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COMMONWEALTH OF MASSACHUSETTS
STANDARDS COUNCIL MEETING
MEETING BEING HELD REMOTELY
VIA MICROSOFT TEAMS

Wednesday, April 14, 2021
Commencing at 10:34 a.m.

COMMONWEALTH OF MASSACHUSETTS

STANDARDS COUNCIL MEETING

MEETING BEING HELD REMOTELY

VIA MICROSOFT TEAMS

Wednesday, April 14, 2021

Commencing at 10:34 a.m.

1 APPEARANCES

2

3 Standards Council:

4 James E. Golinveaux, Chair

5 Kenneth E. Bush, Member of Council

6 Michael A. Crowley, Member of Council

7 Jeffrey J. Foisel, Member of Council

8 Richard Gallagher, Member of Council

9 Michael J. Johnston, Member of Council

10 David Klein, Member of Council

11 John R. Kovacik, Member of Council

12 Jack Poole, Member of Council

13 James R. Quiter, Member of Council

14 Rodger Reiswig, Member of Council

15 Kenneth W. Richards, Member of Council

16 Catherine Stashak, Member of Council

17

18 NFPA Staff:

19 Dawn Michele Bellis

20 Suzanne Gallagher

21 Christian Dubay

22 Barry Chase

23 Chad Duffy

24 Tracy Vecchiarelli

25 Christopher Farrell

- 1 Robert Fash
- 2 Stephen Gano
- 3 Mary Maynard
- 4 Cara Grady
- 5 Joanne Martin
- 6
- 7 Speakers:
- 8 Ryan McGill
- 9 Dr. Jeff Burgess
- 10 Dr. Derek Urwin
- 11 Edward Kelly
- 12 Dr. Gavin Horn
- 13 Daniel Madrzykowski
- 14 W. Edward Buchanan, Jr.
- 15 Clint Mayhue
- 16 Derek Roy
- 17 Brian Clifford
- 18 Jeffrey Stull
- 19 John Morris
- 20 John Nelson
- 21 Steve Berry
- 22 Jeremy Souza
- 23 Mike France
- 24 Roy Creley
- 25 Cary Skinner

1 **Speakers (Cont'd):**

2 **Fred Cnota**

3

4 **Also Present:**

5 **Jeremy Valcich**

6 **Beth Lancaster**

7 **Margie James**

8 **Tommy James**

9 **Randy Harrison**

10 **Chris Oswald**

11

12 **Court Reporter:**

13 **Molly K. Belshaw, LCR NO. 00162, RPR**

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1 P R O C E E D I N G S

2 MR. GOLINVEAUX: Well, good morning.

3 My name is James Golinveaux. It is my distinct
4 pleasure to serve as chair of the NFPA standards
5 council and to welcome you. I'm going to call this
6 hearing to order. In a moment, I'll have everyone
7 introduce themselves by stating their name and
8 affiliation. But before we do that, I want to
9 remind everyone that we have a stenographer online
10 with us today who's transcribing these hearings. So
11 from this standpoint, it is important that each of
12 you, when you make your remarks, state your name and
13 affiliation so the stenographer may accurately
14 capture that information for the record.

15 In addition, for those who will be
16 speaking, I ask that you forward your name as you
17 wish for it to appear in the record, as well as your
18 affiliation, to Mary Maynard, if you haven't done so
19 already, so that we can spell your name correctly in
20 the record. Her direct email is mmaynard@nfpa.org.
21 Other than the stenographer, no other recording is
22 allowed. This includes no recording through Teams
23 and no recording on any other devices.

24 For those who are guests to these
25 hearings, please turn off your video. Doing so will

1 preserve bandwidth for those actively participating
2 in the hearings and minimize the delay issues.
3 Participation in the hearings is limited to those
4 individuals who have previously requested an
5 opportunity to be heard. Also, a couple of notes
6 regarding the Teams platform.

7 Please do not utilize the chat
8 feature, as any conversations, statements, or
9 questions posted are not part of the hearing record
10 and will not be considered by council during
11 deliberation. Additionally, although the raised
12 hand feature is active, as chair, I'll only be
13 recognizing those previously identified as
14 participants to each respective hearing.

15 Appeal hearings are scheduled for
16 today, April 14, 2021, and the plan is to move
17 forward from one hearing to the next with breaks as
18 necessary. We'll start with the introduction of
19 council themselves.

20 My names is James Golinveaux, chair
21 of standards council.

22 MR. BUSH: Kenneth Bush, member of
23 council.

24 MR. CROWLEY: Michael Crowley, member
25 of council.

1 MR. FOISEL: Jeffrey Foisel, member
2 of council.

3 MR. GALLAGHER: Richard Gallagher,
4 member of council.

5 MR. JOHNSTON: Mike Johnston, member
6 of council.

7 MR. KLEIN: David Klein, member of
8 council.

9 MR. KOVACIK: John Kovacik, member of
10 council.

11 MR. POOLE: Jack Poole, member of
12 council.

13 MR. QUITER: Jim Quiter, member of
14 council.

15 MR. REISWIG: Rodger Reiswig, member
16 of council.

17 MR. RICHARDS: Kenneth Richards,
18 member of council.

19 MS. STASHAK: Catherine Stashak,
20 member of council.

21 MS. BELLIS: Dawn Michele Bellis,
22 NFPA staff.

23 MS. GALLAGHER: Suzanne Gallagher,
24 NFPA staff.

25 MR. DUBAY: Christian Dubay, NFPA

1 staff.

