

**Standards Council Meeting
Final Minutes**

April 5-6, 2016

**Hyatt Regency Coconut Point Resort & Spa
5001 Coconut Road
Bonita Springs, FL 34134
239-444-1234**

Members Present:

Kerry M. Bell, Chair	
Chad E. Beebe	Bonnie E. Manley
Randall K. Bradley	Daniel O'Connor
Kenneth E. Bush	Richard P. Owen
Patricia A. Gleason	James R. Quiter
James E. Golinveaux	John A. Rickard
Gary S. Keith	Michael D. Snyder

Also in attendance:

Dawn Michele Bellis, Secretary, Standards Council
Christian Dubay, Vice President, Codes and Standards and Chief Engineer
Sally Everett, Vice President and General Counsel
Linda Fuller, Recording Secretary, Standards Council

16-4-1	The Council voted to issue proposed Tentative Interim Amendment (TIA) to section 10.8.2.2 of the 2016 edition of NFPA 20, <i>Standard for the Installation of Stationary Pumps for Fire Protection</i> , (TIA No. 1199). The TIA achieved the necessary support of the Technical Committee on technical merit and emergency nature when balloted prior to submission to Standards Council.
16-4-2	The Council voted to issue proposed Tentative Interim Amendment (TIA) to sections 7.2.1, 7.2.2, 7.2.2.1, 7.2.2.1.1(new), 7.2.2.2 and revision of the title to Table 7.2.3.1 of the 2015 edition of NFPA 30B, <i>Code for the Manufacture and Storage of Aerosol Products</i> , (TIA No. 1198R). The TIA achieved the necessary support of the Technical Committee on technical merit and emergency nature when balloted prior to submission to Standards Council.
16-4-3	<p>The Council voted to issue NFPA 52, <i>Vehicular Gaseous Fuel Systems Code</i>, as a consent standard, with an issuance date of April 6, 2016 and an effective date of April 26, 2016.</p> <p>In light of the issuance of NFPA 52 as a consent standard, the Council voted to issue proposed Tentative Interim Amendment (TIA) to section 15.2.11.1.3 of the 2016 edition of NFPA 52, <i>Vehicular Gaseous Fuel Systems Code</i>, (TIA No. 1203). The TIA achieved the necessary support of the Technical</p>

	Committee on technical merit and emergency nature when balloted prior to submission to Standards Council.
16-4-4	The Council voted to issue proposed Tentative Interim Amendment (TIA) to sections 11.3.2.13.9 and 13.3.2.19.2(G) and (H) of the 2016 edition of NFPA 52, <i>Vehicular Gaseous Fuel Systems Code</i> , (TIA No. 1205). The TIA achieved the necessary support of the Technical Committee on technical merit and emergency nature when balloted prior to submission to Standards Council.
16-4-5	The Council voted to issue proposed Tentative Interim Amendment (TIA) to section 15.3.3.1.5, Figure 15.3.3.1.5, section 15.3.3.1.6 and section 15.3.3.6 of the 2016 edition of NFPA 52, <i>Vehicular Gaseous Fuel Systems Code</i> , (TIA No. 1206). The TIA achieved the necessary support of the Technical Committee on technical merit and emergency nature when balloted prior to submission to Standards Council.
16-4-6	The Council voted to issue proposed Tentative Interim Amendment (TIA) to section 15.2.11.1.4 of the 2016 edition of NFPA 52, <i>Vehicular Gaseous Fuel Systems Code</i> , (TIA No. 1207). The TIA achieved the necessary support of the Technical Committee on technical merit and emergency nature when balloted prior to submission to Standards Council.
16-4-7	The Council voted to issue proposed Tentative Interim Amendment (TIA) to sections 11.3.2.2.1 and 11.3.2.2.2 of the 2016 edition of NFPA 55, <i>Compressed Gases and Cryogenic Fluids Code</i> , (TIA No. 1208). The TIA achieved the necessary support of the Technical Committee on technical merit and emergency nature when balloted prior to submission to Standards Council.
16-4-8	The Council voted to issue proposed Tentative Interim Amendment (TIA) to section 8.2.2.1 and renumber subsequent sections, revise Figure 8.1.1.4 and revise subsection 8.4.1 of the 2013 edition of NFPA 68, <i>Standard on Explosion Protection by Deflagration Venting</i> , (TIA No. 1210). The TIA achieved the necessary support of the Technical Committee on technical merit and emergency nature when balloted prior to submission to Standards Council.
16-4-9	The Council voted to issue proposed Tentative Interim Amendment (TIA) to revise subparagraph 7.2.3.1.2, add subparagraph 7.2.3.1.3, revise Annex A.3.3.25, replace Table C.1(a) and associated notes of the 2014 edition of NFPA 69, <i>Standard on Explosion Prevention Systems</i> , (TIA No. 1211). The TIA achieved the necessary support of the Technical Committee on technical merit and emergency nature when balloted prior to submission to Standards Council.
16-4-10	The Council voted to not issue proposed Tentative Interim Amendment (TIA) to add Annex B.8 to the 2014 edition of NFPA 69, <i>Standard on Explosion Prevention Systems</i> , (TIA No. 1212). The TIA did not achieve the necessary support of the Technical Committee on emergency nature when balloted prior to submission to Standards Council.
16-4-11	The Council voted to issue proposed Tentative Interim Amendment (TIA) to revise Table 5.2.1.6 and Table 5.3.7 of the 2016 edition of NFPA 400, <i>Hazardous Materials Code</i> , (TIA No. 1213), with an editorial correction to the footnote in the table. The TIA achieved the necessary support of the

