklers, for
7 instance, in a spray booth, that's an impairment.
8 That's not what it says.

9 It says if those bags have deposits or
10 show an accumulation of residue, that constitutes an
11 impairment.

12 And we could go through the list, you
13 know, one by one. There's 225-plus items. That's
14 unnecessary.

15 I don't even agree with all of the
16 classifications. That was part of the point. The
17 point was to get this in the annex, to get it out
18 there so that jurisdictions have some guidance and
19 then, in interacting with the owners, with the
20 service providers, refining this process as we go
21 along to have some good direction.

22 We need the direction. The committee
23 felt that we need this direction. As a

1 representative of a user, you know, frankly, I
2 support and my -- and the Home Depot who I represent
3 supports having some guidelines out there to help
4 define this in a better way. Thank you.

5 THE CHAIR: Thank you. Mr. Isman.

6 MS. ISMAN: Thank you. Ken Isman with
7 the National Fire Sprinkler Association. The 2008
8 edition of NFPA 25 has some problems with it.

9 As you've heard and as Russ Leavitt just
10 said, his customers experience problems with this
11 binary discussion of fire protection systems.
12 They're either good or they're not good, and we need
13 more items of delineation.

14 We can't exist with just the two ways to
15 describe fire protection systems. There's too many
16 in-between situations that need to be treated
17 differently.

18 A number of people recognized these
19 problems and they submitted a number of proposals to
20 NFPA 25 to solve that problem and treat different
21 tiers of situations that a system could be placed in.

22 So this is not new business. This is not
23 new ideas that came into the standard only at the ROC

1 stage.

2 The concept of creating a tiered system
3 of saying that a fire protection system could either
4 be completely perfectly okay -- that would be maybe a
5 green tag system if you're used a color coding to
6 describe them -- or a system that has some concerns
7 with it that don't rise to the level of a complete
8 shutdown of the system which would mean maybe a
9 yellow tag if you're assigning a color to them.

10 And then systems that are totally
11 impaired, that are really big problems; they might be
12 a red tag if you're trying to assign a color scheme
13 to the system.

14 There were many proposals in the ROP
15 stage that had this idea of a tiered system of
16 looking at fire protection systems.

17 The committee dealt with them at the ROP
18 stage but there were many people that felt that the
19 committee didn't deal with it quite well enough and
20 we needed to tweak what was going on.

21 So a Task Group was appointed. That's
22 the Task Group that Russ Leavitt was just talking
23 about that he chaired.

1 I am not a member of the NFPA 25
2 Committee, but I was appointed to that Task Group
3 because I was one of the groups of people that had
4 submitted proposals on this subject and was very
5 interested in moving it through the system.

6 As the Task Group worked on its task, its
7 charge, we realized that the best way to address this
8 issue was to come up with several terms that defined
9 these conditions that we're talking about and gave
10 them a way to categorize these fire protection
11 systems.

12 And we latched onto the word deficiency
13 as being a very good word that described one of these
14 tiers, one of these levels of concern that was not
15 the same level of concern as a complete impairment of
16 a system.

17 So we put together a Task Group comment
18 that changed this definition of deficiency, actually
19 created these two other kinds of deficiencies,
20 critical deficiencies and non-critical deficiencies.

21 And then we needed to come up with
22 examples to show authorities having jurisdiction how
23 we thought these would play out throughout the

1 standard.

2 And a tremendous amount of work went into
3 looking at all of the different situations that we
4 inspect and test for in the standard and trying to
5 categorize those as to what we thought would be
6 critical deficiencies, non-critical deficiencies, or
7 impairments, and those went into an annex.

8 Now, they had to go into the annex
9 because these are the opinions of some people and
10 certainly not a situation that we wanted to force
11 being legally enforceable in every jurisdiction but
12 we wanted to show authorities having jurisdiction how
13 that all would play out in our minds as you create
14 these different tiers.

15 It's a tremendous step forward for NFPA
16 25. It's going to make NFPA 25 much more user-
17 friendly, much more capable of being enforced
18 reasonably throughout all of the jurisdictions in the
19 country, and I urge you not to go back to the 2008
20 text.

21 The creation of these different tiers of
22 conditions is a wonderful step forward for NFPA 25
23 and it was done completely within the rules and

1 regulations.

2 It was not a new concept that came
3 forward in the ROC stage. It was discussed
4 conceptually at the ROP stage and it was done
5 completely within the rules of the NFPA. Thank you.

6 THE CHAIR: Thank you. Mr. Bouchard, any
7 comments on behalf of the committee?

8 MR. BOUCHARD: Just a couple. What
9 Mr. Isman is saying is quite true. The discussions
10 at the ROP meeting were lengthy, were very detailed
11 and with all committee members expressing an opinion
12 one way or another.

13 It was impressed on the committee that
14 to establish a pass/fail system in the text of the
15 document was a rocky road to follow, and yet there
16 was great support for the fact that a rating system
17 of some type was necessary as many states and
18 jurisdictions were evolving their own so to speak.

19 So the committee, and I thought wisely
20 so, decided, Well, let's get it out there, let's put
21 our best thoughts together and put together this
22 appendix.

23 In the ROC stage, yes, a couple of

1 deficiencies were noted or problems that certain
2 committee members felt should be ironed out.

3 And that's at the stage where we
4 developed the Task Group to develop some type of
5 terminology that everyone could accept, at least for
6 the moment, in the appendix or for use with using the
7 new appendix.

8 And that's how it played out and that's
9 how the balloting went. So I was quite -- Personally
10 I was quite pleased and as chairman of the committee
11 I was glad that it went the route that it did.

12 And I think that it is a good, honest
13 attempt to get some information out there in response
14 to the many enforcement officials who had contacted
15 us and through the committee members who are the
16 enforcement side of the house also that indicated,
17 Hey, this is coming down the road and we need
18 guidance.

19 And I think that the committee stepped up
20 to the plate and provided the guidance that will lead
21 to a new or improved version next time around for 25
22 in addition to this edition.

23 THE CHAIR: Thank you. Going to open it

1 up to questions from the members of the Council.

2 Mr. Jardin.

3 MR. JARDIN: Joe Jardin, member of
4 Council. Question for Mr. Isman. In your testimony
5 you discussed the fact that during I suppose it was
6 the Task Group deliberations, that in fact you did
7 discuss or address the issue of multiple levels of
8 deficiencies or, you know, a stratum of issues
9 relative to sprinkler systems.

10 And you addressed, I believe, in
11 discussion the concern raised by the appellant
12 relative to introducing a new concept or a new idea
13 at the comment stage.

14 Could you speak to how that was conveyed
15 on the record as a result of your discussions?

16 MR. ISMAN: Well, the Task Group wasn't a
17 body that could be balloted, so nothing actually
18 appears in the ROC as a Task Group Comment.

19 I believe what happened was the chair of
20 the Task Group ended up compiling those comments and
21 submitting them in his own name. So you won't see
22 anything actually written in the name of the Task
23 Group.

1 MR. JARDIN: Just as a follow-up. So,
2 you know, I guess I'm not expressing it well, but you
3 would say that the notion of the varying degree of
4 deficiency was documented via the record in some form
5 or another even if it was not in the name of the Task
6 Group.

7 MR. ISMAN: Well, the original notion of
8 creating these different tiers of problems with
9 systems is in my original proposal. And I apologize,
10 I don't have a full ROP here. But it was Proposal
11 25-63.

12 MR. JARDIN: Thank you.

13 THE CHAIR: Additional questions?
14 Mr. Gerdes.

15 MR. GERDES: Ralph Gerdes, Council
16 member, and I've got a question for both sides
17 concerning this new annex material and I'll start
18 with Josh.

19 Given that it's annex material -- and my
20 understanding is it's not part of the code or
21 enforceable -- you obviously are opposed to this but
22 what harm is this going to be causing you?

23 MR. ELVOVE: I guess this is a greater

1 question for everyone. Should we put out material
2 that, one, hasn't been seen by the public at ROC
3 regardless of whether -- Do we make a distinction
4 between stuff that goes in the body of the standard
5 and the annex material when it hasn't been seen by
6 the public?

7 If the Council believes we can make that
8 distinction, so be it. I'm not under that
9 impression.

10 I'm under the impression that when you
11 put something out to the public, it needs to be
12 properly vetted whether it's in the body, Annex A, or
13 Annex Q.

14 And so I'm concerned that this material,
15 as provided, is a large body of material. It was --
16 and correct me if I'm wrong, anybody on the
17 committee.

18 It was delivered to us I believe on the
19 Friday e-mail and it's twelve documents on the Friday
20 before we met. We met on a Tuesday and a Wednesday.

21 And when we got to that item I actually
22 raised some issues at that time about some problems
23 with it and we didn't -- I don't think we had the

1 gumption to want to go in and do it at the time given
2 the mass of this.

3 So my concern is -- And I want to say
4 something. I am not adverse to this concept. I
5 absolutely think it's a great concept.

6 I mean, I definitely respect the fact
7 that if there's AHJ's going out there and they're
8 saying, You don't have that hydraulic name tag,
9 you're a red, that's inappropriate.

10 I'm saying that this, although needed,
11 did not go through the proper process. And that's
12 why I'm here, because I don't believe it went through
13 the proper process because it's a lot of material
14 that we serve out to the public.

15 And it's Annex E and Annex E has the
16 lowest pecking order I think of everything in the
17 standard, but does that mean you're not going to use
18 it?

19 And I go back to my point. The term
20 critical and non-critical deficiencies that were
21 introduced at ROC -- deficiencies, not system. This
22 is deficiencies and this is a little different than
23 what Ken submitted as 63 on systems, this is

1 deficiencies -- is only discussed -- these terms were
2 only discussed in the annex.

3 So I don't even know procedurally whether
4 we're allowed to define stuff that doesn't even
5 appear in the body of the standard.

6 So I'm just concerned about our committee
7 doing something, albeit on the right idea but not
8 going through the right procedure. We've been burned
9 before on procedures. I don't want to be burned
10 again.

11 MR. GERDES: Let me ask you a follow-up
12 question. I understand your concern about this being
13 new material. I'm not going to necessarily
14 acknowledge it's new material but let's say it's new
15 material.

16 The fact that you submitted a NITMAM and
17 it was certified and it was brought to the floor in
18 front of the general membership, couldn't that be
19 viewed as the membership having an opportunity to, as
20 they did, debate the issue, discuss the issue?

21 MR. ELVOVE: I'll defer to the Standards
22 Council whether that's appropriate. I don't know.

23 MR. GERDES: Let me go to the opposition

1 to the appeal. Given that this is annex material,
2 how does this -- and not part of the code, how does
3 this satisfy or how does this help you? Why do you
4 think it's a benefit?

5 MR. ISMAN: Ken Isman with the National
6 Fire Sprinkler Association. It provides authorities
7 having jurisdiction with a model that certainly helps
8 understand the intent of how to enforce the standard.
9 You want to add to that?

10 MR. LEAVITT: Yes. I mean, as Ken calls
11 it, the binary aspect of it is that we have a real
12 problem out there. This is not a hypothetical.

13 It's not something that we're trying to
14 prevent. It's something that we're trying to address
15 now and there is no guidance at all.

16 And what we're showing is that with this
17 in the annex and with the definitions, that the
18 standard does not consider all deficiencies equal,
19 and it provides guidance to an authority having
20 jurisdiction or to an owner on how to address
21 different types of deficiencies.

22 MR. GERDES: Thank you.

23 THE CHAIR: Jim Pauley, Chair of the

1 Council. I guess I'm going to ask the indulgence of
2 both sides to maybe -- not certainly in the detail
3 that we've been through, but given that all of you
4 are very familiar with sort of what you did as the
5 committee, I'll admit I'm having a little trouble
6 keeping up between the proposals and the comments
7 that we're talking about.