2 MR. CHASE: Barry Chase, NFPA staff.

3 MR. DUFFY: Chad Duffy, NFPA staff.

4 MS. VECCHIARELLI: Tracy

5 Vecchiarelli, NFPA staff.

6 MR. GOLINVEAUX: Are there any other
7 NFPA staff that wish to introduce themselves?

8 I'm sorry. Go ahead one more time.

9 MR. GANOE: Stephen Ganoë, NFPA
10 staff.

11 MR. GOLINVEAUX: Thank you, Stephen.

12 MS. MAYNARD: Mary Maynard, NFPA
13 staff.

14 MR. FASH: And Robert Fash, NFPA
15 staff.

16 MR. GOLINVEAUX: All right.

17 MS. GRADY: Cara Grady, NFPA staff.

18 MR. GOLINVEAUX: All right. Thank
19 you for that.

20 I'm going to go into introducing the
21 guests wishing to speak. If you can use the raised
22 hand feature, I will call you in order to introduce
23 yourself and your affiliation. I'll give it a
24 second.

25 Steve Berry, you want to start?

1 MR. BERRY: Yeah. Steve Barry,
2 National Air Transportation Association.

3 MR. GOLINVEAUX: And then after you
4 do so, if you'd remove the raised hand feature.

5 Mike France.

6 MR. FRANCE: Good morning. Mike
7 France with the National Air Transportation
8 Association.

9 MR. GOLINVEAUX: Thank you, Mike.
10 Derek Urwin.

11 DR. URWIN: Derek Urwin, Los Angeles
12 County Firefighters Local 1014.

13 MR. GOLINVEAUX: Thank you, Derrick.
14 Jefferey Burgess?

15 DR. BURGESS: Jeff Burgess,
16 University of Arizona.

17 MR. GOLINVEAUX: Thank you, Jefferey.
18 Brian Clifford?

19 MR. CLIFFORD: Good morning,
20 Brian Clifford, FBI, and a member of the NFPA 1986
21 technical committee.

22 MR. GOLINVEAUX: Jefferey, if you
23 could remove your raised hand feature, then you'll
24 clear my screen there. Okay.

25 Derek Roy.

1 MR. ROY: Derek Roy with 3M Scott.

2 MR. GOLINVEAUX: Roy Credey (sic).

3 MR. CRELEY: Roy Creley with Lakes
4 Region Environmental and the 407 technical
5 committee.

6 MR. GOLINVEAUX: Roy, thank you.
7 Gavin Horn.

8 DR. HORN: Good morning, Gavin Horn,
9 UL Firefighter Safety Research Institute.

10 MR. GOLINVEAUX: Okay.
11 Edward Kelly.

12 MR. KELLY: Edward Kelly,
13 International Association of Fire Fighters.

14 MR. GOLINVEAUX: Randy Harrison.

15 MR. HARRISON: Randy Harrison, Avfuel
16 Corporation.

17 MR. GOLINVEAUX: Jeff Stull.

18 MR. STULL: Jeff Stull, International
19 Personnel Protection.

20 MR. GOLINVEAUX: John Morris.

21 MR. MORRIS: 3M Scott.

22 MR. GOLINVEAUX: Okay.

23 John, would you give that to me one
24 more time, just for the record -- the full name?
25 You cut out there.

1 MR. MORRIS: John Morris, 3M Scott.

2 MR. GOLINVEAUX: Jeff (sic) Souza.

3 MR. SOUZA: Jeremy Souza, Code Red
4 Consultants.

5 MR. GOLINVEAUX: Eddie Buchanan.

6 MR. BUCHANAN: Yes, Eddie Buchanan,
7 assistant chief, Hanover Fire UMass, and also a
8 member of the training technical committee.

9 MR. GOLINVEAUX: Thank you, Eddie.
10 Clint Mayhue.

11 MR. MAYHUE: Clint Mayhue, Avon
12 Protection Systems.

13 MR. GOLINVEAUX: And looks like final
14 with Ryan McGill.

15 MR. MCGILL: Ryan McGill, Fairfax
16 County Fire and Rescue, IAFF Local 2068.

17 MR. GOLINVEAUX: And Eddie and Ryan,
18 if you could remove your raised hand, that will
19 clean the screen up there for me on the
20 introductions. Thank you.

21 From a process standpoint, the
22 general approach we'll take today is to allow
23 ten minutes for each side to make opening remarks,
24 and then we'll open the floor to questions from
25 council members. Please wait for me to recognize

1 you before speaking to ensure that all comments and
2 questions are heard in an accurate recording. Once
3 all questions are addressed to the satisfaction of
4 council, we'll move to the closing remarks.
5 Five minutes have been allocated for closing remarks
6 for each side. Following closing remarks, the
7 hearing will conclude.

8 As a reminder, in accordance with the
9 regulations of the governing -- the development of
10 NFPA standards, section 3.3.3.4, meetings shall not
11 be recorded verbatim by any members other than that
12 as authorized by the standards council secretary.
13 For the purpose of hearings, the secretary has
14 authorized recording by the stenographer, but any
15 other recording of this hearing is prohibited.

16 Does anyone have any questions at
17 this point?

18 MR. CNOTA: I just have one. My name
19 is Fred Cnota, and I'm one of the speakers for NFPA
20 407, Aviation Fire Safety Consultants. I'm only on
21 my phone right now, so that's why I'm not showing
22 up.

23 MR. GOLINVEAUX: Okay.

24 MS. BELLIS: James, I think there are
25 four others that are on the phone that I don't

1 believe have identified themselves because they
2 don't have the raised hand feature.

3 MR. GOLINVEAUX: And I apologize. I
4 said I was going to do that, and I did not do that.

5 So those who are on the phone -- I
6 see Cary has joined us online.

7 Would you introduce yourself, please,
8 Cary?

9 MR. SKINNER: Hi, I'm Cary Skinner,
10 407 committee chairman.

11 MR. GOLINVEAUX: And I'm also seeing
12 a John Nelson.

13 John, will you introduce yourself?

14 MR. NELSON: John Nelson, joint
15 program manager for protection.

16 MR. GOLINVEAUX: Dan Madrzykowski?

17 MR. MADRZYKOWSKI: Dan Madrzykowski
18 with the UL Firefighter Safety Research Institute,
19 and also a member of the fire service training
20 committee.