	Technical Committee on technical merit and emergency nature when balloted prior to submission to Standards Council.
16-4-12	The Council voted to issue proposed Tentative Interim Amendment (TIA) to revise section 7.3.2 of the 2016 edition of NFPA 409, <i>Standard on Aircraft Hangars</i> , (TIA No. 1204). The TIA achieved the necessary support of the Technical Committee on technical merit and emergency nature when balloted prior to submission to Standards Council.
16-4-13	The Council voted to not issue proposed Tentative Interim Amendment (TIA) to revise section 4.3 of the proposed 2017 edition of NFPA 664, <i>Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities</i> , (TIA No. 1200). The TIA did not achieve the necessary support of the Correlating Committee on correlation or emergency nature nor the Technical Committee on emergency nature when balloted prior to submission to Standards Council.
16-4-14	<p>D#16-1 At its meeting of April 5-6, 2016, the Standards Council considered an appeal from OMNI LPS (“OMNI”), Heary Brothers Lightning Protection, and Lightning Master Corporation (OMNI, Heary Brothers Lightning Protection, and Lightning Master Corporation collectively referred to herein as “Appellants”) regarding the issuance of proposed Tentative Interim Amendment No. 1209 (“TIA”) on the proposed 2017 Edition of NFPA 780, <i>Standard for the Installation of Lightning Protection Systems</i>. The appeal was supported by the National Lightning Protection Corporation.</p> <p>Specifically, the appeal requested that the Council reverse the Technical Committee’s failure to achieve the necessary support for recommendation to issue the proposed TIA in accordance with Section 5.6 of the <i>Regulations Governing the Development of NFPA Standards</i> (“Regs”).</p> <p>The TIA proposed to amend Section 1 of NFPA 780 by adding new Section 1.8 and associated Annex material as follows:</p> <p><u>1.8 Equivalence.</u> <u>Nothing in this standard is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety over those prescribed by this standard.</u></p> <p><u>1.8.1 Technical Documentation.</u> <u>Technical documentation shall be submitted to the authority having jurisdiction to demonstrate equivalency, including without limitation equivalency based on the history of performance in the field.</u></p> <p><u>1.8.2 Approval.</u> <u>The system, method, or device shall be approved for the intended purpose by the authority having jurisdiction, including without limitation the NFPA, Underwriters Laboratories, Inc. and/or ANSI.</u></p> <p><u>1.8.3* Equivalent Compliance.</u> <u>The alternative system, method, or device approved as equivalent by the authority having jurisdiction shall be recognized as being in compliance with this standard.</u></p>

A.1.8.3 Equivalent Compliance Not a Waiver of Standard Requirement.

