

Annex A-8

RETROACTIVITY GUIDELINES

The Standards Council adopted a Guideline on Retroactivity including suggested uniform wording which might be used by NFPA Committees desiring a retroactivity statement in their documents. The procedures are as follows:

Retroactivity is solely the discretion of the authority having jurisdiction.

In general, however, a new edition of a code or standard is for application to facilities, equipment, structures, and installations that occur on or after the effective date of the code or standard.

The courts have decided that facilities, equipment, structures, and installations that met society's demand for fire safety when originally built may not necessarily meet society's demands for fire safety today.

In addition, if a code or standard is revised because fire experience shows that the document did not adequately cover a hazard, the hazard should not be allowed to continue simply because the document cannot be applied "retroactively."

For these reasons, it may be desirable to have some wording in certain NFPA codes and standards to clarify the intended application of the standard.

The following is suggested as wording that might be included in a code or standard to cover the subject of retroactivity if it is determined by the Committee that a retroactivity statement is needed in the document:

Retroactivity: The provisions of this (document type) reflect a consensus of what is necessary to provide an acceptable degree of protection from the hazards addressed in this (document type) at the time the (document type) was issued.

Unless otherwise specified, the provisions of this (document type) shall not apply to facilities, equipment, structures, or installations that existed or were approved for construction or installation prior to the effective date of the (document type). Where specified, the provisions of this (document type) shall be retroactive.

In those cases where the authority having jurisdiction determines that the existing situation presents an unacceptable degree of risk, the authority having jurisdiction shall be permitted to apply retroactively any portion of this (document type) deemed appropriate.

The retroactive requirements of this (document type) shall be permitted to be modified if their application clearly would be impractical in the judgment of the authority having jurisdiction, and only where it is clearly evident that a reasonable degree of safety is provided.

Approved Standards Council: January 1986, April 1999
Approved Board of Directors: June 1997, June 1999