21 MR. GOLINVEAUX: Okay. Thank you,
22 Dan.

23 Those on the phone that have not had
24 a chance to introduce themselves because I did not
25 see you on the screen, could you please introduce

1 yourself? Anyone else?

2 MS. BELLIS: James, do you want to
3 call them by number, by chance, so they know that
4 we're addressing them?

5 So I have (409) 797-3850, if you can
6 identify yourself.

7 MR. HARRISON: Chris Harrison, fire
8 marshal, Galveston, Texas, Fire Department.

9 MS. BELLIS: Thank you.

10 Do you want me to call the next
11 number, James?

12 MR. GOLINVEAUX: Yeah. I think the
13 last two digits of "56" on your phone, because
14 they're all differentiated.

15 So "56" on the last two digits --
16 would you identify yourself?

17 MS. JENNINGS: Margie Jennings with
18 Rebel Services.

19 MR. GOLINVEAUX: Okay. Thank you.

20 The last two digits of "88," please
21 identify yourself.

22 MR. JAMES: Tommy James, Rebel
23 Services.

24 MR. GOLINVEAUX: Thank you, Tommy.

25 Last two digits of "24," please

1 identify yourself.

2 MR. CNOTA: Fred Cnota, Aviation Fire
3 Safety Consultants.

4 MR. GOLINVEAUX: Fred, thank you.
5 And, last two digits of "59."

6 MR. MORRIS: John Morris with 3M
7 Scott Safety. I'm utilizing my phone for...

8 MR. GOLINVEAUX: Oh. Okay. And
9 you've introduced yourself previously.

10 MS. BELLIS: James, we also have
11 Beth Lancaster that's joined us.

12 MR. GOLINVEAUX: Beth, please
13 introduce yourself and your affiliation.

14 MS. LANCASTER: Yes. Beth Lancaster,
15 DoD/JPM Protection, member of multiple TCs.

16 MR. GOLINVEAUX: Okay. Thank you.

17 HEARING ON 21-4-18-d

18 MR. GOLINVEAUX: With all those
19 introductions in order -- this is quite the list of
20 people interested to speak, and we'll talk about the
21 format more as we go forward here -- this hearing is
22 related to the agenda item number 21-4-18 to
23 overturn the ballot results and issue the TIA 1552
24 recommended by the technical committee on standard
25 for live fire training evolutions, section 4.13.2 of

1 NFPA 1403.

2 I'm going to ask at this point if any
3 members of council are going to recuse themselves.
4 I'm looking for the recusals from council members.

5 MR. KOVACIK: John Kovacik, member of
6 council. For the record, I am recusing myself on
7 this agenda item. And I will not participate as a
8 member of the standards council in the hearing,
9 deliberations, or voting on this matter.

10 MR. GOLINVEAUX: Thank you, John. So
11 noted.

12 Any other member of council that
13 wants to recuse themselves on this matter?

14 MR. RICHARDS: Kenneth Richards,
15 member of council. For the record, I'm recusing
16 myself on this agenda item. And I will not
17 participate as a member of the standards council in
18 the hearing, deliberations, or voting on this
19 matter.

20 MR. GOLINVEAUX: Okay. I know this
21 is an appeal from Mr. McGill.

22 And, Mr. McGill, you're going to open
23 up with ten minutes of your appeal to the council
24 when I give you the signal for that.

25 I'm assuming the people speaking

1 against the appeal have talked and they have
2 designated speakers for the ten minutes; is that
3 correct?

4 Who will be speaking against the
5 motion for the ten-minute time period -- Gavin?

6 DR. HORN: Yes. Good morning. I
7 will be speaking on our research projects with
8 regards to this topic.

9 MR. GOLINVEAUX: And I just really
10 want to make sure that we're doing this format --
11 that you get the ten-minute time period to -- that
12 you've talked to -- and if Gavin's going to be the
13 person speaking for the ten minutes, then so be it.
14 That's fine. I've seen a few other hands.

15 Eddie Buchanan? You want to...

16 MR. BUCHANAN: Yes, sir. I've
17 actually coordinated with Gavin, so we're prepared
18 to be in that ten-minute mark.

19 MR. GOLINVEAUX: So the two of you
20 will be speaking to that ten-minute? Or will Gavin
21 have the full ten minutes?

22 MR. BUCHANAN: I'll give him the full
23 ten minutes, if he needs it. I'll put it that way.
24 But I'm there as a resource.

25 MR. GOLINVEAUX: Okay. And then we

1 will go with that as the format.

2 So, Mr. McGill, please begin by
3 introducing yourself and proceed with your opening
4 statement in support of your appeal.

5 MR. MCGILL: Good morning. My name
6 is Ryan McGill. I'm a firefighter with Fairfax
7 County Fire and Rescue IAFF Local 2068.

8 Good morning, standards council, and
9 thank you for taking the time to hear the appeal of
10 TIA 1552. If approved, this TIA would add oriented
11 strand board, which is commonly referred to as OSB,
12 to the list of materials that shall not be used as
13 part of the fuel load for live fire training
14 under section 4.13.2 of NFPA 1403.

15 As previously stated, my name is
16 Ryan McGill, and I have nearly 17 years of
17 experience in the fire service. Speaking with me
18 today will be Derek Urwin, an LA County firefighter
19 and PhD candidate from UCLA; Dr. Jeff Burgess, the
20 director of the Firefighter Cancer Cohort Study; and
21 Eddie Kelly, the general president of the
22 International Association of Firefighters.

23 OSB is an engineered wood product
24 that is currently being utilized as a part of a fuel
25 package in live fire training. This product, when

1 burned, produces high levels of PAHs and VOCs, which
2 pose a great risk to our firefighters' health. As
3 part of the TIA and this appeals process, several
4 documents were submitted in support of banning OSB
5 in live fire training. These documents include the
6 SDACS for OSB, along with the synthetic resin,
7 p-MDI, which is used in the manufacturing process.