An equivalent method of protection provides an equal or greater level of safety to the satisfaction of the authority having jurisdiction with the understanding that equivalency includes, without limitation, equivalency based on the history of performance in the field. An approved equivalent method of protection by the authority having jurisdiction is not a waiver or deletion of a standard requirement but instead provides an alternative while the original standard may still be used as an available option. Other standards-making organizations and/or authorities having jurisdiction shall not withhold approval as equivalent when the system, method, or device is supported by a manufacturer's track record as to performance in the field.

TIA No. 1209 was balloted by the Technical Committee on Lightning Protection in accordance with the *Regs* to determine whether the necessary three-fourths majority support on both technical merit and emergency nature was achieved to recommend the TIA for issuance. The ballot overwhelmingly failed the Technical Committee on both technical merit and emergency nature.

When a TIA fails to achieve the recommendation of the responsible Technical Committee on technical merit and emergency nature, the resulting recommendation of the Technical Committee through the standards development process is to not issue the TIA. This appeal requests the Council overturn the action recommended through the standards development process and issue TIA No. 1209. The Council has reviewed the entire record concerning this matter and has considered all the arguments put forth in this appeal.

The Council has voted to deny the appeal and to not issue TIA No. 1209. Although the Standards Council has the authority to act against the recommendation of the standards development process, on appeal, the Council generally defers to the responsible Technical Committee on technical issues and the determination of emergency nature unless extraordinary and compelling circumstances support overturning such determinations. Here, the Standards Council finds no extraordinary and compelling reasons to overturn the results of the Technical Committee ballot and thereby upholds the results of the standards development process.

The effect of this action is that TIA No. 1209 on NFPA 780 will not be issued on the proposed 2017 Edition.

DISCUSSION:

Korean Corporation, OMNI LPS, manufactures and sells a bipolar air terminal lightning protection system. OMNI initially approached NFPA with a request to present its lightning protection system technology to the Standards Council and raise concerns about the company's difficulty in getting approval of its lightning protection system on a construction project in Austin, Texas. At that

time, the Standards Council took the unusual step of inviting OMNI to make an informational presentation at its next-scheduled meeting in August 2015. The presentation focused primarily on OMNI's bipolar air terminal lightning protection system, although OMNI also expressed concerns that Authorities Having Jurisdiction ("AHJs") and others were reluctant or unwilling to approve the OMNI lightning protection system citing NFPA 780 as the basis for such denial.

In previous conversations and at the time of the OMNI presentation, NFPA staff engaged OMNI representatives in discussions regarding how OMNI could participate in the NFPA standards development process of NFPA 780. Conversations also included information explaining the scope of authority of AHJs, the federal government and private entities to specify or approve lightning protection installations and products. As a result of these discussions and following the presentation at the August Standards Council meeting, OMNI expressed an interest in proposing a TIA to expressly incorporate an equivalency provision in the 2017 edition of NFPA 780.

To assist OMNI towards this goal, NFPA staff provided OMNI representatives with sample equivalency provisions from existing NFPA standards such as the following:

Nothing in this standard is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety over those prescribed by this standard.

OMNI then filed TIA No. 1209 proposing new Section 1.8 and associated Annex material. The Technical Committee's ballot results overwhelmingly recommended against issuance of the TIA. The appeal asserts that the rejection of the TIA was procedurally defective because the negative votes were based upon varying (and sometimes competing) rationales. Appellants further assert that the variety of reasons for rejecting the TIA must, therefore, be based on improper competitive interests rather than on NFPA's procedures and regulations.

The comments of Technical Committee members voting negatively on the TIA were broad-ranging: suggesting a number of issues and concerns with the language proposed in the TIA. Some Technical Committee members commented that the TIA was an attempt to circumvent the recently-concluded revision cycle of NFPA 780; some members identified the lack of technical documentation supporting the proposed language; and some members stated they were confused by the suggested language of the TIA. (The Appellants appear to concede some ambiguity in the proposed TIA language in that they included proposed revisions to the TIA within the appeal.)

However, in addition to the negative comments of the Technical Committee members, there were twenty-eight comments received from the public on TIA No. 1209¹. Twenty-seven opposed the proposed text of the TIA. These public comments also cited a variety of reasons to withhold support of the TIA, many of which mirrored the objections raised by Technical Committee members.