8 The particular appeal that we have in
9 front of us is to accept Comment 25-11 which would
10 have overturned Proposal 25-19.

11 And if I'm reading correctly, Proposal
12 25-19, which was Mr. Leavitt's proposal, added -- by
13 the time the committee finished added some stuff in
14 the main body on the text on deficiency and added an
15 annex statement. That's what they did in their
16 action.

17 The committee then came back again
18 from a comment from Mr. Leavitt in 25-12, which
19 Mr. Elvove brought up, and further redefined
20 deficiency again. That actually appears to have
21 taken into account Mr. Isman's comment from 25-9.

22 At that point I was okay. How we got to
23 Annex E and 25 pages of material related to this,

1 you've just got to clue me in a little bit about
2 which proposals and comments we're talking about,
3 because I can't find that in these ones that seem to
4 be the subject of the appeal.

5 MR. ELVOVE: If I may, my rejection -- I
6 am moving to accept 25-11 which basically rejects the
7 change at ROP.

8 And albeit we are discussing -- That's
9 why I kind of couched that in the very beginning
10 saying we would probably go into ROC 12, but ROC 12
11 can't stand itself because it introduces terms that
12 only are introduced by a committee comment, 119.

13 Russ Leavitt submitted a comment, 118, to
14 basically modify A.4.1.4 and then introduced at that
15 time Annex A. This was going to be Annex A.

16 And then the committee, during its
17 deliberations, decided to tweak A.4.1.4, Russ's
18 comment, and to change the text -- move it from Annex
19 A to Annex E. There's a lot more editorial work that
20 was done to Russ's proposal.

21 And that became committee comment which
22 was ROC 119. And I don't see how you can separate
23 these three items and that's why I'm speaking to

1 them. And if it's out of order you'll certainly let
2 me know.

3 THE CHAIR: No, I fully appreciate how
4 you make the connection. Somewhere in all the
5 comments and proposal numbers being thrown around, I
6 didn't catch 119 as the place where this ended up.

7 So I just want to try to characterize,
8 Mr. Elvove, for purposes of what you're saying,
9 because I think I've heard you'd say it a couple
10 times.

11 Your concern is that in ultimately what
12 the committee did in 25-12 with deficiency and the
13 definition, it defines a term that then is only
14 utilized in the annex.

15 And so the question is I've got a -- in
16 the definitions I've got an actual term defined.
17 Body of the standard doesn't use it but an
18 informative annex uses it.

19 MR. ELVOVE: Correct.

20 THE CHAIR: I think I'm up to speed
21 now. Thank you. Are there some further questions
22 from members of the Council? With that I'll allow
23 any closing remarks. Mr. Elvove, if you'll go

1 first.

2 MR. ELVOVE: Thank you. Again, this
3 really is procedural. Inasmuch as I don't like the
4 definition technically, I'm really coming to you
5 procedurally, pointing out some technical flaws with
6 it that you can take under advisement.

7 But I'm really coming to you procedurally
8 saying that the definition shouldn't be used because
9 it's using new terms that were introduced.

10 One, they're not in the body of the code
11 and, two, introduced without proper vetting. I'm not
12 going to dispute the fact that this is needed.

13 I'd love to see maybe this be you accept
14 my comment and then have the TIA issue where the
15 public could actually see this and have the usual
16 window to vote on this. That would be appropriate.

17 At that time we can probably tweak Annex
18 E. I'd be all for it. I am not against this issue.
19 I'm against the procedure and how this came forward.

20 Mr. Isman did introduce the proposal in
21 25-63 but it was dealing with systems and it was
22 really three conditions as he mentioned.

23 It was green, red, and yellow basically.

1 You know, operating, impaired, a condition that needs
2 attention.

3 And somehow the Task Group went from that
4 to the deficiencies, which isn't a bad move, but we
5 went from something called a system, yes or no or
6 maybe yellow, to conditions.

7 And I guess what I'm saying is now that
8 we have this annex and assuming it was correct and
9 assuming it was actually properly vetted, you've got
10 this column where this thing is in this column for
11 deficiency, critical, and this one's not critical.

12 Nothing now tells you what to do with
13 that. If I have one critical deficiency, am I done?
14 Am I now a red?

15 If I have one non-critical, am I a
16 yellow? If I have 30 non-criticals, am I red? I
17 don't dispute this is good stuff, but it's still not
18 giving the code official who's going to use this --
19 He's got to use Annex E.

20 You can't use these definitions without
21 going to Annex E. You have to. Otherwise you don't
22 know what he's talking about.

23 So I don't think it's quite there yet

1 because of what we've presented yet and that's not
2 the fault of the committee.

3 I respect the Task Group and I'll be
4 happy to participate in the Task Group. They know
5 how anal I can be.

6 So I'm looking, again, as procedurally.
7 I guess there was a comment made about other
8 proposals submitted during the ROP.

9 I'm not aware of any other, and others
10 can correct me. I'm only aware of Mr. Isman's which
11 was rejected. I don't know any that came forward
12 that dealt with this topic. Not that there needs to
13 be, but I'm only aware of the one.

14 So I believe procedurally this is -- my
15 comment should be accepted and I would work on the
16 TIA should the Standards Council so authorize or the
17 committee so choose. So with that I'll conclude.

18 THE CHAIR: Mr. Elvove, I do find that
19 one advantage of being Chair is I can ask questions
20 at any point in the process.

21 So I'm going to ask a question again to
22 try to make sure I fully understood something that
23 you said. If we upheld your appeal, the definition

1 of deficiency would go back to the 2008 edition.

2 MR. ELVOVE: That's correct.

3 THE CHAIR: Annex E would remain.

4 MR. ELVOVE: That's not a correlation
5 issue?

6 THE CHAIR: It's -- I will -- That point
7 can be discussed but that's not part of the appeal
8 specifically.

9 I mean, since it's pointing to explicitly
10 that particular item -- and I guess it gets to the
11 point that you raised earlier about since the term's
12 not used, if I left the 08 definition in, what's it
13 now defining that is left in the document?

14 If the only place the new term was being
15 used was in Annex E and I go back to the 08 edition
16 of deficiency, what else comes along with that that
17 you're trying to get to to your point about
18 correlation?

19 I mean, are there other places the term
20 deficiency shows up in the document that it would now
21 apply to?

22 MR. ELVOVE: The term deficiency shows up
23 ten times in the 2011 edition. Actually eleven if

1 you want to count the definition of critical and
2 non-critical twice.

3 If we returned it back to the 2008, all
4 the current uses of the term deficiency would not
5 change -- someone will correct me if I'm speaking out
6 of turn here -- than what they were in 2008.

7 The application of the term deficiency
8 would still be the application in the next cycle
9 which was what was put into the glossary of terms in
10 2008. And -- Am I allowed to say one more thing?

11 THE CHAIR: Please.

12 MR. ELVOVE: In retrospect I came to you
13 with the long approach. I'll admit that. I came in
14 there and followed my NITMAM which was to accept
15 Comment 11.

16 Had I been smarter I would have come in
17 there and said, Reject 12, so we could have focused
18 on that. I didn't do that so you have procedures on
19 me.

20 But I had to pull them all together
21 because they're related. So you'll do what you've
22 got to do and I just wanted to let you know that I'm
23 aware of that.

1 THE CHAIR: I'll state for the record, my
2 interest in all this is trying to make sure we
3 clearly understand what you want and what you believe
4 will happen if we both upheld the appeal or didn't
5 uphold the appeal.

6 I'm trying to make sure we have all that
7 on the record so that we've got clear direction
8 forward in ultimately whatever the Council will
9 decide. So thank you for your clarifications. I'll
10 go over to Mr. Leavitt and Mr. Isman then for any
11 final closing remarks.

12 MR. ISMAN: Ken Isman, National Fire
13 Sprinkler Association. I just want to address the
14 point of the critical and non-critical deficiency
15 terms not being used in the body of the standard.

16 More than a hundred years ago the NFPA
17 started writing codes and standards for a number of
18 purposes.

19 And one of those purposes was to
20 standardize how certain things were being done.
21 There were many different ways to do things, and the
22 NFPA said, We're going to get an organization, a
23 national organization, together to write a standard

1 that helps to standardize how certain processes and
2 procedures are going to take place.

3 I think there's tremendous value in
4 putting a definition in a standard, in the body of a
5 standard, even if those words are used in other
6 places.

7 They may be used in the annex instead of
8 the body, but having those words there is incredibly
9 important to helping people understand the total
10 enforcement of that standard and what the committee
11 has in mind for the enforcement of that standard.

12 I think it's very important to have in
13 the body of the standard a defined term that says
14 there's a term that you can use when you're out there
15 in the field and you find a problem that doesn't rise
16 to the level of being an impairment, a total
17 impairment of a system.

18 And for the standard to be able to say
19 that to enforcers is very important, and I hope to
20 keep that even if we didn't use those terms, critical
21 deficiency and non-critical deficiency, in the actual
22 body of the standard.

23 THE CHAIR: Thank you. Mr. Leavitt.

1 MR. LEAVITT: Russ Leavitt, Telgian
2 Corporation, representing the Home Depot. I echo
3 what Mr. Isman said. In addition I want to
4 reemphasize in my closing remark that this is a real
5 problem.

6 Yes, Annex E may have some flaws. There
7 may be some issues. We've got lots of flaws that
8 we've dealt with through the revision process year
9 after year.

10 This takes us a huge step forward in
11 solving this situation that exists today and is real
12 for owners and service providers. So I urge you to
13 not support the appeal. Thank you.

14 THE CHAIR: Thank you. And we appreciate
15 your patience on that in trying to sort through the
16 various proposals and comments.

17 With that I'll bring this hearing to a
18 close. Again I would remind everyone that ultimately
19 the decision of the Council will be issued by written
20 decision by the secretary of the Standards Council.

21 No member of the staff or member of the
22 Council is permitted to discuss that decision or
23 convey any of that information. The written decision

1 will be the official correspondence.

2 I appreciate your participation in the
3 process as well. I'll shorten that part because I
4 think I'm going to have a chance to say that again
5 because I believe, Mr. Elvove, you have the next
6 hearing and, Mr. Leavitt, I believe you're also
7 involved in the next hearing as well.

8 So we will go ahead and move directly
9 into hearing number 11 which is Agenda Item 10-8-3-e.
10 This is again on NFPA 25 and it's to overturn the
11 floor action to accept Comment 25-24 which was a
12 motion that failed on the floor.

13 So Mr. Elvove, you're speaking in support
14 of the appeal. Is anyone else speaking in support of
15 the appeal? Speaking in opposition? Two of you.
16 Okay. Mr. Elvove, you have the floor.

17 MR. ELVOVE: Do they have to do their --

18 THE CHAIR: I'm glad you're keeping up
19 with what they have to do. As I said earlier, it
20 will get repetitive. And, yes, it has. So Mr. Bell,
21 please.

22 MR. BELL: Kerry Bell, member of Council.
23 I'd like to note for the record that I'm a member of

1 the Technical Committee on Inspection, Testing and
2 Maintenance of Water-Based Systems.

3 As a Technical Committee member I
4 participated in the consideration and voting on
5 issues that appear to be related to this appeal.

6 I have therefore reviewed my obligations
7 under the Guide for Conduct of Participants in the
8 NFPA Process to consider whether there is a reason
9 for me to recuse myself from consideration of this
10 appeal.

11 I have concluded that I do not have any
12 views that are or would be fixed concerning the
13 issues, and I am fully able to give open and fair
14 consideration to this appeal.