8 Additionally, you should have
9 received several studies that support the proposed
10 TIA, along with documentation of alternative fuels
11 that can be used in live fire training. These
12 alternative fuels allow for the continuation of
13 high-quality training while complying with NIOSH and
14 CDC guidelines for reducing exposures to
15 carcinogens.

16 I would now like to turn the floor
17 over to Derek Urwin.

18 MR. GOLINVEAUX: Derek, please
19 introduce yourself and your affiliation.

20 DR. URWIN: Good morning. My name is
21 Derek Urwin. I'm an engineer and former live fire
22 training instructor currently on academic leave from
23 the Los Angeles County Fire Department. I hold a
24 master's degree in chemistry, and I'm a PhD student
25 at UCLA, studying how pHs damage DNA.

1 pHs are a large class of compounds
2 found on the fire ground, many of which are known or
3 probable human carcinogens; and many are also
4 teratogens, which are chemicals that can cause birth
5 defects by damaging DNA and sperm. LA County halted
6 use of OSB in training fires approximately two years
7 ago, after three of our instructors had children
8 born with severe birth defects -- two requiring
9 major surgery; and one suffering a genetic disorder.
10 My son was one of these three.

11 Since halting use of OSB, LA County
12 has continued to meet training objectives, and has
13 effectively trained hundreds of recruits without
14 using OSB. The use of OSB was halted based off
15 scientific research going back to 2009 showing that
16 engineered wood products such as OSB result in
17 higher exposures to chemical carcinogens --

18 MR. GOLINVEAUX: Derek, just -- I'm
19 stopping the time real quick. And I just want to
20 pause for a second.

21 And, Dawn, I just want to make
22 sure -- normally, when we have presentations,
23 they're pre-authorized.

24 Is this okay on taking over the
25 screen, Dawn Bellis -- Suzanne?

1 MS. BELLIS: Sorry, I'm on mute.

2 Sorry, James.

3 Yes -- you're taking over the screen?

4 MR. GOLINVEAUX: I didn't take -- the
5 appellant has taken over the screen.

6 MS. BELLIS: Oh, I apologize. I was
7 writing notes and wasn't looking at my screen.

8 MR. GOLINVEAUX: Normally, we have
9 permission to have a handout or to do this to
10 council. I'm okay with it. I just want to make
11 sure I'm in order here.

12 MS. BELLIS: Because it's not going
13 to become part of the record? I'm just clarifying.
14 I don't recall this being submitted in advance.

15 Was this submitted to us in advance
16 as part of your appeal?

17 MR. MCGILL: The material that you're
18 seeing on the screen -- a lot of the studies were
19 submitted as part of public comment or as a part of
20 the TIA appeal -- what you're seeing currently on
21 the screen.

22 MS. BELLIS: Mine is, apparently, now
23 cutting in and out.

24 So, James, could you clarify? Was
25 this -- if you could hear Ryan? Because I couldn't

1 hear Ryan.

2 MR. GOLINVEAUX: Yeah. Ryan said
3 that much of the studies that are on the screen
4 right now that are being referenced by --

5 MS. BELLIS: Were submitted?

6 MR. GOLINVEAUX: -- Derek Urwin were
7 submitted into the record.

8 MS. BELLIS: The ones that are part
9 of the record -- if things are shown that were not
10 submitted as part of the record, we need those
11 submitted as part of the record, if he's asking
12 council to rely upon those. Normally, we don't have
13 displays --

14 MR. GOLINVEAUX: For the guest -- we
15 apologize. Doing these formal hearings in Teams is
16 a new format for council as well. Normally, this
17 would be pre-authorized before it would be handed
18 out to us at a council meeting around the table.
19 Otherwise, it couldn't be shown to us. So I'm just
20 trying to make sure that we're not setting a record
21 inappropriately here.

22 So I'm going to allow this. Try to
23 keep everything in the comments to what was
24 submitted with the record, is what I'm going to ask
25 you to do -- and, if there is any additional

1 information that's in here, that it be submitted to
2 staff to become part of record, but it's a little
3 late for that at this point.

4 So I had put the time on pause. We
5 still have just under eight minutes, according to my
6 record. I'm going to go ahead and turn it back over
7 to -- Derek Urwin, I believe, is speaking.

8 DR. URWIN: Yes, thank you.

9 So picking back up, the use of OSB
10 was halted based on scientific research going back
11 to 2009 showing that engineered wood products such
12 as OSB result in higher exposures to chemical
13 carcinogens in training fires. Firefighters are
14 exposed to pHs by inhalation and absorption despite
15 our PPE, and despite post-fire decontamination,
16 which reduces, but does not eliminate, exposure to
17 chemical carcinogens. Exposure to pHs is known to
18 cause cancer-promoting epigenetics changes, and
19 single pHs are known to cause DNA damage that leads
20 to cancer-promoting mutations.

21 And if you've heard the argument that
22 exposures from OSB aren't much higher than pallets
23 and straw, I call your attention to the fact that an
24 increase of just one microgram of hydroxylated
25 naphthalene, a common biomarker of pH exposure,

1 equates to four times ten to the 15th more
2 naphthalene molecules that have entered the body.
3 That's four with 15 "0"s after it.

4 MR. GOLINVEAUX: Derek, I'm going to
5 interject here one more time, and I'm going to -- I
6 want to make sure you understand the council's role
7 here. Because you're going really, really technical
8 on the presentation. It's fine. This is part of
9 the record that the committee should be
10 considering -- the part of the information that
11 was -- as you already say, is in the record.

12 We kind of need to hear from you and
13 Ryan, as to the appeal, as to what happened in the
14 process? Why is the appeal in order in the
15 regulations of NFPA? Not necessarily the detailed
16 -- I just don't want to see your entire time elapsed
17 without getting your argument forward of why the
18 appeal has merit to the process of NFPA.