Rather than finding an improper reason for the variety of responses to TIA No. 1209, the Council notes that the language of the TIA went well beyond equivalency provisions currently included in some NFPA standards. Specifically, the provisions instructing the AHJ on how equivalency would be determined and the inaccurate implication that NFPA, UL and ANSI are AHJs were departures from accepted language used to address equivalency. The Council believes that the unusual nature of the proposed language (in part), not improper competitive interests, was the basis for the varied Technical Committee member comments. (The Council also notes there were a significant number of public comments opposing the TIA's proposed text, as well as a substantial amount of material submitted to justify opposition to the proposed TIA.)

Separate from the specific language of this TIA and as background to the appeal, the NFPA has a long history with non-Franklin Rod lightning protection systems. For more than two decades, NFPA actively engaged with representatives of alternative lightning protection systems through multiple public hearings, Standards Council appeals, Board petitions, litigation and other court proceedings. (See, for example, Standards Council Decisions include Decision Nos. 88-39, 90-29, 93-100, 94-11, 95-25, 95-26, 98-40, 00-13, 00-22, 00-30, 01-24, 01-26, 05-11, and 07-18; Petitions to the Board of Directors in May 1994, December 1995, October 2000, May 2002 and January 2008; *Heary Bros. Lightning Protection Co., Inc., et al., v. Lightning Protection Institute, et al.*, No. CV 96-2796-PHX-ROS (D. Ariz. 2003); *Heary Bros. Lightning Protection Co., Inc., et al., v. Lightning Protection Institute, et al.*, Case 2:96-cv-02796-ROS (9th Cir. 2008).)

Based on that history, at this point in time, NFPA has chosen to write standards specific to traditional Franklin Rod lightning protection systems. These standards are developed by volunteer Technical Committee members including advocates for, and manufacturers of, alternative lightning protection systems.

Although NFPA 780 does not address the bipolar air terminal lightning protection system manufactured by OMNI, the standard also does not prohibit such a system. Perhaps more importantly, there are other international standards that cover OMNI's bipolar air terminal lightning protection system, such as IEC 62305, which OMNI testified and acknowledges that the IEC

¹ An additional twelve comments were received in opposition to the appeal.

	<p>standard addresses its technology and is used in many locations where OMNI has installations.</p> <p>OMNI's complaint as evidenced in the appeal is as much about <i>how</i> NFPA 780 is interpreted as <i>what</i> it contains. NFPA does not control which standards are selected for use and how compliance is enforced any jurisdiction, by any AHJ, or by any private entity. An AHJ or other entity seeking to enforce requirements for lightning protection systems could choose to use and enforce the requirements of NFPA 780, or it could choose to use and enforce IEC 62305 or UL96A. That the insurer for OMNI's client's proposed facility in Texas has chosen to use and enforce the provisions of NFPA 780 and not approve OMNI's Lightning Protection System is not a situation that NFPA can address through its standards development or appeals process.</p> <p>In conclusion, the Council found no basis in the record to support a decision to overturn the recommendation of the standards development process. For these reasons, the Standards Council has voted to deny the appeal and to not issue TIA No. 1209.</p> <p>Standards Council Chairman Kerry Bell and Standards Council Member Dick Owen recused themselves from the discussion and decision on this matter.</p>																								
<p>16-4-15</p>	<p>The Council voted to issue proposed Tentative Interim Amendment (TIA) to various sections of the 2016 edition of NFPA 1977, <i>Standard on Protective Clothing and Equipment for Wildland Fire Fighting</i>, (TIA No. 1216). The TIA achieved the necessary support of the Correlating Committee on correlation and emergency nature, and the Technical Committee on technical merit and emergency nature when balloted prior to submission to Standards Council.</p> <p>Standards Council Chair Kerry Bell and Members Patricia Gleason and Richard Owen recused themselves from the deliberations and vote on this issue.</p>																								
<p>16-4-16</p>	<p>The Council approved the requests from NFPA Committees to change revision cycles for the following documents:</p> <table border="1" data-bbox="394 1465 1429 1661"> <thead> <tr> <th>Doc No.</th> <th>Current Edition</th> <th>Next Rev Cycle</th> <th>Cycle Change</th> <th>Permanent or One Time Move</th> <th>Revision Cycle For Each Document</th> </tr> </thead> <tbody> <tr> <td>1402</td> <td>2012</td> <td>F2021</td> <td>F2018</td> <td>One Time Move</td> <td>10 year to 7 year cycle</td> </tr> <tr> <td>1992</td> <td>2012</td> <td>F2016 SDR</td> <td>A2017 SDR</td> <td>One Time Move</td> <td>5 year to 5 ½ year cycle</td> </tr> <tr> <td>1994</td> <td>2012</td> <td>F2016 SDR</td> <td>A2017 SDR</td> <td>One Time Move</td> <td>5 year to 5 ½ year cycle</td> </tr> </tbody> </table>	Doc No.	Current Edition	Next Rev Cycle	Cycle Change	Permanent or One Time Move	Revision Cycle For Each Document	1402	2012	F2021	F2018	One Time Move	10 year to 7 year cycle	1992	2012	F2016 SDR	A2017 SDR	One Time Move	5 year to 5 ½ year cycle	1994	2012	F2016 SDR	A2017 SDR	One Time Move	5 year to 5 ½ year cycle
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<p>16-4-17</p>	<p>The Council considered the request of the Technical Committee on Hanging and Bracing of Water-Based Fire Protection Systems to develop a new project for hanging and bracing requirements for a myriad of water-based systems, not merely sprinkler systems.</p>																								