15 For the record, therefore, I have
16 considered the matter and believe that I can fully,
17 fairly, and impartially fulfill my role as a Council
18 member on this appeal.

19 THE CHAIR: Mr. Huggins.

20 MR. HUGGINS: Roland Huggins, member of
21 Council. I would like to note for the record that
22 I'm a member of the NFPA 25 Technical Committee.

23 As a Technical Committee member I

1 participated in consideration and voting on issues
2 that appear to be related to this appeal.

3 I have therefore reviewed my obligations
4 under the Guide for Conduct of Participants in the
5 NFPA Process, particularly Section 3.5(d) of the
6 Guide, to consider whether there is any reason for me
7 to recuse myself from consideration of this appeal.

8 I have concluded that I do not have any
9 views that are or would appear to be fixed concerning
10 the issues, and I am fully able to give open and fair
11 consideration to this appeal.

12 For the record, therefore, I have
13 considered the matter and believe that I can fully,
14 fairly, and impartially fulfill my role as a Council
15 member on this appeal.

16 THE CHAIR: Thank you. I believe that
17 concludes those statements. So Mr. Elvove, if you'd
18 take us into this particular appeal.

19 MR. ELVOVE: Josh Elvove with the U.S.
20 General Services Administration and I'm here to ask
21 you to accept 25-24.

22 And to maybe forestall a question by the
23 Chair later on, this particular comment does have

1 tentacles as well.

2 I will be discussing a number of related
3 comments as they fit in, as they relate to Sections
4 4.1.5 and 4.1.6.

5 The issue here is I'd like to see 4.1.5
6 and 4.1.6, both sections in their entirety and their
7 annex materials, removed from the standard.

8 And if this was accepted by you, there
9 are related comments that would have to be addressed
10 as well because there was four other changes made to
11 the sections that obviously would go away as well.

12 So if they were viewed as important they
13 would have to be under consideration. Would you like
14 me to read those to you now so you have them?

15 THE CHAIR: I think if you have those
16 comments in front of you we should certainly get them
17 on the record.

18 MR. ELVOVE: 25-21, which pertains to
19 41-51.

20 THE CHAIR: These are comments, correct?

21 MR. ELVOVE: Yes. They're not all
22 comments. Comment 21 which pertains to 4.1.5.1,
23 Comment 25 which pertains to 4.1.6.1, Proposal 197

1 which pertains to A.4.1.4, and Proposal 198 which
2 pertains to A.4.1.6.

3 So all of those changes would be
4 potentially affected by the action to uphold should
5 you uphold this appeal.

6 Basically this goes to the core of what
7 NFPA 25 is all about. What kind document is this?
8 What is the scope of this document?

9 Is it to basically ensure what's
10 installed just does what it's supposed to do or is it
11 supposed to protect the building?

12 So the question as owners is we obviously
13 feel that if I have someone come in there and
14 evaluate my systems as installed, I'd like to see --
15 have some assurance that the system will perform and
16 actually do what it's charged to do which is, you
17 know, control the fire, extinguish the fire.

18 And I'm not sure that such assurances are
19 provided, and maybe that's not the intent of NFPA 25,
20 but I think we need to clear that out here in this
21 discussion.

22 What am I as an owner going to get out of
23 NFPA 25? What is the actual scope? What should 1.1

1 and 1.2 say? What should Chapter 4 say.

2 Chapter 4 is the owner's requirements.

3 4.1.5 and 4.1.6 specifically state about changes made

4 and what the owner is required to do basically.

5 And it's a piece to obviate the inspector

6 from any type of responsibility for design, which

7 understandably so. Obviously if we're bringing

8 someone in there to basically evaluate whether the

9 valve is doing its thing or the other performance

10 elements, I'm not necessarily expecting the

11 contractor, should I hire one, to do that, but I

12 might.

13 I might actually engage in a contract to

14 say, I want you to go out and look at my system to do

15 more than that. So the question becomes, What's a

16 normal ITM? What's the scope of this document?

17 We contend that scoping types of

18 documents and I don't -- Discussions that talk about

19 who should do what don't belong in the standard.

20 I think the owner has the opportunity to

21 hire whom he wishes to use, staff as he wishes, to do

22 whatever. And it shouldn't make this clear divide

23 which we're starting to see more and more now between

1 the contractor responsible for ITM and everybody
2 else.

3 We feel that building codes actually
4 address all the issues in 4.1.5 and 4.1.6 already.
5 So it would be very simple for basically Chapter 4
6 just to reference the building codes.

7 I've got excerpts here of 5,000, 101, 1,
8 and even the ISC that basically talk about change of
9 use and occupancy and what's required.

10 So we've already got standard code
11 language that tells you what you need to do for that.
12 I don't see why NFPA 25 needs to go into that extent.

13 We've got other installation standards
14 out there, not to say those are right or wrong but
15 just as a comparison since we do try to have some
16 sort of consistency I would try to think.

17 You've got 72. You've got 96. You've
18 got all these other installation standards that don't
19 go into the same length of detail about separating
20 what the contractor, ITM service provider, inspector,
21 whatever the term may be, do.

22 And so we feel that the section is really
23 narrowing it down and being very, very unique and

1 almost paranoid about some of the issues out there
2 that I'm not going to deny don't occur.

3 I mean, there are some liability issues,
4 but it just seems like this standard is going down
5 that road a little bit more than anything else.

6 4.1.5 and 4.1.6 basically talk about
7 changes in occupancy, what you need to do, addressing
8 changes and hazards.

9 Other changes to Chapter 4 that occurred
10 during the cycle I think are worthy of discussion,
11 because one of the changes says that a hazard
12 evaluation shall not be part of a normal ITM. This
13 is Comment 21 I'm speaking to now.

14 And so it says -- Before it was silent.
15 Now we have new text that says, as hazard evaluation
16 shall not be part of a normal ITM.

17 That tells me if I actually was in a
18 leased building and I actually tried to do a hazard
19 evaluation, I could potentially be cited for that.

20 Now, it says the word normal. Define
21 that. But I could actually be cited. So we've
22 actually added more language that says, No, no, don't
23 go there. Don't go there at all.

1 I mean, again, the dividing line has
2 become a lot more black than it was in the past, and
3 maybe that's needed but I see this as being a
4 complete separation of what as an owner I would like
5 to use my resources for.

6 Another concern I had in 25, Comment 25,
7 was a change made -- and I'm not appealing this,
8 though I should have, because I had made an editorial
9 change to the ROP 47.

10 And in the Comment on 25 my editorial
11 change was changed dramatically and in that change
12 the terms "threat to life" were removed from the
13 actual 4.1.6, which means the threat to life or life
14 safety is no longer part of the scope of 4.1.6 which
15 was addressing chases in hazard.

16 So if I change a hazard, if it affects
17 life, it's not an issue because that's been removed
18 and that is completely contrary to 1.2, the purpose
19 of this document, which says life.

20 So I feel that that deletion was
21 egregious taking away the actual purpose of the
22 document to protect occupants, building, and life.
23 So I'm concerned about that even though that's not

1 directly to 24. I think I'll rest there.

2 THE CHAIR: Thank you. Mr. Leavitt.

3 MR. LEAVITT: Yes. Thank you. Russ
4 Leavitt, Telgian Corporation, representing the Home
5 Depot.

6 Normally I don't write things down but I
7 thought just in order here to make sure that I got
8 through everything, so if you -- I apologize for
9 reading but I wanted to make sure I got all of my
10 points in in a timely fashion.

11 Because when I looked at this, I wasn't
12 sure where to begin on this appeal because, frankly,
13 in the data that was submitted a lot of things were
14 taken out of context and as a result it completely
15 misstates, in my opinion, the intent.

16 The bottom line of the revisions and
17 additions that were made is that none of the new
18 language prohibits an owner from having a design or
19 installation evaluation conducted.

20 It does protect the owner, however, from
21 an inspector or a service provider who addresses
22 issues that are outside the scope of the standard.
23 So as a user representative, this is one of the

1 things that I was deeply concerned about.

2 And this becomes particularly important
3 where we have mandatory or system ratings in effect.
4 The standard's straightforward in my opinion in
5 stating that it's the owner's responsibility to have
6 the system evaluated if the building itself or its
7 use changes as stipulated in 4.1.5 and 4.1.6.

8 I don't see any issue with this. This is
9 where the responsibility lies. And as an owner, I
10 don't want the inspection provider doing this unless
11 it's specifically asked for or contracted.

12 The owner having responsibility for the
13 systems they own is the premise of the entire
14 standard. 4.1.5 and 4.1.6 simply provide direction
15 to the owner in regards to what they must do in
16 making changes to their property.

17 If we don't say it here, where do we say
18 it? I mean, yes, it can be in the installation
19 standards. It can be in the building code.

20 We're saying it here and maybe the other
21 maintenance parts of other standards need to say it
22 as well, but because they don't address the issue
23 specifically doesn't mean that we should take it out

1 of NFPA 25.

2 The language added regarding the
3 inspector and the inspector's responsibility does not
4 preclude the owner from contracting with the provider
5 or an inspector to take this responsibility, to have
6 an evaluation done.

7 This is a minimum standard as our
8 standards are. Because we say something shall not be
9 done does not mean that the owner cannot go in excess
10 or do more than that.

11 The statement that the inspector cannot
12 do this even if the owner wishes him to, which is
13 what was in the substantiation for Mr. Elvove -- and
14 I say this with apologies -- is frankly absurd.

15 The standard does not state this. This
16 is a contract issue and always has been a contract
17 issue.

18 And the fact is, as Mr. Elvove stated,
19 most of the inspectors that are out there are not
20 qualified to evaluate the design criteria for a
21 property.

22 And if they do have the skill, to require
23 that would make the scope almost untenable since the

1 owner is not required to apply installation standards
2 retroactively in most cases.

3 And that's one of the principles or the
4 basics of NFPA 25, why we specifically in the normal
5 course of inspections, testing, and maintenance have
6 avoided that.

7 Because in order to make that evaluation
8 where the installation standards are not retroactive,
9 in this case NFPA 13 for instance or others, how do I
10 make that evaluation?

11 Because I'm going to evaluate the
12 property based on the standard that was in effect at
13 the time that the installation was done, any
14 amendments that were in effect by that local
15 jurisdiction or local variances that could have been
16 in effect. You're going down a path that's almost
17 impossible to go down.

18 Further, the statement that is made in
19 the substantiation that A.4.1.5 definitively states
20 that the standard -- and I quote this -- the standard
21 is not to address the adequacy of design criteria,
22 the capability of the fire protection system to
23 protect the building, or its contents, end quote, is

1 incorrect.

2 A.4.1.5 states that the inspections and
3 tests specified do not address the adequacy of the
4 design criteria, the capability of the fire
5 protection system to protect the building or its
6 contents. That's a true statement.

7 The inspections and tests validate the
8 ability of the systems to operate and in some cases
9 to deliver specific levels of performance such as a
10 five-year flow test of the private fire service main
11 or an annual fire pump test, but they do not address
12 the accuracy or the correctness of the design
13 criteria associated with those tests.

14 In other words, when I do that five-year
15 test of the private service it says to flow the water
16 that's expected to occur during a fire, but it does
17 not -- the standard does not require the inspector to
18 determine if that information is correct, if the
19 criteria that the system was designed to can be
20 validated. Only that it meets the criteria that was
21 given.

22 In addition, the definition of purpose,
23 I believe, is misrepresented because, again, it

1 specifically refers to the inspections, tests, and
2 maintenance specified by the standard.

3 So the language of 4.1.5.1 is consistent
4 with the committee intent and further clarifies the
5 scope. The use of "shall not" does not change what
6 an owner can or cannot do contractually with a
7 service provider.