19 DR. URWIN: Understood.

20 MR. GOLINVEAUX: I'll continue your
21 time from this point.

22 DR. URWIN: Thank you.

23 So picking back up -- now, that's a
24 big problem, because genomic profiling of colorectal
25 and breast cancers, which occur in high numbers

1 among firefighters, has shown that these cancers are
2 associated with less than 15 acquired driving
3 mutations. And we've just discussed that a single
4 pH can cause such a mutation. So we can't prevent
5 many of the exposures that we face in the fields as
6 firefighters, because it's our duty to put the
7 public well-being ahead of our own. But with your
8 help, we can reduce our exposures in training fires
9 by prohibiting the use of OSB.

10 And thank you very much for your
11 time. And I'll hand it over to my colleague,
12 Dr. Jeff Burgess.

13 MR. GOLINVEAUX: Thank you.

14 Jeff, if you could introduce yourself
15 and your affiliation.

16 DR. BURGESS: Yes. Jeff Burgess from
17 the University of Arizona. I'm just trying to bring
18 up my presentation here. And so --

19 MR. GOLINVEAUX: I'm going to pause
20 you just for a second.

21 Is there anything in this that is not
22 in the record?

23 DR. BURGESS: Not that I'm aware of.
24 I think we put all of these studies that I'm
25 referencing in the record, in the comments.

1 MR. GOLINVEAUX: All right. Go
2 ahead.

3 DR. BURGESS: So I've been working
4 with firefighters for almost 30 years, and have
5 focused on firefighter exposures and cancer risks
6 since 2015.

7 I'll start by reviewing the study by
8 Kenny Fent, Gavin Horn, and others comparing
9 exposures from different fuel packages during
10 training. Those study findings, taken verbatim from
11 the abstract, show that urinary pH metabolites were
12 highest for OSB; that a single day for trainers in
13 the three OSB exercises led to a thirtyfold increase
14 in 1-hydroxypyrene, a particularly toxic PIH; and
15 summarized again that exposures were the highest for
16 the OSB scenario, and the trainers accumulated
17 exposure with each daily exercise.

18 Evaluating the data from the study
19 further, for trainers providing all urinary pH
20 metabolites after three daily exercises, exposures
21 were at least 80 to 100 percent higher with OSB.
22 Looking at exhaled breath benzene, a known human
23 carcinogen associated with leukemia, exposures with
24 firefighters after a single exercise were
25 approximately two- and sixfold higher for OSB.

1 Switching to my own FEMA-funded
2 studies, this time looking at actual fires in the
3 community, urinary pHs were much higher in interior
4 than exterior responses, and increased 1 percent for
5 every minute staying interior. Furthermore,
6 smelling like smoke, even after taking a shower, was
7 associated with increased urinary pH metabolites,
8 all showing the importance of dermal exposure.

9 To further illustrate this point, you
10 can see the soot deposition on a previously white
11 T-shirt worn during a training fire in Tucson. Once
12 absorbed into your body, we know the contaminants
13 from the fire have a toxic effect. This study of
14 firefighter breath smoke looks at the activation of
15 the aryl hydrocarbon receptor, which is known to
16 increase cancer risk and is the main receptor
17 through which PIHs and dioxin, a well-known human
18 carcinogen, cause cancer.

19 While at baseline there was no
20 difference between firefighter and non-firefighter
21 breath smoke, interior fire responses caused an
22 increase in AHR activation, which lasts for more
23 than 72 hours. These exposures also have a
24 longer-term effect. We measured epigenetic changes,
25 which are changes in gene expression without changes

1 in DNA sequence, and which are essential steps in
2 carcinogenesis.

3 Given our limited time, I will just
4 focus on microRNAs, which can have either tumor
5 suppression or oncogenic or tumor-promotion
6 activity. These epigenetic studies have been shared
7 with the International Agency for Research on Cancer
8 and will be part of the next review, in June of
9 2022, on firefighting and cancer.

10 Evaluating firefighters over the
11 first two years of their career, we found changes in
12 microRNAs; specifically, a general decrease in tumor
13 suppressors shown by a full change less than one,
14 and an increase in oncogenes shown by a full change
15 greater than one, both leading to a higher cancer
16 risk for cancers seen in firefighters. Importantly,
17 these changes are associated with both cumulative
18 exposures over time and the most recent fire
19 exposure, showing the effect of both chronic and
20 acute fire exposures.

21 So, in summary, burning OSB greatly
22 increases the absorption of carcinogens into the
23 body of firefighters. Trainers have the highest
24 exposure. Each single exposure incident has a toxic
25 effect. And the acute and chronic exposures lead to

1 increased cancer risk. We owe it to our trainers
2 and firefighters to reduce their exposures to the
3 greatest extent possible.

4 The next speaker is Ed Kelly,
5 president of the IAFF.

6 MR. GOLINVEAUX: All right. And if
7 you can introduce yourself, you have about
8 two minutes.

9 MR. KELLY: I'd like to thank the
10 standards council for allowing me to testify today.

11 My name is Edward Kelly. I'm a proud
12 Boston firefighter; former Air Force firefighter. I
13 currently serve as the general president of the
14 International Association of Firefighters,
15 representing over 324,000 firefighters throughout
16 North America.

17 I'm here to ask for your support.
18 Grant the appeal and approval of TIA 1552, which
19 will add OSB, oriented strand board, to the list of
20 materials that are prohibited for use during live
21 fire training. Research has shown that burning OSB
22 during training evolutions produces hazardous
23 byproducts, exposing our members unnecessarily to
24 toxic chemicals. We believe safer alternatives do
25 exist.

1 I assumed this office on April 9.
2 And as general president, my number one priority is
3 the health and safety of our firefighters.
4 Firefighters go to work every day to protect the
5 citizens they took an oath to protect. And we, as
6 union leaders, took an oath to protect them, so long
7 after their career, they can enjoy a dignified and
8 healthy retirement with their families.