	<p>After a review of all the material provided, the Council voted to take no action at this time. The Council has requested NFPA Staff to report back to the Council with additional information of how this new project would affect the scopes of current documents. The Council also requests input from the Committees that would be affected by the development of this new project. Additionally, Council seeks NFPA Staff recommendation regarding the potential alignment of cycles of the affected standards.</p>
16-4-18	<p>The Council approved the request of Axel Bogdan, 3M Industrial Adhesives and Tapes Division, to develop a project on low pressure dispensing containers (LPDC). The Council directed that a call for members interested in serving on the new Technical Committee on Low Pressure Dispensing Containers (LPDC) be published. Staff will return to the Council with a proposed start-up roster and recommendation for a Technical Committee Chair. The Council also approved the title and scope of the Committee as follows:</p> <p style="text-align: center;">APPROVED COMMITTEE TITLE: Technical Committee on Low Pressure Dispensing Containers (LPDC)</p> <p style="text-align: center;">APPROVED COMMITTEE SCOPE: This Committee shall have primary responsibility for documents on safeguarding against the fire and explosion hazards associated with the manufacturing, handling, and storage of low pressure dispensing containers.</p>
16-4-19	<p>The Council approved the request of Randy Fish, California Energy Storage Alliance, to develop a project addressing the design, construction, installation, and commissioning of stationary energy storage systems. The Council directed that a call for members interested in serving on the new Technical Committee on the Design, Construction, and Installation of Stationary Energy Storage Systems be published. Staff will return to the Council with a proposed start-up roster and committee scope.</p>
16-4-20	<p>The Council heard an update from the Fire Code Committee Task Group on revising NFPA 1, <i>Fire Code</i>, to include a chapter on marijuana extraction and processing facilities.</p>
16-4-21	<p>At its August 2015 meeting, the Council voted to establish a task group, to be chaired by Dr. James Milke, Professor and Chair of the Department of Fire Protection Engineering at the University of Maryland. The Task Group has been charged with determining the best approach to address hazardous waste disposal.</p> <p>The Task Group met and recommended to the Council the formation of a new Technical Committee and development of a document to address hazardous waste generators, transporters, and Treatment Storage Disposal (TSD) facilities. It should also include a crosswalk between NFPA, EPA, and DOT classifications of hazardous waste.</p>