8 My firm regularly provides evaluations
9 but it is not a considered a part of our normal NFPA
10 25 scope.

11 Further, the issue regarding conflicting
12 that language that was brought up in the
13 substantiation of A.4.1.5 in my opinion does not
14 exist.

15 If one simply reads the next sentence --
16 and that basically says that -- the submitter stated
17 that it precludes an owner -- that we can only
18 address issues once they've -- the changes once
19 they've been made.

20 But if you go on and read all of the
21 text, the next sentence states, quote, if changes are
22 contemplated it is the owner's responsibility to
23 arrange for the evaluation of the fire protection

1 system.

2 And then it goes on and says, This
3 evaluation -- quote, Evaluation shall be conducted
4 before any proposed change is incorporated and shall
5 utilize -- and should utilize the appropriate
6 installation standard and input from the applicable
7 authorities having jurisdiction, unquote.

8 To me that sounds like excellent guidance
9 to have in the annex. Further, the revision of
10 4.1.6.1 that Josh referred to, removing the words,
11 "causing a threat to life or property," was removed
12 by the committee as -- it was the opposite reason
13 that Josh stated.

14 It's ambiguous in this particular use
15 and could be interpreted as meaning that that's the
16 only circumstance in which an owner must make a
17 correction.

18 If the criteria or installation is wrong
19 and does not meet the new changes, the corrections
20 must be made, period. Doesn't need any further
21 elaboration.

22 So again, in my opinion the revisions
23 that were made and adopted by the Technical

1 Committee, approved by the Technical Committee,
2 provide much needed information regarding the scope
3 and purpose of this standard and I would urge you to
4 reject the appeal. Thank you.

5 THE CHAIR: Thank you. Further
6 discussions on opposition to the appeal?
7 Mr. Fleming.

8 MR. FLEMING: Russ Fleming, National Fire
9 Sprinkler Association and a member of the NFPA 25
10 Committee. I'm glad Russ Leavitt wrote his remarks
11 down. I hope you leave a copy with the Council.

12 This issue can be very difficult to
13 comprehend and part of the problem here can be
14 expressed this way.

15 The scope of NFPA 25 is not the scope of
16 an NFPA 25 inspection. And you've heard reference to
17 both and they can be two different things.

18 Let's step back and take a look at how
19 we try to ensure quality in sprinkler systems. When
20 they're first put in they're put in under a standard,
21 13, 13R, 13D.

22 Those standards aren't static. They
23 change, and sometimes we get local variations.

1 Before 13R was written, when we just had 13 or 13D,
2 some states and cities started writing their own
3 documents halfway in between. Sprinklers required
4 here, sprinklers not required there. It's a real
5 mishmash.

6 And even now we have changes in those
7 documents that edition after edition it's not the
8 same rules on where you might have sprinklers in a
9 building or how you might install them, spacing. All
10 sorts of things change.

11 But it's expected that when those systems
12 are initially commissioned and put into the building,
13 then they are in accordance with the standard as
14 adopted by the applicable building codes at that
15 time.

16 When NFPA 25 Committee was first put
17 together in the late 1980's, it was put together as
18 sort of a combination of the committee that was
19 writing NFPA 13A, a recommended practice for
20 sprinkler system maintenance.

21 The Standpipe Committee was starting to
22 write an NFPA 14A. And the Standards Council said,
23 Let's put together a committee that will deal with

1 the maintenance issues -- the inspection, testing,
2 and maintenance of water-based systems.

3 Now, following the typical procedure at
4 that time, they sort of formed a committee, had a
5 committee write its intended scope.

6 They approved the scope and at that point
7 the committee gets to decide on what documents it
8 writes.

9 Now, committees don't always do
10 everything in the most artful manner, and perhaps the
11 wording of their scope is not the best.

12 But basically the intent was that once
13 the system is out there, that committee writes
14 documents needed to make sure that remains a viable
15 system.

16 And if they wanted to, they could write
17 one document dealing with an equipment inspection and
18 another document dealing with what to do if the
19 hazard changes in a building and how to arrange the
20 sprinkler system and all sorts of documents.

21 They chose to write a single document,
22 NFPA 25, and it has a scope. But within that
23 document the basic system inspection is an equipment

1 inspection.

2 And maybe they shouldn't use the word
3 inspection. Maybe they should use equipment
4 inspection.

5 Because the purpose of an NFPA 25
6 equipment inspection is to make sure that what's
7 there will perform properly; what's there, however
8 it's arranged, will perform properly in terms its
9 basic operating function.

10 It's not to check the design basis. It's
11 not to check are the bathroom sprinklers where they
12 were supposed to be originally sprinklered.

13 It's to say that the equipment in place
14 is capable of operating functionally, and so water
15 will flow from the sprinklers when they get enough
16 heat basically.

17 And what the committee has chosen to do
18 is to include these sections, 4.1.5 and 4.1.6, within
19 that same NFPA 25 document to address owners'
20 responsibilities in the event the hazard changes.

21 And then you'll have an evaluation. You
22 might need to bring in special people to do that
23 hazard evaluation.

1 Because the people that -- as Russ said,
2 that do the basic equipment inspection, they're
3 mechanics. They know how to check it see if it will
4 operate properly.

5 They have no clue as to some of the rules
6 of NFPA 13, 13R, 13D, and whether the codes require
7 certain things and what edition was relevant and so
8 forth.

9 So my point is that perhaps the scope of
10 the committee needs to be tweaked. Perhaps the scope
11 of NFPA 25 needs to be tweaked. Perhaps the
12 definition of a system inspection needs to be
13 tweaked.

14 But that doesn't really justify taking
15 out these sections, 4.1.5 and 4.1.6, because they are
16 the committee's way of dealing with these issues and
17 they are effectively working. That is a hazard
18 evaluation.

19 The point the committee has been trying
20 to make in some of its changes to the wording in the
21 various editions is that the inspection of equipment
22 to make sure it's functioning properly does not
23 constitute a hazard evaluation.

1 You don't have the people in there
2 looking back on the design basis of the system and so
3 forth.

4 So that's what the committee has been
5 trying to do and it is a good separation. And taking
6 4.1.5 and 4.1.6 out of the document would not serve
7 the public well.

8 THE CHAIR: Thank you. Mr. Bouchard, any
9 comments on behalf of the committee?

10 MR. BOUCHARD: Yes. I will comment that
11 I also have been involved with NFPA 25 from its
12 inception and even prior to its inception, serving as
13 staff liaison to NFPA 13 and 13A and 14 and all of
14 those documents, including fire pumps, and can
15 confirm that what Russ has just said is very valid.
16 I mean, that's the way it occurred.

17 Relative to the issue at hand, I must
18 support the committee in that all of these arguments
19 were presented and all of the arguments and pros and
20 cons were discussed at length, even to the fact of
21 the committee -- and many committees do this, I'm not
22 patting ourselves on the back, but we worked late
23 into the evening in order to try to cover all of the

1 data and all of the proposals and comments that were
2 submitted.

3 And it even caused the committee to have
4 to have a supplemental meeting to finish up its ROC.
5 And so that all of the arguments that you're hearing
6 today have been discussed by the committee in detail
7 and depth, and the committee had acted and balloted
8 and that's the way it turned out.

9 And the -- I don't mean to be pointing
10 fingers, but the submitter has discussed and
11 presented this issue earlier on, maybe not at the ROP
12 but maybe at the ROP and the ROC, and made an attempt
13 on the floor and now we have an extra appeal.

14 So I'm just indicating that -- in support
15 of the committee that these issues have been
16 discussed roundly and deeply and where the document
17 is today is where the committee intended it to go.

18 THE CHAIR: Thank you. Open it up to
19 questions from the members of the Council.
20 Mr. Clary.

21 MR. CLARY: Shane M. Clary, member of
22 Council. And to Mr. Elvove or to basically anyone at
23 the end of the table, just at what edition was 4.1.5

1 and 4.1.6 entered into NFPA 25?

2 MR. ELVOVE: I've got that. They're
3 original. 1992, there was 1.4.5 which deals with
4 changes in occupancies.

5 So there was -- Part of this was
6 addressed initially and it would be interesting to
7 say that there was actually negative comments voiced
8 at that time, so there were some unhappy campers back
9 then but obviously not enough.

10 MR. CLARY: That was both 4.1.5 and
11 4.1.6?

12 MR. ELVOVE: Well, it was known as 1.4.5
13 back then. Then it became 1.4.5 in the 98 edition.
14 Then 1.4.6 was in there, and it evolved to what it
15 is. It's kind of grown from what it started.

16 MR. CLARY: Thank you.

17 THE CHAIR: Any more questions from
18 members of the Council? I don't see any.
19 Mr. Bouchard, did you have a comment?

20 MR. BOUCHARD: Yes, just in relation to
21 what Josh just said. It triggered something in my
22 memory that over the years, at least in my opinion,
23 the intent has always been that an inspector would

1 inquire of the occupancy as to any changes in the
2 occupancy.

3 In other words, did we used to store
4 cinderblocks and the system was designed for that
5 purpose and it was approved and everything was fine,
6 and now we're not storing cinderblocks anymore, we're
7 storing rack storage of plastic commodities, and it
8 was the intent, I believe, to point out to the owner
9 that, Hey, your system design should be questioned
10 because you now have a different occupancy than was
11 designed for this system.

12 And over the years it has evolved a
13 little bit. And just recently in the last couple of
14 editions more and more of these design criteria
15 issues have been raised and debated.

16 And to this point it has been relegated
17 to the place where it is right now; in other words,
18 this 4.1.5 and 4.1.6. Owner's responsibility is that
19 they're supposed to pay attention to whether or not
20 the system is still designed correctly for their
21 occupancy.

22 And if there are others here on the
23 committee that want to discuss that or point out any

1 errors in my statement, I stand free to listen to
2 that.

3 But in my recollection over some 20 years
4 now, that that was the original intent, that at least
5 a simple matter of inspection should include whether
6 or not the occupancy had changed dramatically in
7 which case the effectiveness, the ability of the
8 system to perform adequately for that new occupancy,
9 should be questioned.

10 THE CHAIR: Thank you. Mr. Larrimer, did
11 you have a comment?

12 MR. LARRIMER: If I could speak -- Pete
13 Larrimer with the Department of Veterans Affairs. I
14 don't think Josh or the owners as a rule disagree
15 with what you said and with what Russ said.

16 But I voted with Josh on this one.
17 what we're trying to get from the Standards Council
18 I guess is to establish the scope of the document.

19 Because there's clearly a scope of the
20 Technical Committee and there's a scope of the
21 document, and neither of these two scopes identify
22 that there's a requirement for this committee to
23 address evaluations and building changes.

1 So what 25 was doing, though it's a good
2 idea that you go in and tell an owner, Hey, you no
3 longer have tire storage or you have tire storage now
4 where before it was a light hazard, you ought to be
5 doing something, but it's not a part of the scope.

6 It's not in the scope of the document so
7 why are we going there? And that's what the whole
8 issue was, is to delete these two paragraphs because
9 it's not within the scope as it's written right now.

10 So if we want to add that in there and
11 add that information and make that information
12 available to the owner, make it part of the scope and
13 write the criteria. I believe that's really where
14 we're at.

15 THE CHAIR: Thank you. Mr. Bouchard.

16 MR. BOUCHARD: I might ask staff -- and
17 I'm not trying to put them on the spot, but I believe
18 that when some of this discussion came up, questions
19 were asked relative to that fact and I believe the
20 answer was that, No, we can discuss this. It is in
21 the scope of the document where the committee feels
22 that they have the scope to do that.