9 Cancer is the leading health risk
10 facing the fire service. In 2020, during our fallen
11 firefighter memorial, 250 IAFF members were honored
12 and placed on the wall of our memorial in
13 Colorado Springs. 172 -- almost 70 percent of the
14 members died -- were from occupational,
15 cancer-related deaths. Sadly, that number grows
16 every year. The IAFF and the NFPA are partners in
17 the mission to reduce occupational cancer. Let's
18 continue our partnership by supporting this appeal
19 and reducing the number of occupational cancer
20 deaths in our profession.

21 In 2018, this standards council
22 rejected NFPA 277, which would have allowed for an
23 increase in the use of flame retardants and
24 upholstered furniture, needlessly exposing
25 firefighters to these harmful chemicals. The

1 standards council made the correct decision in 2018
2 to support the health and safety of firefighters and
3 reduce the chemical exposure to firefighters. We're
4 asking you, again, to support our mission and
5 protect firefighters by supporting this appeal. I'm
6 asking you, on behalf of our entire membership, to
7 accept TIA 1552, which would contribute to improving
8 the health and safety of firefighters across
9 America.

10 And I'd also like to thank
11 firefighter Ryan McGill, IAFF Local 2068, Fairfax
12 County; Dr. Jeff Burgess, a firefighter, soon-to-be
13 doctor; Derek Urwin, from Local 1014 in LA County
14 for all your work on this issue. And thank you to
15 the council.

16 MR. GOLINVEAUX: Okay. Thank you.
17 Gavin, you are opposed or in support
18 of this motion?

19 DR. HORN: Good morning. Gavin Horn
20 from UL Firefighter Safety Research Institute. I
21 would like to present some information that has been
22 used --

23 MR. GOLINVEAUX: I want to clarify
24 for the record.

25 Are you opposed to this motion?

1 DR. HORN: I'm opposed to this
2 motion.

3 MR. GOLINVEAUX: And you're going to
4 represent the ten minutes for the opposition;
5 correct?

6 DR. HORN: I will begin and -- begin
7 to represent the position of the technical
8 committee, provided permission, and then others will
9 join in and provide comments, including
10 Eddie Buchanan.

11 MR. GOLINVEAUX: Okay.

12 So, Gavin, go ahead and start again
13 with your introduction, and I will start your time.

14 DR. HORN: Good morning, and thank
15 you very much. First of all, I want to state that
16 this is a critically important topic for us to be
17 discussing, and I thank everyone on this call for
18 the opportunity to discuss the topic of cancer in
19 the fire service. It's an area of personal
20 importance and interest from a research perspective,
21 as well as for the UL Firefighters Safety Research
22 Institute, and one of the reasons we have conducted
23 many of the studies that we have.

24 So, thank you, Ryan; thank you,
25 General President Kelly, and everyone here today

1 providing so many of the broad perspectives for this
2 discussion. And I want to thank the members of the
3 NFPA 1403 technical committee for the invitation to
4 provide some information on the work we have
5 conducted at ULFSRI, as well as the Illinois Fire
6 Service Institute and the National Institute for
7 Occupational Safety and Health. Many of the
8 projects and reports that have been produced by some
9 of our studies have been referenced already this
10 morning, as well as in the appeals both for and
11 against the TIA.

12 So our cardiovascular and chemical
13 exposure risk in today's fire service project has,
14 again, produced two manuscripts that are, in many
15 ways, central to this conversation, and, again, have
16 been referenced on both sides of the conversation.
17 And I'm happy to be a resource, and my goal here is
18 to be a resource for the standards committee and
19 anyone else for any questions regarding what we have
20 learned from that effort, as well as what we're
21 planning to do to expand upon that work in a study
22 that's currently underway.

23 So the impact of fuel choice in the
24 training fire environment is an important
25 consideration in NFPA 1403, and it's guidance that

1 continues to evolve. Our current understanding on
2 the impacts of fuels, on the impacts of structures,
3 on both chemical and thermal exposure risks also
4 continues to evolve. Unfortunately, the literature
5 -- the reports on controlled and repeated studies of
6 training fire environments, both the chemical and
7 the thermal exposure risks, are limited, and these
8 have to both be considered within this standard.

9 So the two manuscripts that have been
10 referenced in many of the previous -- in the
11 previous speakers' presentations allows us to do a
12 few things. First of all, they allow us to quantify
13 what a typical training fire environment looks like,
14 and to do so in what was some of the most complete
15 manner to date. It allowed us to characterize the
16 fire environment through to firefighter training
17 exposures, as Dr. Burgess has shown.

18 And, importantly, that also included
19 an incorporation of a training fuel that was
20 believed, at the time, to be a safer and preferred
21 alternative to traditional OSB. And we also were
22 able to compare the training fire environments to
23 the residential fire environments, which data was
24 shown earlier, so we could see the relative risks in
25 training fire compared to a typical structure fire

1 response.

2 So the results of the study suggest,
3 as indicated earlier, that the training fire
4 environment that included both the training
5 structure and the fuels, along with a number of fire
6 responses, will affect the level of PIHs and other
7 hazardous compounds that are absorbed by the
8 instructors and by the firefighters. Unfortunately,
9 what we did learn also is the fire environment,
10 using the intervention fuel that we hoped would be a
11 more safer alternative, did not result in the
12 hypothesized reduction. In fact, as you saw from
13 the earlier presentation, the bravo OSB resulted in
14 even higher concentrations of some compounds in the
15 air and into the firefighter's body.

16 But what is important about this
17 study, in addition to what we learned, are some
18 things that we need to expand upon and some things
19 that were not controlled in that study. So, first
20 and foremost, we were not able to isolate the impact
21 of the specific training fuel on the chemical
22 exposure. Training fuels were deburied, as well as
23 the structure, in order to have a typical training
24 fire response. So we didn't hone in specifically on
25 the training fuel or identify what was the source of

1 that fuel that resulted in the exposure for those
2 individual firefighters. And, furthermore, we
3 weren't really able to characterize the quality of
4 the training fire environment with these different
5 fuels, which we know is an important aspect of NFPA
6 1403 in order to provide the best training and the
7 most useful training for firefighters.