	<p>After a review of all the material provided, the Council voted to approve a new Technical Committee on Hazardous Waste and a Technical Committee scope as follows:</p> <p style="text-align: center;">APPROVED COMMITTEE SCOPE: This Committee shall have primary responsibility for documents on safeguarding against the fire and explosion hazards associated with the treatment, storage, disposal, generation, and transportation of hazardous waste.</p> <p>The Council also directed that a call for members interested in serving on the new Technical Committee be published. Staff will return to the Council with a proposed start-up roster. The Hazardous Waste Disposal Task Group was discharged by the Council with thanks.</p>
<p>16-4-22</p>	<p>The Council voted to approve the request of the Technical Committee on Mass Evacuation and Sheltering to revise the committee scope as follows:</p> <p style="text-align: center;">APPROVED COMMITTEE SCOPE: This Committee shall establish a common set of criteria for mass evacuation, and mass sheltering <u>and mass re-entry</u> programs hereinafter referred to as the program.</p>
<p>16-4-23</p>	<p>The Council heard a report on the NFPA Research Foundation project incorporating resiliency into NFPA Standards. The NFPA Research Foundation intends to report back to the Council as the project progresses.</p>
<p>16-4-24</p>	<p>At the August 2015 Standards Council Meeting, during a hearing on an appeal to NFPA 1901, <i>Standard for Automotive Fire Apparatus</i>, a review of the transcript from the 2015 Tech Session revealed that comments were made by the audience that the Technical Committee on Fire Department Apparatus reviewed a draft NIOSH report entitled “Seat and Seatbelt Accommodation in Fire Apparatus”: Anthropomorphic Aspects during the Committee’s First and Second Draft Meetings. Given the importance of this safety matter and that this report is final, the Council directed the Committee to review and consider the published NIOSH report as part of the continuing evaluation of this issue then report back to the Standards Council with a description of whether the Committee intends to address the NIOSH conclusions.</p> <p>At this meeting, the Committee reported that the Committee reviewed the final NIOSH Report during its February 2016 meeting. The Committee determined that the NIOSH Report’s primary objective is “to provide seat assembly designers and fire departments with design guidance that may reduce impediments to the easy use of seatbelts”. The Committee’s consensus position is that there are many ways to provide seating safety and that it should be the authority having jurisdiction’s responsibility to select the approach appropriate for each jurisdiction. The Committee feels that additional seat safety information will assist individuals using NFPA 1901 to understand seat</p>

	space issues and will therefore submit a Tentative Interim with a reference to the NIOSH Report as an Appendix.
16-4-25	<p>The Council voted to approve the request of the Technical Committee on Building Fire and Life Safety Directors amend the committee scope and approval of a document scope as follows:</p> <p>APPROVED COMMITTEE SCOPE: This committee shall have primary responsibility for documents related to the duties, requirements, competencies and professional qualifications required of Building Fire and Life Safety Directors. This committee shall also have primary responsibility for the establishment of minimum requirements for emergency action plans addressing all-hazard emergencies within occupied structures having an occupant load of greater than 500. This committee shall not have responsibility of such qualifications, roles, responsibilities, or emergency action plans within industrial occupancies.</p> <p>APPROVED DOCUMENT SCOPE: 1.1* Scope. This standard identifies the minimum job performance requirements (JPRs) for Building Fire and Life Safety Directors.</p>
16-4-26-a	The Council considered the Membership Task Group's recommendations on pending applications for committee membership and took appropriate action on each. Changes in committee membership approved by the Council can be found in Minutes Attachment 16-4-26-a.
16-4-26-b	The Council voted to deny the request of the Fire Suppression Systems Association to change the membership interest category of its NFPA Committee members from manufacturer to installer/maintainer.
16-4-26-c	The Council voted to approve the start-up roster for the Technical Committee on Supervising Station Fire Alarm and Signaling Systems and disband the current members.
16-4-27	The Council heard the report of the Policy and Procedures Task Group.
16-4-28	The Council heard the report of the Annual 2016 Motions Committee Task Group.
16-4-29	The Council heard the Report of the Recording Secretary on the December 2015 Minutes which were approved with no corrections.
16-4-30	<p>The Council approved the dates and locations of upcoming Council meetings, as follows:</p> <p>August 3-5, 2016 (REVISED) Quincy, MA</p> <p>December 8-9, 2016 (REVISED)</p>