23 THE CHAIR: That's an issue that the

1 Council can discuss.

2 MR. BOUCHARD: I wanted to point that out
3 just so that you knew that.

4 THE CHAIR: Closing remarks now.
5 Mr. Elvove, please.

6 MR. ELVOVE: Thank you. Josh Elvove,
7 U.S. General Services Administration. And that's why
8 I'm here. This isn't necessarily -- You can look at
9 it sour grapes. Yuh, I've lost three times. I've
10 lost four times because I actually lost in ROC in
11 2008.

12 I wanted to come to this body and present
13 this concern that we have as owners with the scope.
14 We feel the scope is not clear and NFPA 25 tends to
15 deviate along the I'm just going to make sure the
16 system -- everything's working versus protecting the
17 asset.

18 And I think we want to make sure that the
19 Standards Council gives us direction, if nothing
20 else. And, you know, if my argument is weak, reject
21 me.

22 But I would like to see something come
23 out of this discussion or your discussion that looks

1 at the scope, to look at what it says on the
2 committee scope, look what it says under the document
3 scope, look at what it says on the original
4 development of the document which say things that
5 don't really lend themselves to hazard evaluations
6 and things like that.

7 Do we have the right expertise on the
8 committee to go that route? We have a lot of people
9 representing manufacturers and ITM and that's an
10 issue that I guess I have to raise and I just
11 started.

12 We've got 7 IM's and four manufacturers.
13 That's 11. So you can see sometimes we're voting
14 tends to go.

15 If you look at my Proposal 2544 which was
16 the original proposal to reject this this cycle,
17 there's, excluding present company next to my right,
18 five owners here say -- excuse me, four owners -- we
19 gang up here -- say, Get this out of here, it doesn't
20 belong there, the codes address that.

21 And I even admit and say, Put it in the
22 annex. I said, I'm not trying to throw the baby out
23 with the bath water. I say maybe this language

1 belongs in the annex.

2 So the owners here have a problem. I
3 think the Standards Council needs to recognize that
4 and see whether or not we need to be righted or
5 whether the scope needs to be corrected so that we
6 all understand what the game is here.

7 So that's the reason why I'm really here.
8 4.1.5, 4.1.6, do I have procedural reasons to turn it
9 over? Probably not. I found some flaws in the other
10 related documents.

11 Mr. Leavitt pointed out that some of them
12 weren't so serious. I contend that there are still
13 some things in there that -- but those probably are
14 more technical than procedural.

15 So I'm here to ask you to accept my
16 Comment 25, whatever number we're on, but really look
17 at the scope.

18 Please look at the committee scope, the
19 document scope, and the origin and development of the
20 document, and the purpose statement to see whether or
21 not we're on track with some of the issues that tend
22 to be dividing us.

23 And in all respect to the chairman -- and

1 he does a great job keeping the sides apart -- I
2 would say other than Chapter 14 and then other than
3 the scoping issues, we're all together. We all
4 believe the document has good use.

5 But when you get to the scoping issue,
6 the owners and the rest start to diverge and when you
7 get into Chapter 14 because of the technical --
8 Again, you got the owners and divergence.

9 So otherwise I think it's almost peace,
10 love and harmony. It was a rocky road. I mean, in
11 fairness to Mr. Bouchard, he had a tough road to hoe
12 with some avid vocal owners and some avid vocal IM's
13 and manufacturers.

14 And he did the best he could to keep us
15 in rein, but there's a divergence there and it needs
16 to be looked at. And we want the document to be
17 useful. We want to be able to use it where it will
18 do the owners a service. With that, thank you.

19 THE CHAIR: Mr. Leavitt.

20 MR. LEAVITT: You notice that I represent
21 an owner officially, the Home Depot, who is in
22 support of this language remaining.

23 I also have commitments from 14 other

1 users that I can produce that, between all of these
2 users, are responsible for about 40,000 sprinklered
3 facilities with a number of fire pumps and all the
4 other things.

5 The difference between the users that
6 I represent and the other owners that are on the
7 committee is the type of facility.

8 And yes, we don't have -- my customers do
9 not have the in-house expertise that General Motors
10 may have or the other owners who I believe are all
11 governmental agencies.

12 These are small facilities that are
13 operated and manned by retailers and lodging experts
14 and things.

15 And the risk managers and maintenance
16 managers like to have this backup in the standard so
17 that they can take it to their decision-makers and
18 say, Yes, look, we're making a change. This change
19 needs to be evaluated. They see it as ammunition.
20 They have no issue with having it in here.

21 Now, I'm also a senior instructor for
22 NFPA in the professional development and I teach NFPA
23 25 among other things.

1 I know that this is a very misinterpreted
2 misapplied area. That's one reason why the committee
3 went to great lengths to further clarify the
4 difference between the inspections.

5 I do not see a scoping issue. It doesn't
6 try to say how to do these evaluations or what the
7 evaluation needs to consist of; simply that Mr. Owner
8 or Mrs. Owner, if you make a change, before you do it
9 you need to have the fire protection systems
10 evaluated to make sure that they're still effective.

11 I see no scoping issue there. Again,
12 that's for the Standards Council. But I urge you,
13 you know, to really consider all of the users that
14 are impacted by this. Thank you.

15 THE CHAIR: Thank you. Mr. Fleming.

16 MR. FLEMING: The only thing I would like
17 to add is that I believe the scoping issue that
18 Mr. Elvove sees is that the term or the phrase hazard
19 evaluation is not found within the words "inspection,
20 testing, and maintenance" that constitute the
21 document scope, unless of course you consider it
22 within the word "inspection," but that is not within
23 the meaning of system inspection as used by the

1 committee within 25.

2 So if the Standards Council makes the
3 determination that some tweaking of the words may be
4 needed in either the committee scope or the document
5 scope or the committee's definition of a system
6 inspection, then I would just simply like to say that
7 I would be glad to volunteer to serve as a member of
8 such Task Group.

9 THE CHAIR: Thank you. With that I'm
10 going to bring this particular hearing to a close.
11 Again, thank you for your participation. Thank you
12 for your time and effort to be here.

13 This will be a written decision issued by
14 Miss Cronin as the secretary of the Council. No
15 other information from either members of the Council
16 or from NFPA staff will be communicated. That
17 written decision will be the means of communication
18 of the decision.

19 I'm going to move right on into the final
20 hearing on NFPA 25 which is Agenda Item 10-8-3-f. I
21 believe we have sort of a change of some of the
22 players in this case.

23 This is an item to overturn the floor

1 action to reject Comments 25-68, 70, 71 and 72 which
2 failed the floor.

3 Who's speaking in favor of the motion?

4 Mr. Isman. And who else is speaking in favor of the
5 motion?

6 MR. FULLER: David Fuller, FM Global.

7 THE CHAIR: Who's speaking in opposition
8 to the motion?

9 MR. ELVOVE: May I reserve the right?

10 THE CHAIR: Sure, Mr. Elvove. Anyone
11 else? Council members, please, any statements.

12 MR. HUGGINS: I was going to say on the
13 list that Mr. Leavitt is identified on this as
14 speaking in opposition, and did that change?

15 THE CHAIR: He did not raise his hand
16 when I asked who was speaking in opposition --

17 MR. HUGGINS: That's why I was asking if
18 that changed.

19 MR. LEAVITT: You know what? I'll speak
20 in opposition. I didn't know I was on the list.

21 THE CHAIR: Mr. Bell, please.

22 MR. BELL: Kerry Bell, member of Council.
23 I would like to note for the record that I'm a member

1 of the Technical Committee on Inspection, Testing,
2 Maintenance of Water-Based Systems.

3 As a Technical Committee member I
4 participated in the consideration and voting on
5 issues that appear to be related to this appeal.

6 I have therefore reviewed my obligations
7 under the Guide For Conduct of Participants in the
8 NFPA Process to consider whether there's any reason
9 for me to recuse myself from consideration of this
10 appeal.

11 I have concluded that I do not have any
12 views that are or would appear to be fixed concerning
13 the issues and I am fully able to give open and fair
14 consideration to this appeal.

15 For the record, therefore, I have
16 considered the matter and believe that I can fully,
17 fairly, and impartially fulfill my role as Council
18 member on this appeal.

19 THE CHAIR: Thank you. Mr. Harrington.

20 MR. HARRINGTON: J.C. Harrington, member
21 of Council. For the record, I'm recusing myself from
22 this Agenda Item. I will not participate as a member
23 of the Standards Council in the hearing,

1 deliberations, or voting on this matter.

2 THE CHAIR: Thank you. Mr. Huggins.

3 MR. HUGGINS: Roland Huggins, member of
4 Council. I would like to note for the record that
5 I'm a member of the NFPA 25 Technical Committee.

6 As a Technical Committee member I
7 participated in consideration and voting on issues
8 that appear to be related to this appeal.

9 I have therefore reviewed my obligations
10 under the Guide for Conduct of Participants in the
11 NFPA Process, particularly Section 3.5(d) of the
12 Guide, to consider whether there's any reason for me
13 to recuse myself in consideration of this appeal.

14 I have concluded that I do not have any
15 views that are or would appear to be fixed concerning
16 the issues and I'm fully able to give open and fair
17 consideration to this appeal.

18 For the record, therefore, I've
19 considered the matter and believe that I can fully,
20 fairly, and impartially fulfill my role as a Council
21 member on this appeal.

22 THE CHAIR: Thank you. Again, we'll
23 follow the same procedure we have. Mr. Isman, I'll

1 allow you to start it off.

2 MR. ISMAN: Thank you, Mr. Chair. Ken
3 Isman with the National Fire Sprinkler Association.
4 Since the 1992 edition of NFPA 25, which was the very
5 first edition of NFPA 25, there's been a requirement
6 for electric motor-driven fire pumps to be tested on
7 a weekly basis.

8 From time to time over the years that
9 this document has existed, a number of people have
10 made proposals to change this weekly requirement to
11 something else; monthly, quarterly, some folks to not
12 test them at all other than the annual test.

13 And those proposals have always been
14 rejected by the committee because there are a number
15 of very good technical reasons why a fire pump, even
16 an electric motor-driven fire pump, should be run on
17 a weekly basis.

18 Now, I know the Standards Council doesn't
19 want to get involved in these terribly technical
20 issues, but the reality is that the packing on the
21 fire pump and the bearings themselves that the shaft
22 rests on, if they're not exercised on a regular
23 basis, will have problems. And we know that from the

1 pump manufacturers and the people in the fire pump
2 industry.

3 At the proposal stage there was a
4 proposal submitted to change the fire pump test from
5 weekly to monthly. That proposal was rejected.

6 So the people in the industry, in the
7 fire pump industry, that know fire pumps did not
8 bother to submit comments on the subject because they
9 agreed with what the committee did.

10 The committee rejected a change in the
11 frequency of testing fire pumps and maintained the
12 weekly test.

13 At the ROC the committee changed their
14 mind and somehow went to a monthly test. I'm not
15 sure I can completely explain it.

16 I don't know how the committee dealt with
17 the technical issues that we know exist with needing
18 to run electric motor-driven fire pumps on a weekly
19 basis.

20 I can only surmise that because the
21 committee was so busy dealing with all of the other
22 subjects that you've heard about today and all the
23 other subjects that the committee dealt with, that I

1 don't think they completely thought this issue
2 through.

3 In the balloting on the subject in the
4 ROC, all of the people that are experts in fire pumps
5 voted against the change in testing frequencies.

6 So you had Frank Moore, Daryl Underwood,
7 and Terry Victor all voting against the change.
8 Those are your fire pump experts on the NFPA 25
9 Committee.

10 Now, we can't get lots and lots of pump
11 experts on the NFPA 25 Committee because there's a
12 limit to how many people we can put on the 25
13 Committee.