8 So these are important gaps that
9 remain in the literature to date, and motivated us
10 to put together a proposal for the Fire Prevention
11 Safety Research and Development grant program -- a
12 project that has been awarded beginning in the fall
13 of 2020 -- and we are going to be continuing to
14 develop information that will be important for this
15 conversation.

16 Our Training Fire Exposures from the
17 Source project will be conducted over three years.
18 We've begun the data collection at this point, with
19 an advisory board of members from across the
20 country, including NFPA 1403 and members from the
21 International Association of Firefighters. And our
22 goal is to really be able to further characterize
23 the gas-phase and the solid-phase products of
24 combustion, and the thermal energy -- the thermal
25 risk as well from burning training fuels, and doing

1 it in a controlled, yet repeatable, fashion.

2 And the idea will be to emphasize the
3 connection between bench-scale testing all the way
4 up through full-scale experiment -- excuse me --
5 through full-scale exposures during training fires,
6 and to develop a risk-and-benefit framework for
7 training fuel selection, as well as prop design,
8 that can acknowledge the important trade-offs
9 between the occupational exposure risks and the high
10 quality, realistic training that is necessary to
11 prepare the fire service for the job that they must
12 accomplish. We believe that this data was going to
13 be of significant benefit to the NFPA technical
14 committee so that they can make informed choice and
15 inform the fire service on relative risks for the
16 fuels that are available for live fire training.

17 That's the project that we have done.
18 I'm happy to take any questions on those when the
19 timing is appropriate. And I'd like to turn over
20 the time now to Chief Buchanan for any additional
21 comments that he might have.

22 MR. GOLINVEAUX: Chief, if you can
23 introduce yourself and your affiliation, you have
24 approximately three-and-a-half minutes.

25 MR. BUCHANAN: Yes, sir. My name is

1 Eddie Buchanan, assistant chief with Hanover Fire in
2 UMass and also member of the training technical
3 services committee.

4 I wanted to just offer a little bit
5 of perspective. Again, I appreciate the importance
6 of firefighter safety and cancer reduction. Our
7 department has specifically had some significant
8 losses due to cancer. We take it extremely
9 seriously.

10 Some of the things that we did -- we
11 wanted to see these studies from the Fire Service
12 Research Institute. And what we could do, in the
13 last revision of the document, was to talk about how
14 can we reduce the exposures that occur? Because
15 there's not just OSB. There's a whole host of fuels
16 that we see in live fire training that are pretty
17 much generally nasty stuff. So we did take some
18 steps in that last revision that I think are
19 important to note.

20 And one of the big kind of hitch
21 points in this exposure problem is instructors being
22 repetitively exposed to these environments, multiple
23 times in a day. In some cases, we've heard where
24 instructors are in the can, as we say, all day long,
25 and they're getting tremendous exposures to that.

1 And that, to us, was unacceptable. So we took
2 pretty definitive steps in that last revision to
3 limit that. Instructors -- you have to rotate.
4 There's no consecutive exposures to -- for an
5 ignition officer or an instructor. And we think
6 that was pretty important to point that out.

7 We also expanded our fire dynamics
8 section, so we have better educated instructors and
9 students. We talked about better training on the
10 limitations of PPE. We tried to take kind of a
11 comprehensive look at the standard to better
12 prepare, to limit the exposures that we can, while
13 we work with the researchers to figure out what is
14 -- to me, it's not really about banning one
15 particular type of fuel, because there's so many
16 types. It's about identifying what is the right
17 fuel. That's what we really want to do.

18 I would like to be able to go to the
19 fire service and say, "This is the thing you use.
20 This is the fuel we recommended. It's got the best
21 scenario, although it's still going to be toxic if
22 we do live fire training. That's just going to be
23 the way it is. It's going to be dangerous." But at
24 least we can identify what the proper fuel should be
25 for all the fuel packages, and then put that in

1 stone in the standard so that we hit it all in one
2 swipe and create a scenario which is best for the
3 fire service to manage.

4 So I just wanted to offer that quick
5 perspective on where we've been coming from in that
6 last -- that last revision was tough. We talked
7 about this for a long time, and we took all the
8 steps we thought we could take that would be
9 appropriate at the time. And I'll yield my time
10 to --

11 MR. GOLINVEAUX: Thank you.

12 Gavin, there's one minute left. Are
13 you concluding your session there?

14 DR. HORN: Yes, sir. I believe we
15 can conclude.

16 MR. GOLINVEAUX: So at this point,
17 I'm going to open up for questions from council.

18 Any questions from council to
19 Mr. McGill, or Mr. Horn, or any of the speakers?

20 Mike Johnston -- Mike, you're muted.
21 Mike? Can you hear me?

22 MR. JOHNSTON: Yes. Sorry, my
23 wireless mouse failed here. Mike Johnston, member
24 of council. I appreciate the presentation by Ryan,
25 Jeff, and Edward in support of the TIA, and the

1 comments by Gavin and Ed opposed. And just a simple
2 question.

3 There was an awful lot of technical
4 information provided in your presentation to
5 council. And is there any specific detail or any
6 information you can point to, besides the result of
7 the voting, that indicates that the process was not
8 followed, or there's a flaw in the process, or it
9 wasn't fair?

10 MR. GOLINVEAUX: Mike, I'm going to
11 assume that question is for Ryan.

12 MR. JOHNSTON: Yes.

13 MR. MCGILL: Ryan McGill, Fairfax
14 County Professional Firefighters, IAFF Local 2068.

15 We had numerous concerns with the
16 process of the initial TIA hearing. The first --
17 I've learned a lot about this process, let me tell
18 you that. When we submitted the information, we
19 thought that the public comments would be viewed and
20 people would have additional time to submit
21 additional documentation before balloting of the
22 TIA. That did not occur. Balloting happened before
23 all the public comments were closed. Meetings were
24 held by the technical committee to discuss the TIA,
25 and we were not given the opportunity to present our

1 case to the full technical committee, to a point
2 that when we heard of some of the things that were
3 stated that were misleading or inaccurate pertaining
4 to the information of the TIA, that we requested a
5 meeting be held.