	<p>La Jolla, CA</p> <p>April 4-5, 2017 TBD</p> <p>August 8-10, 2017 Quincy, MA</p> <p>December 5-6, 2017 TBD</p>
16-4-31	The Council acted on the recommendations of the Awards Task Group for recipients of the Standards Medal, Special Achievement, and Committee Service Awards.
16-4-32	The Council approved the request of the Technical Committee on Wildland Fire Fighting Protective Clothing and Equipment to enter a new document, NFPA 1877, <i>Standard on Selection, Care, and Maintenance of Wildland Fire Fighting Protective Clothing and Equipment</i> , into the Annual 2019 revision cycle. The Council approved the establishment of this document in August 2015.
16-4-33	<p>D#16-2 At its meeting of April 5-6, 2016, the Standards Council considered an appeal from Patricia Outtrim, Vice President, Government and Regulatory Affairs of Cheniere Energy, Inc. regarding the refusal to process a proposed Tentative Interim Amendment (TIA) on the 2001 Edition of NFPA 59A, <i>Standard for the Production, Storage and Handling of Liquefied Natural Gas (LNG)</i>. Specifically, the appeal seeks a decision by Council to reverse the Secretary of the Standards Council's decision not to process the requested TIA. The proposed TIA seeks to amend Section 12.1.2.4 of NFPA 59A, 2001 Edition to read as follows:</p> <p style="padding-left: 40px;">12.1.2.4 ASME Publications, American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016-5990. ASME Boiler and Pressure Vessel Code, 1992 <u>1998</u> edition, <u>including the 1999 Addenda</u> and applicable Code Interpretation Cases. ASME B 31.3, Process Piping, 1996. ASME B 31.5, Refrigeration Piping, 1992. ASME B 31.8, Gas Transmission and Distribution Piping Systems, 1992.</p> <p>As background, the Secretary determined not to process the proposed TIA in accordance with Sections 5.3 and 5.10 of the <i>Regulations Governing the Development of NFPA Standards (Regs)</i>. Section 5.3 of the <i>Regs</i> provides the Secretary with discretion to reject for processing a proposed TIA that does not manifestly appear to be of an emergency nature. Section 5.10 of the <i>Regs</i> provides that TIAs shall apply only to the current edition of a Standard and, in some circumstances, to the next edition. Since 2001, there have been four subsequent editions of NFPA 59A issued by the Standards Council.</p>

In her request for the processing of the TIA, Ms. Outtrim stated that at the time the 2001 edition of NFPA 59A was published, it referenced the 1992 edition of the ASME Boiler and Pressure Vessel Code (the ASME Code), but that 1992 edition was not the current edition of the ASME Code at that time. The current edition of the ASME Code at that time was the 1998 edition which included a significant change from the 1992 edition in the pressure vessel test pressure for the maximum allowable operating pressure. The requested TIA is intended to replace the reference to the 1992 ASME Code with a reference to the subsequent edition of the ASME Code and related Addenda.

The Council has reviewed the entire record concerning this matter and has considered all the arguments put forth in this appeal. Section 5.10 of the *Regs* states that TIAs apply only to the current edition of an NFPA standard and, in some cases, to the next edition. While Section 5.12 of the *Regs* provides some flexibility to the Council in the processing or issuance of TIAs, such discretion has been utilized in rare cases where extraordinary circumstances supported such action. In this case, the Council finds no such circumstances.

The Council does not generally process revisions to previous editions of NFPA standards as previous editions no longer represent the NFPA standard on a given topic. In the present case, the Council has no way to determine if the Technical Committee's decision more than fifteen years ago to include a reference to the 1992 edition of the ASME Code was intentional or inadvertent. Even if inadvertent, the Council is concerned that addressing this matter as requested in the appeal could well have unintended consequences. In addition, the Council finds no evidence of an emergency such that it would entertain the extraordinary action of processing a TIA on a previous edition of an NFPA standard.

The Council has voted to deny the appeal and uphold the decision not to process the TIA which would have amended Section 12.1.2.4 of NFPA 59A, 2001 Edition.

The effect of this action is that the proposed TIA for NFPA 59A, 2001 Edition will not be processed.

All Standards Council members participated in the consideration, deliberation, and vote on this issue.

Respectfully submitted,

Linda J. Fuller Recording Secretary
NFPA Standards Council