14 So you've got some pump experts there and
15 all of the pump experts are voting against this
16 change.

17 Now, unfortunately we were not able to
18 bring all of the experts that we needed to the
19 meeting in Las Vegas to vote against this change.

20 And, yes, we made a motion here and it
21 failed the floor vote, but when all of the people who
22 know something about fire pumps weigh in and say,
23 You're making a tremendous error here, I think we

1 need to sit up and take notice.

2 And we believe it's a tremendous mistake
3 to go to a monthly test of these pumps. They need to
4 be exercised weekly.

5 The packing needs to be lubricated. The
6 bearings need to be rotated so that you don't have a
7 flat spot on the bearing where the weight just sits
8 on the bearing for a long period of time.

9 And so we're asking the Standards Council
10 to step in here and put the test back to weekly. And
11 I'll turn the floor over to Dave.

12 THE CHAIR: Mr. Fuller.

13 MR. FULLER: David Fuller with FM Global.
14 I wanted to follow up on one of Ken's comments
15 relative to fire pump experts in voting unanimously
16 within the ROC action.

17 There was one missing and that was mine,
18 so I have to admit right up front that I missed that
19 vote. It was an error on my part. I had some other
20 things going on both personally and professionally
21 that was distracting me at that time in early
22 December of last year.

23 With that said, I would have added my

1 negative vote to that as well. I'm a member of NFPA
2 20, as well as NFPA 25, as well as 13.

3 And just by way of introduction to the
4 Council, my background includes 20 years in the fire
5 protection industry. My first fire pump test was 20
6 years ago last month.

7 I've field tested fire pumps. I've
8 diagnosed problems on fire pumps. I've investigated
9 fire losses related to fire pumps.

10 I've worked as a test engineer within our
11 approvals division. I've tested fire pumps,
12 controllers, and diesel engines. I'm an electrical
13 engineer by education.

14 I've participated in various industry
15 groups such as NEMA, National Electrical
16 Manufacturers Association, and IEC, the International
17 Electrotechnical Commission, on fire pump
18 controllers. So I've got a fairly broad background
19 in both controllers, the pumps, and diesel engines.

20 I'm also responsible -- I'm the author of
21 FM's data sheets on both inspection, tests, and
22 maintenance which is Document 281, as well as the
23 fire pump standard, Document 3-7.

1 And then finally, if there's something
2 related to fire pumps and it happens within FM
3 Global, I'm the guy that gets called.

4 I've traveled extensively throughout the
5 world to deal with fire pump-related problems and
6 issue.

7 So with that, I'm coming to you to
8 seek your support of our appeal for the purpose of
9 maintaining the weekly test inspection testing
10 requirement for electric fire pumps.

11 I'm not in the business of increasing
12 fire protection costs for our clients. Quite the
13 contrary.

14 Our mandate by our member owners is that
15 we reduce the long-term cost of fire protection, and
16 then that's something that we're actively working
17 towards.

18 However, in this case, weekly testing of
19 fire pumps is absolutely critical. And I would rank
20 it, in terms of importance, only second to actually
21 physically testing and inspecting fire protection
22 sprinkler valves to make sure that they're open, so
23 that when that sprinkler goes off, water comes out.

1 Fire pumps are passive systems and, as
2 such, they need regular exercise, and I think Ken did
3 a great job of summarizing that.

4 But I would just add to it an analogy.
5 If we were all to park our cars for a month, what
6 percentage of those cars are going to start after a
7 month period of time of sitting idle?

8 Some will start, yes, but there will be
9 others that won't. And if that's a life safety
10 system, can you really depend on it?

11 Fire pumps have enjoyed an extraordinary
12 record of reliability that I attribute to, in fact,
13 the weekly inspections and testing.

14 In preparation for this meeting I ran
15 some analysis and looked at loss reports related to
16 fire pump failures.

17 I don't have data as such but I have
18 anecdotal cases where the fire pump failed, and in
19 most cases -- in fact, most of the cases that I was
20 able to determine, the cause of failure were things
21 like the pressure switch was set too low, the
22 controller was turned off prior to -- which is
23 independent of what kind of driver is driving that

1 pump. Could be electric, could be diesel. The fact
2 is the controller is impaired to some degree.

3 This issue only came up at the ROC and so
4 therefore I've got concerns that such a radical
5 change in the inspection frequency was made at
6 essentially the tail end of the process.

7 I was able to trace the weekly test
8 requirement back -- within the FM system back to 1959
9 and I suspect it goes back even further than that but
10 I stopped there.

11 I said, All right, I've got 50 years of
12 history here. That's a long time and I think it does
13 a disservice to the process to make such a radical
14 change in such a short period of time without any
15 justification.

16 And clearly there wasn't -- it was
17 accepted and therefore -- within the committee vote
18 and therefore there was no substantiation given as to
19 why this change was made.

20 So in conclusion, the fire pumps are a
21 critical life safety and property safety device. No
22 data was presented to support the change from weekly
23 for electric pumps, although the committee felt that

1 supporting -- continuing to support weekly testing
2 for diesel fire pumps in fact was justified.

3 And if you looked at -- and I believe you
4 probably have copies. If you look at the committee
5 statement in the ROP on the rejection of the original
6 ROP proposal, we went into quite a large amount of
7 detail to support that position, and the reason was
8 that this issue keeps coming up cycle after cycle.

9 And so the intent was to provide a
10 detailed substantiation for that rejection. If
11 you'll notice, a good full 50 to 75 percent of that
12 justification applies to both electric drivers or the
13 pump itself irrespective of the type of driver
14 involved.

15 So if you look at that substantiation
16 from the committee, you'll see quite a bit of support
17 for continuing weekly inspections for electric fire
18 pumps. And, therefore, having different test
19 frequencies based on the type of driver makes no
20 sense.

21 This change, coming at the ROC stage, did
22 not provide sufficient notification, in my opinion,
23 to the public. Thank you.

1 THE CHAIR: Thank you. Mr. Bouchard, any
2 discussion on behalf of the committee?

3 MR. BOUCHARD: Only that the motion, the
4 move or the proposal to -- I'm sorry. John Bouchard,
5 Chartis Insurance, Global Loss Prevention.

6 The proposal at the ROP stage was made
7 and I believe it was defeated at that time so that in
8 the committee's opinion it is out there for the
9 public to consider.

10 So I don't believe it could be classified
11 as a major change or a change without public notice
12 at the ROC stage.

13 The switch from one to the other was
14 pointed out to the committee, that they needed to be
15 careful because if the public sees that they're going
16 back and forth, at least it was my opinion that
17 that's not a good thing for the committee to be seen
18 as doing that.

19 However, the committee did deliberate the
20 information back and forth and made a deliberate
21 decision to make the change. It was not taken
22 lightly, but -- I'll close with that.

23 THE CHAIR: Thank you. Mr. Leavitt.

1 MR. LEAVITT: Russ Leavitt, Telgian
2 Corporation, representing the Home Depot. We have a
3 dilemma here, and that is that in asking to go to a
4 longer interval; in other words, monthly testing
5 versus weekly, how do you validate that?

6 You're admitting, you know -- How do you
7 go against the standard and go to a monthly test when
8 the standard requires a weekly examination?

9 So we're talking real life here. Real
10 life is that my firm has responsibility for 4600
11 electric-driven fire pumps.

12 I actually -- After the floor action in
13 Las Vegas I went and actually researched this. A
14 number of these electric-driven fire pumps are also
15 part of Factory Mutual accounts and other insurance
16 companies.

17 The fact is the vast majority of these --
18 and I'm not going to tell you the exact number
19 because I don't want to incriminate my customers, but
20 the vast majority of these pumps are run at most
21 twice a year, and that is when our firm is actually
22 in there.

23 Out of those 4600 electric fire pumps, we

1 had documented failures of seven -- or 17, excuse me.
2 Everything from, you know, controllers that were not
3 in the on position or other things.

4 The problem is what is a justifiable or
5 what is an acceptable failure rate? NFPA 25, the
6 2008 edition, gives us a means for going through and
7 determining an alternate failure rate or an alternate
8 testing frequency.

9 But it's hard to go from a lower
10 frequency to a longer frequency because to do so
11 you're admitting that you're in violation of the
12 standard.

13 You know, the fact is that I think what
14 the committee looked at at the ROC stage was some
15 documentation, some research, some evidence of lesser
16 frequencies or longer frequencies, longer
17 intervals -- I always get those words mixed up --
18 longer intervals that indicated that they still
19 produced an acceptable failure rate.

20 And yes, I agree with Mr. Fuller that,
21 you know, if you let your car go for a month, chances
22 are it won't start but most of our cars are still not
23 electric. They're combustion-driven engines.

1 And that's why the committee looked at
2 the internal combustion, the diesel drivers, and
3 said, You know what? These still need to be
4 exercised on a weekly basis.

5 But, you know, other than my personal
6 experience, the data that was brought to the
7 committee, and the failure rate that I have
8 experienced, I see an opportunity to maybe get more
9 buy-in on having these pumps operated at least on a
10 frequent basis which monthly would provide.

11 I went to my customers, asked my
12 customers if they would be inclined -- Again, I
13 represent a customer. If this is going to be done,
14 they have to bring in an outside entity.

15 The cost of having someone come in and
16 run your pump on a weekly basis is somewhere in the
17 neighborhood of -- The average cost's going to be
18 around \$5,000 a year.

19 I asked, If you had somebody come in and
20 do this monthly and were able to shave that, you
21 know, cost by 75 or 80 percent, would you be inclined
22 to do this?

23 And a number of them said that, Yes, you

1 know, the cost then becomes reasonable. But you
2 cannot expect a Cosco store manager to go out and do
3 a weekly run on a fire pump. It doesn't happen.

4 So I'm looking at real world. I think
5 members of the committee were looking at real world.
6 And I'm not sure where the data comes from, but I
7 would say that the low failure rate is not because
8 pumps are tested weekly. It's in spite of the fact
9 that they're not tested weekly in many instances.

10 And so that is, you know, something I
11 think we just need to consider in allowing users of
12 these the option of going to a monthly.

13 If an insurance company or others want to
14 impose a more strict, the standard allows that. So
15 thank you.

16 THE CHAIR: Thank you. Mr. Elvove, did
17 you want to comment?

18 MR. ELVOVE: Yes, please. Josh Elvove
19 with the U.S. General Services Administration. A
20 little history. I am a member of the NFPA 25
21 Technical Committee. I haven't introduced that fact
22 all afternoon but I am a member.

23 And there was one proposal that was

1 submitted, one ROP, which was rejected. Basically
2 that was the one to do both, go from weekly to
3 monthly for both electric-driven and diesel engine
4 driven.

5 I came back with a comment. Actually, my
6 comment was actually accepted by the committee and
7 was moved on the floor to reject.

8 There were three other comments that came
9 in varying degrees of what should the frequency be,
10 performance-based, to -- you know, monthly for both.

11 The committee -- The reason why I came in
12 with my comment was because during the discussion at
13 ROP, the feeling was, you know, all these issues that
14 we're debating weren't as severe for electric.

15 Yes, there were issues that were raised
16 by Mr. Fuller and others about electric motor
17 controllers. And so I think it was my motivation to
18 capture all the points in the ROP so we knew to come
19 back with some comments back, too.

20 And the justification I think is pretty
21 much there. I think if you look at the four ROC's
22 you'll see that there's refutation on some of the
23 points, especially on the electric because that was

1 the focus.

2 So I think the justification is
3 there. The fact that there's no data, well,
4 Mr. Van Obermeyer actually last cycle submitted a ton
5 of data to the committee.

