



Dawn Michele Bellis
Secretary, Standards Council

29 April 2021*

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#21-3
Standards Council Agenda Item:	SC#21-4-15-d
Date of Decision:	15 April 2021
TIA No. 1558 on NFPA 407, <i>Standard for Aircraft Fuel Servicing</i> , 2017 and Proposed 2022 Editions	

Dear Interested Parties:

At its meeting of April 14-15, 2021, the Standards Council considered an appeal on the above referenced matter. The Council's Final decision is now available and is attached herewith.

Sincerely,

A handwritten signature in black ink that reads "Dawn Michele Bellis".

Dawn Michele Bellis
Secretary, NFPA Standards Council

cc: S. Everett, S. Gallagher, S. Ganoe, T. Vecchiarelli
Members, TC on Aircraft Fuel Servicing (AIF-AAA)
Members, NFPA Standards Council (AAD-AAA)
Individuals Providing Appeal Commentary

*NOTE: Participants in NFPA's standards development process should know that limited review of this decision may be sought from the NFPA Board of Directors. For the rules describing the available review and the method for petitioning the Board for review, please consult section 1-7 of the Regulations Governing the Development of NFPA Standards and the NFPA Regulations Governing Petitions to the Board of Directors from Decisions of the Standards Council. Notice of the intent to file such a petition must be submitted to the Clerk of the Board of Directors within 15 calendar days of the publication date of this Decision.



Standards Council Decision (Final):	D#21-3
Standards Council Agenda Item:	SC#21-4-15-d
Date of Decision:	15 April 2021
TIA No. 1558 on NFPA 407, <i>Standard for Aircraft Fuel Servicing</i> , 2017 and Proposed 2022 Editions	

SUMMARY OF ACTION (for convenience only; not part of official decision): The Standards Council voted to deny this appeal seeking to overturn the Technical Committee ballot results and issue TIA No. 1558 on NFPA 407, *Standard for Aircraft Fuel Servicing*, 2017 and proposed 2022 editions.

DECISION:

At its meeting of April 14-15, 2021, the Standards Council considered an appeal from Steve Berry, NATA General Aviation Fuel Handling Subcommittee. The appeal requests that the Standards Council overturn the Technical Committee ballot results and issue TIA No. 1558 on the 2017 and proposed 2022 editions of NFPA 407, *Standard for Aircraft Fuel Servicing*. Specifically, the appeal requests that the Standards Council issue TIA No. 1558 which seeks to revise paragraphs 5.1.12, 6.1.3.12.2.7, 6.1.3.12.2.8, 6.1.3.12.2.9 and Table C.1.

As background, TIA No. 1558 was balloted through the Technical Committee on Aircraft Fuel Servicing (TC) in accordance with the *Regulations Governing the Development of NFPA Standards (Regs)* to determine whether the required three-fourths majority support was achieved on technical merit and emergency nature to establish recommendation for issuance. The ballot failed TC on both technical merit and emergency nature.

When a TIA fails to achieve the recommendation of the responsible committee, the resulting recommendation of the standards development process is to not issue the TIA.

On appeal, the Council accords great respect and deference to the NFPA standards development process. In conducting its review, the Council will overturn the results of that process only where a clear and substantial basis for doing so is demonstrated.

The Council has reviewed the entire record concerning this matter and has considered all the arguments put forth in this appeal. In the view of the Council, this appeal does not present any clear and substantial basis upon which to overturn the results yielded by the NFPA standards development process. Accordingly, the Council has voted to deny the appeal. The effect of this action is that the text of TIA No. 1558 will not be included in NFPA 407, *Standard for Aircraft Fuel Servicing*, 2017 and proposed 2022 editions.

This is the second time the appellant has come before Council seeking issuance of a failed TIA related to changing overfill protection requirements established in NFPA 407 two revision cycles ago, which have an enforcement date of compliance beginning in June 2021. The first appeal related to TIA No. 1539 was heard at Council's meeting in December 2020. One of the bases for that appeal was that NATA was denied an opportunity to address the Technical Committee on this issue at its second draft meeting in September of 2020. The Council opened an inquiry into that allegation in its decision D#20-6 and took action based on the results of that inquiry during the present Council meeting (see minute item 21-4-1-d).

For this appeal, the appellant again described a procedural failure as one of the bases of this appeal related

to TIA No. 1558; namely, that NATA was denied the opportunity to address the Technical Committee at its second draft meeting. The appellant confirmed during the hearing that this was a reiteration of the same procedural concern raised in connection with its prior TIA appeal in December and that no new, different, or additional procedural concerns arose. Given that this concern has been addressed by Council, it is worth noting that no procedural failures were otherwise identified.