6 I was not on the committee at that time
7 but I remember the proposal. And there was a ton of
8 data on the performance of both diesel and electric
9 pumps from the information he had gathered I think
10 from -- correct me if I'm wrong -- I believe from the
11 Hospital Association.

12 So there was a lot of data he did not
13 resubmit during this go-around. So I will concur
14 with that, but it's been submitted to the committee
15 before.

16 And I think Mr. Van Obermeyer in his
17 comment says, Go back and look at my comment and
18 you'll see it.

19 So it was open. The committee had access
20 to it, whether they chose to look at that prior to
21 deliberations or not.

22 It was not during the committee. They
23 didn't have it out on the table but Mr. Van Obermeyer

1 had made the point, so it was there. I think
2 procedurally everything was fine.

3 It was introduced at ROP. Actually, it
4 was shortchanged. Rather than to go for it all, we
5 went with a compromise. Sometimes in a compromise
6 you've got to concede.

7 So I think everything's laid out
8 procedurally correctly. It lost on technical. We're
9 not here to debate technical, though I will say that
10 as an owner the one-size-fit-all, which is really
11 what it was -- a weekly test of one size fit all,
12 there's no way you can get out of that unless you do
13 performance-based if you're permitted to do that.

14 So I think that was restrictive. And I
15 think the comment made that you can always go more,
16 If insurance providers, AHJ's, want to make them do
17 more, so be it.

18 And I think I also pointed out, though I
19 didn't bring data in, that Australia -- I think the
20 Tyco folks in Australia, as a matter of fact,
21 actually were behind going monthly in Australia.

22 So granted it's another country,
23 different circumstances, but it was at least pointing

1 out that this works apparently in another country.

2 And so it's not new stuff worldwide. It
3 may be new here but not worldwide. So I just want to
4 kind of point that out.

5 And the last fact is I hate to think that
6 in my GSA buildings that we don't go in there until
7 every six months.

8 But what we will do is follow NFPA 25
9 which is to go into the space weekly, which is what's
10 still required, by the way.

11 You still have to go and do a weekly
12 inspection but we will operate the electric
13 motor-driven pump monthly.

14 So we'll still find the no yellow light,
15 no green light. We go in there once a week, we'll
16 see that. The stuff you won't see obviously is
17 underneath the packings, but we'll see whatever's
18 visible.

19 So some of those faults that's Mr. Fuller
20 found -- not all of them, but some of them we should
21 be able to find during that weekly inspection. So we
22 feel that we've got that covered. Thanks.

23 THE CHAIR: Thank you. Open it up for

1 questions from members of the Council. Mr. Clary.

2 MR. CLARY: Thank you. Shane M. Clary,
3 member of Council. Mr. Isman, you're here
4 representing the National Fire Sprinkler Association,
5 correct?

6 MR. ISMAN: Yes.

7 MR. CLARY: While you're not on the
8 committee, Mr. Fleming is, correct?

9 MR. ISMAN: Yes. Mr. Fleming's our
10 member.

11 MR. CLARY: Right, but I noticed in the
12 votes that there was no negative vote on these issues
13 from Mr. Fleming.

14 MR. ISMAN: I'm sorry, I don't direct his
15 vote. I can't speak --

16 MR. CLARY: Well, I know that, but at the
17 time of the votes the National Fire Sprinkler
18 Association appeared not to have any concerns over
19 the change from weekly to monthly if we go by the
20 votes.

21 MR. ISMAN: All I can say is that I
22 believe that in the totality of the issues that the
23 NFPA 25 Committee was dealing with, I don't think

1 our -- all of our voting members scrutinized each
2 individual issue.

3 MR. CLARY: A follow-up question actually
4 to Mr. Fuller. Is my understanding of your testimony
5 correct? You don't have any hard data of pump
6 failures. It's basically anecdotal?

7 MR. FULLER: Correct. If I might, the
8 data that we have is essentially when that failure
9 lines up with a fire, which is an exceedingly rare
10 occurrence, though we do have several well-documented
11 events of that nature.

12 And then further, I went through that
13 data and said, Yeah, but there were other extenuating
14 circumstances in a lot of these losses.

15 So let's look at the ones that the fact
16 that the pump in some form or another was impaired
17 and a normal weekly run test would in fact have
18 picked up that deficiency prior to the fire.

19 We're not talking about a ton of events.
20 We're talking under 20.

21 MR. CLARY: Could it also be said,
22 though, that that data did not change that much if it
23 was a monthly-run test as opposed to a weekly test;

1 in other words, in this data and over whatever, that
2 these losses occurred because we had a weekly versus
3 monthly?

4 Is there that much of a difference
5 between the weekly test and the monthly test, as
6 opposed to -- I can understand maybe, you know, every
7 six months or every year.

8 MR. FULLER: The actual inspection
9 frequencies in I think almost all cases was really
10 not documented well in our loss report and I don't
11 have that data.

12 I don't know what -- I mean, I know what
13 our recommendations are but I don't know what the
14 client was in fact doing at the time of the loss.

15 MR. CLARY: Thank you.

16 THE CHAIR: Additional questions.

17 Mr. Huggins.

18 MR. HUGGINS: Roland Huggins, Council
19 member, and this is to Mr. Fuller. And Russ alluded
20 to -- and to continue the analogy of our cars, do you
21 have any data on whether or not your failures were
22 predominantly electric or predominantly diesel or
23 just pumps, of those two that you've identified?

1 MR. FULLER: Actually, they're
2 predominantly electric, though I suspect the data is
3 biased such that there are probably more electric
4 pumps in service than there are diesel.

5 So therefore it's hard to judge, but
6 certainly on the list I have, I've got three diesels
7 on my list.

8 MR. HUGGINS: Roland Huggins. Follow-up.
9 And you're saying FM does not have data on the
10 failure rates for the different types? I mean, I
11 could have sworn that I'd read in the past some data
12 from FM.

13 MR. FULLER: Anything that we're going to
14 have is going to be loss related. And certainly we
15 have data related to when the failure of a fire pump
16 is involved in a loss.

17 The latest numbers -- I don't have them
18 in front of me, but if we look in our Standard 37
19 there is some loss data in there that sort of
20 outlines how frequent these things happen and lost
21 dollars and thing of that nature.

22 Unfortunately, what we don't capture and
23 what we don't really know is how many times is this

1 equipment failing and then just ordinary -- you know,
2 and through the course of either inspection or
3 discovering in some other fashion they're normally
4 repaired and put back in service.

5 I don't have that data. It's not
6 something that we collect. The only data that I'm
7 going to have is going to be related to losses.

8 Within the loss data that we had, I tried
9 specifically to then hone in on where would, you
10 know, that weekly inspection have helped us to
11 prevent that loss from occurring.

12 And as I stated, I've got this list in
13 front of me here that represents that information.
14 It's a small number overall.

15 MR. HUGGINS: Thank you.

16 THE CHAIR: Mr. Jardin.

17 MR. JARDIN: Joe Jardin, member of
18 Council, and a question to Mr. Fuller. In your
19 testimony in addition to the technical merits you
20 contemplated, you made reference to a couple of
21 procedural issues.

22 I think one was the fact that there was a
23 new concept introduced late into the process. And it

1 seemed following your testimony we heard from Messrs.
2 Bouchard and Elvove that indeed there was a proposal
3 that contemplated monthly testing.

4 Were there other issues in addition to
5 the frequency that you thought was raised at a
6 too-late stage in the process?

7 MR. FULLER: I'm not sure I understand
8 the question.

9 MR. JARDIN: Well, I guess I want to get
10 to what concept, when you made your statement, was
11 brought up late in the process in violation sort of
12 our procedures, what that was.

13 MR. FULLER: Well, I'm not necessarily
14 saying it's technically in violation of the
15 procedure.

16 What I'm saying is that the committee
17 dealt with this at the ROP stage in a very deliberate
18 way, rejecting the change in frequency from weekly to
19 monthly, and had a very lengthy substantiation for
20 that position covering both electric and diesel
21 drivers, at which point, you know, case closed in
22 terms of I think the minds of most people.

23 The issue resurfaced at the ROC. This

1 compromise position was introduced, voted upon by the
2 committee, and ultimately accepted.

3 But from my perspective that was, you
4 know -- we were starting in new again at the ROC
5 stage relative to this concept.

6 MR. JARDIN: Can I follow up? So you
7 wouldn't dispute the fact that the notion of monthly
8 fire pump testing surfaced before the ROC stage.

9 MR. FULLER: No, I would not.

10 MR. JARDIN: And then just one other
11 follow-up.

12 MR. ISMAN: If I could just follow up on
13 that.

14 THE CHAIR: Mr. Jardin?

15 MR. JARDIN: That's fine.

16 MR. ISMAN: Thank you. Ken Isman,
17 National Fire Sprinkler Association. Because the
18 committee had so positively rejected the proposal at
19 the ROP stage and so positively rejected the concept
20 throughout all of the other cycles in the 92, 95, 98,
21 2002, and 2008 cycles of NFPA 25, it caught the
22 entire industry completely by surprise when the
23 committee reversed itself at the ROC stage.

1 I would be the last person to argue the
2 committee can never change its minds at the ROC
3 stage. I think the committee completely has the
4 right to change its mind at the ROC stage.

5 But because the committee had such a
6 lengthy history on this particular subject and then
7 reversed themselves, it's really thrown the industry
8 for a loop and that's why we're here taking this
9 rather unusual appeal.

10 THE CHAIR: Other questions from members
11 of the Council? Miss Brodoff.

12 MS. BRODOFF: Maureen Brodoff. I just
13 wondered if anyone wanted to comment on whether and,
14 if not, should the NFPA 20 Committee have weighed in
15 on this from a technical standpoint.

16 MR. ISMAN: Ken Isman, National Fire
17 Sprinkler Association. I think it would be very good
18 to get the NFPA 20 Committee's input.

19 There really isn't a way to formally do
20 that within the NFPA system because they're not under
21 the same correlating committee. In fact, 25's not --
22 or 20 at this point -- are not under any correlating
23 committee.

1 But certainly I think what you will get
2 next cycle on this are some proposals specifically
3 from the NFPA 20 Committee.

4 I just think it's going to be a shame
5 that it's going to take a full cycle to get that kind
6 of official input.

7 MS. BRODOFF: I guess I'm saying sort of
8 procedure aside, there's certainly nothing that would
9 prevent seeking input from another committee with
10 expertise and I'd think that is done fairly
11 frequently.

12 I just really wanted to know whether that
13 was sought and whether that would -- is that the kind
14 of expertise that ought to be sought.

15 MR. ISMAN: To the best of my knowledge
16 it wasn't sought and, yes, I think it would be a
17 great idea to seek that kind of input.

18 MR. FULLER: And I concur with that. And
19 if you look at the comments at the ROC, Frank Moore,
20 who is a member of the NFPA 20 Committee, had a
21 comment to that effect, basically suggesting that he
22 would not vote in favor of this unless the 20
23 Committee had input into the process.

1 THE CHAIR: Other questions? Fine.

2 We'll go to any closing remarks. Mr. Isman.

3 MR. ISMAN: No closing remarks. Thank
4 you.

5 THE CHAIR: Mr. Fuller.

6 MR. FULLER: Just one or two, just to
7 follow a couple of the comments that were made. In
8 terms of the automobile analogy, the point there
9 wasn't necessarily to proffer a direct analogy, but
10 just to indicate that it's a complex electro-
11 mechanical device and, as such, these things don't do
12 well when they sit idle for long periods of time, and
13 that's really the basis of what I was trying to say
14 with that analogy.

15 And these are, you know, passive systems.
16 They need regular exercise. Weekly has been the
17 industry standard for, as far as FM is concerned,
18 over 50 years.

19 And I think it's in the best interest of
20 fire protection and life safety to maintain that and
21 to maintain the good record that fire pumps, as well
22 as sprinkler systems in general, have had over that
23 period of time.

1 And I just think this issue needs greater
2 review and more thought put into it prior to making
3 what can be, my opinion is, a huge change to the way
4 we look at testing fire pumps. Thanks.

5 THE CHAIR: Mr. Leavitt.

6 MR. LEAVITT: I want to remind everyone
7 that again we're dealing with real life and what
8 actually has happened out there, that experts did
9 have an opportunity to weigh in on this.

10 Prior to Las Vegas, in fact prior to the
11 re-balloting, I received some letters trying to
12 explain the position, so it's not as if this happened
13 in a vacuum.

14 It went through the full process and here
15 we are, and I think that the reason we're here where
16 we're at is that many members of the committee
17 recognize what -- you know, where we're at in real
18 life and that this actually does a good job of
19 addressing what's actually happening.

20 Because, you know, there's very, very
21 little data to suggest that -- you know, that this
22 would have an impact negative.

23 And those of us who do have experience as

1 a user, I don't believe it will have a negative
2 impact. In fact, I believe it will have a positive
3 because we have a better chance of having more of
4 these pumps run on a regular basis.

5 And I want to emphasize that we didn't
6 change the inspection requirements. We didn't change
7 them. We changed simply the test, the weekly
8 ten-minute run.

9 So I don't want to have what Josh said
10 bypassed. We'll still be looking at the controller
11 and other things; you know, are they on, do we have
12 power, do we have -- Those sorts of things. Thank
13 you.

14 THE CHAIR: Mr. Elvove.

15 MR. ELVOVE: Josh Elvove, just one
16 comment. Josh Elvove, U.S. General Services
17 Administration.

18 The comment that was made about a
19 surprise to the industry, at the ROP one of the
20 committee members said clearly electric pumps should
21 be considered. So it was right there in the ROP.

22 So basically the public is saying that we
23 rejected it and he said more consideration should be

1 given -- I'm paraphrasing -- to the electric-driven
2 fire pumps. So the industry had a chance.

3 THE CHAIR: With that I will bring this
4 hearing to a close. That concludes our last hearing
5 on NFPA 25.

6 Again, I want to thank all of you for
7 your participation in the process, for your time and
8 efforts to be here today. The Council greatly
9 appreciates the input and guidance that you provide
10 on these issues.

11 The decision will ultimately be issued as
12 a written decision by the secretary of the Standards
13 Council.

14 No member of staff or member of Council
15 will convey any information with respect to the
16 Council's decision. That written decision will be
17 the communication means that we will use.

18 With that I'm going to move into our
19 final hearing of the day which is Agenda Item
20 10-8-28-d. This is a TIA to NFPA 850.

21 This particular TIA is one that in its
22 balloting actually passed on technical merit but
23 appears that it failed emergency nature, if my

1 numbers are correct, by one vote.

2 I assume Mr. Pecht is here. Who else is
3 speaking in favor of this motion?

4 MR. CWIK: Scott Cwik, Senior Flexonics.

5 THE CHAIR: Anyone else? Anyone here
6 speaking against the motion -- I'm sorry -- the
7 appeal? Thank you.

8 If you guys could -- Particularly since
9 we have nobody speaking against you on this, we can
10 kind of take ten minutes and sort of give us your
11 view on this TIA and where we are, what you think
12 needs to happen based on that outcome.

13 I'll give an opportunity then for the
14 Council to ask questions and then give you any
15 closing remarks.

16 MR. CWIK: Sure. Scott Cwik, Senior
17 Flexonics. The proposed text in 850 that was just
18 described reads, To reduce possible source of leaks,
19 consider using rotation ball joint connection instead
20 of flexible hose connection in areas such as HTF loop
21 control -- or connection. Sorry.

22 Those three words, "consider," and
23 "instead of" flexible hose, to us and to the industry

1 are reading and putting a negative spin on the
2 flexible hose engineered products. Those three words
3 are really restricting trade for the flexible hose
4 industry.

5 We proposed that -- Our new proposal is
6 inclusive and not exclusive of technology and we
7 would like it to read, "Careful consideration should
8 be given to the design, application, construction,
9 and installation of connections (examples; rotating
10 ball joint, flexible hose, etc.) employed in areas
11 such as HTF loop connections of adjacent solar
12 collector assemblies.

13 We are just wanting that to be more open
14 and not to put a negative spin on the flexible hose
15 market.

16 As already described, it passed for
17 technical merit with 26 votes, a very high vote. It
18 failed by one vote.

19 Our customers are really interpreting
20 this as the flexible elements cannot be used or are
21 not recommended to be used.

22 We really do not want to go ahead and
23 just push this -- We're not asking for this to be

1 pushed towards our market. We just want it not to
2 limit advancements in technology. We want it to be
3 able to use the best available technology out there.

4 We are aware of fires that have occurred
5 in solar troughs that did not use flexible hoses. So
6 the way we feel and our customers feel is as written
7 this document discourages advancement in the art of
8 safeguarding property.

9 Some of the comments when the vote took
10 place under Emergency Nature are things that said
11 things similar to, It does not exclude other
12 technologies, wording should be considered.

13 One person voted that the wording should
14 be considered but yet voted a negative, and that's
15 the one that threw it over to not be accepted.

16 One of the comments was, This original
17 text does not stop or impede the use of new
18 technology. It was only intended to provide
19 guidance.

20 However, in other countries and other
21 engineers are reading it as it is limiting the use of
22 the exhaust hose.

23 So some of our rebuttal is that solar is

1 global and it needs to be able to be received
2 worldwide for all, you know, languages.

3 Solar is advancing extremely fast in
4 Europe and these standards of NFPA are taken at face
5 value. And a lot of these companies are developing a
6 technology in Europe that's going to be carried over
7 to the U.S. and they're looking at these standards
8 now.

9 And as I said already, they're reading it
10 as that it's not -- it shouldn't be used, flexible
11 hose should not be used.

12 So our real view is that it's not
13 recommended practice, it's being looked upon
14 negatively.

15 Again, we just really want to stress
16 that, you know, it is limiting technology and that --
17 you know, that those three words are really
18 restricting the trade for our market. Do you have
19 anything to add to that?

20 MR. PECHT: Glenn Pecht, Senior
21 Flexonics. As a global manufacturer of solar goods
22 and products, we were made aware of NFPA 850 from a
23 facility overseas and they said, You should be aware

1 of the 850 document. You should be aware of what was
2 disclosed in that document limiting the use of flex
3 coupling.

4 At that time it was past the date for the
5 ROP and the ROC according to your Committee
6 Standards. Then I became aware of what processes I
7 had to go forward with to see what we could do to
8 modify a change.

9 The wording of the document went through
10 the NITMAM process, the TIA, and finally ended up
11 here with the appeal process.

12 So it was kind of a cycle of learning for
13 our company and also in understanding what exactly
14 has gone on with the NFPA.

15 But we have product in the market since
16 1989. They have been using the product successfully.
17 We have an advancement of the product. We're looking
18 at new technologies.

19 We've changed some of the characteristics
20 that were described in the Sandia National Lab paper
21 that was dated ten years ago.

22 Our advancements, therefore, have
23 accelerated the safety requirements that have gone

1 into the solar fields and, as such, we look at this
2 as when our customers come to us and say, 850 is
3 limiting our use of your technology, that's when we
4 come back with this appeal process.

5 THE CHAIR: Very good. Questions from
6 members of the Council. Mr. Gerdes.

7 MR. GERDES: Ralph Gerdes, Council
8 member. When I look at the ballots on Emergency
9 Nature -- and you've got seven that it's not an
10 emergency nature.

11 But I look at five of those ballots and
12 they're either claiming it's simply an editorial
13 change or they think that the standard permits your
14 equipment, but yet you're here telling us you've got
15 problems.

16 I mean, we've got committee statements
17 that they think that the standard already permits
18 your stuff. Why do you -- Could you elaborate more
19 on what your problems are?

20 MR. PECHT: It's the interpretation of it
21 from people overseas and in Spain and elsewhere,
22 that -- when they say it limits the use of flexible
23 hoses and because of the words "intended to" and --

1 MR. CWIK: It's really discouraged the
2 way it's written. That's the real gist behind the
3 whole thing, is that it's very, you know,
4 discouraged.

5 If I wanted to go ahead and discourage my
6 kids from smoking, I may say, You ought to consider
7 exercising instead of smoking. That references that
8 smoking is bad and that's the same way this is
9 written: Go ahead and use this ball joint instead of
10 an exhaust connector.

11 So we all may read it in the United
12 States one way. Engineers are reading these -- They
13 went to engineering school because they're not good
14 at English, as a lot of people can be.

15 You know, I'm an engineer myself and I
16 could see how somebody could read it as it's not
17 recommended to use it.

18 MR. PECHT: And they are reading it that
19 way because we're getting feedback from our
20 customers. They're saying it's being inclusive of
21 our technology.

22 THE CHAIR: Jim Pauley, Chair of the
23 Council. I guess one thing to maybe clarify for the

1 Council.

2 In our documentation on the TIA itself,
3 you suggest a revision to 11.4.1.1 and it shows some
4 underlying wording in there.

5 But I'm gathering both from your comments
6 and from the statement in the substantiation, what's
7 not shown is wording that's actually being replaced
8 by what you've underlined.

9 I gather that -- In your substantiation
10 you stated that 850 currently says, To reduce
11 possible sources of leak, consider the use of
12 rotating ball joint-type connections instead of
13 flexible hose connections, and it goes on.

14 Is that text in 11.4.1 today? Is that
15 the text that you're trying to replace with your
16 underlined text?

17 MR. PECHT: That's correct, yes.

18 THE CHAIR: So in reality not only do you
19 add the text that's underlined, but you remove some
20 text that's in the --

21 MR. PECHT: Remove the text that's in
22 there and replace it with the text that's more
23 inclusive.

1 THE CHAIR: Thank you. I was having
2 trouble understanding specifically where your source
3 of confusion for your customers were.

4 But for the Council members, I think you
5 can actually look at that statement that says, Submit
6 or Substantiation, in the TIA. That's where the text
7 is that's being referenced.

8 Additional questions? Gentlemen, any
9 closing remarks? I think you've done a good job of
10 explaining where your issues are and where you're
11 coming from. Anything else that --

12 MR. PECHT: I'd just say I would like to
13 thank -- and there's a lot of people involved in the
14 NFPA and going through the cycle of learning within
15 the last eight months.

16 It was very helpful for the staff here to
17 guide us through that process. So I want to say you
18 have a nice job with that, but it's -- The procedure
19 is kind of interesting to follow for somebody new at
20 this.

21 MR. CWIK: Thank you.

22 THE CHAIR: Thank you. Again, we
23 appreciate your time in being here today, appreciate

1 your appearance before the Council and the
2 information you provided.

3 The Council ultimately will deliberate
4 this and issue a written decision on the decision of
5 Council. That will come from Miss Cronin the
6 secretary of the system.

7 No member of the staff nor member of the
8 Council is permitted to convey that decision or the
9 discussion of that decision. That written
10 communication will be our means of communicating the
11 outcome of this.

12 So with that I will bring this hearing to
13 a close and we will go off the record.

14 (Discussion off the record.)

15 (Whereupon at 5:08 p.m. the hearing concluded.)

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C E R T I F I C A T E

I hereby certify that the foregoing 209 pages contain a full, true and correct transcription of all my stenographic notes to the best of my ability taken in the above-captioned matter held at the offices of the NFPA on Tuesday, August 3, 2010, commencing at 1:05 p.m.

Linda J. Modano, Registered Professional Reporter

My commission expires June 2, 2011