6 We sent out a Zoom link through the
7 committee chair, who has recused himself in this
8 hearing. We had a meeting. At the end of that
9 meeting, as some of the information that you saw
10 today was presented, members of the technical
11 committee that did attend asked how they could
12 change their vote; why they weren't provided this
13 information initially; and why some of the
14 information they were provided was contradictory to
15 what they were being told today. We were told that
16 we could even resubmit the TIA, and encouraged me to
17 resubmit the TIA.

18 So I hope that helps.

19 MR. GOLINVEAUX: Okay. Thank you.

20 Jeff Foisel.

21 MR. FOISEL: Jeff Foisel, member of
22 council. This is for Ryan also.

23 Can you go into a little bit more
24 detail around the timings of these meetings?
25 Because there was both an initial ballot and a final

1 ballot, which looks to be on different sides of the
2 meetings. But can you go -- infer that there's
3 maybe even another meeting that's not on the record
4 with the TIAs? Can you sort of step me through the
5 timing a little bit, please?

6 MR. MCGILL: So, yeah, there was the
7 initial ballot. And then we found out that the vote
8 was had. We had concern because the information
9 wasn't presented. And then we hosted the Zoom
10 meeting. What I ended up doing was requesting the
11 minutes from those two meetings that the technical
12 committee held. I believe I did that through Mary.

13 Mary informed me that -- I believe
14 Mary -- I'm sorry if I'm misquoting, because I spoke
15 to quite a few people at staff -- informed me that
16 there were no meetings held regarding the TIA.

17 And I informed her that, yes, there
18 were two meetings held, and I was requesting a copy
19 of the meeting minutes. If you look at the NFPA
20 website under the next edition, you can see where
21 the meeting minutes were then posted, dated --
22 backdated. So there were meetings held, and we were
23 not afforded the opportunity to speak in those
24 meetings.

25 MR. GOLINVEAUX: All right.

1 Jim Quiter.

2 MR. QUITER: I am Jim Quiter, member
3 of council. You mentioned that you were offered the
4 opportunity to resubmit the TIA, and I read that in
5 the papers too, but it wasn't ever clear.

6 Did you resubmit the TIA, or are we
7 reacting to the first one? Was there ever a revote?
8 I just can't quite get my arms around how that
9 worked. And maybe I would like that answer from
10 both you, Ryan, and from the committee.

11 MR. MCGILL: Sure.

12 We have not resubmitted the TIA.
13 We've gone down the continuation of the original
14 process. The committee did not approve the TIA, so
15 according to the rules set forth by NFPA, the appeal
16 is in order. And so we have submitted the appeal to
17 the initial TIA.

18 MR. GOLINVEAUX: Okay.

19 Does any member of the committee --
20 and, Gavin, you're a member of NFPA 1403, I assume?

21 DR. HORN: No. I am not a member of
22 NFPA 1403. Dan Madrzykowski represents the
23 Firefighter Safety Research Institute.

24 MR. GOLINVEAUX: Dan, can you respond
25 to the -- for me, James Golinveaux, chair of

1 council, on this -- the ballot, and the meeting, and
2 that sequence of order from your committee history?

3 MR. MADRZYKOWSKI: Sure.

4 So we did have a meeting, I believe
5 in December, to start to address the TIA and discuss
6 it. And there was a straw vote made at that point
7 in time. And then, as Mr. McGill indicated, he was
8 gracious and he, and Derrick, and others put
9 together a very nice Zoom meeting. And I wasn't
10 able to attend live, but I was able to watch the
11 video of that. And that was very good. And then
12 after that meeting, there was the final vote. And a
13 few members, I believe, did change their vote, but
14 the TIA still did not pass the committee.

15 MR. GOLINVEAUX: So as a member of
16 the committee -- James Golinveaux, chair of
17 council -- Dan, as a member of the committee, you
18 feel that the final vote was after the Zoom meeting
19 of the ballot results that is in front of council as
20 we see it?

21 MR. MADRZYKOWSKI: Yes, absolutely.

22 MR. GOLINVEAUX: Dan, I see your hand
23 up. Are you wishing to speak?

24 MR. MADRZYKOWSKI: No.

25 MR. GOLINVEAUX: All right.

1 Are there any -- Ken -- Mr. Bush.

2 MR. BUSH: Thank you, Mr. Chair.

3 Kenneth Bush, member of council. Just a question
4 back to Dan.

5 After the revote, you're saying that
6 the TIA still failed the ballot?

7 MR. MADRZYKOWSKI: That's correct.

8 MR. BUSH: Okay. Thank you.

9 MR. GOLINVEAUX: I'm not seeing any
10 further questions. The process now will be to allow
11 a five-minute summary.

12 So, Ryan, I will default to you for a
13 five-minute summary to your arguments, and the
14 questions, and what you've heard. And then I'll go
15 back to Gavin for his final five minutes as well,
16 and then we'll conclude the hearing.

17 So, Ryan, would you like to take your
18 five minutes?

19 MR. MCGILL: Sure. Ryan McGill,
20 Fairfax County Professional Firefighters, IAF Local
21 2068. You just heard testimony from some of the
22 nation's leading researchers -- Dr. Burgess,
23 Derek Urwin -- and you heard from the general
24 president of the International Association of
25 Firefighters, who is speaking on behalf of all

1 professional firefighters.

2 We are asking you to please vote in
3 favor of this TIA. Listen to the firefighters.
4 We've been in these training environments. We come
5 out of these training props covered in glue. We go
6 home to our families, off-gassing for several days,
7 as Dr. Burgess said. That amount of time that we
8 off-gas is directly correlated to the amount of our
9 exposure.

10 There are multiple other studies
11 besides the one that I cited when I submitted my
12 TIA. That's my fault. I did not know the full
13 process. There's studies going way back that look
14 at the dangers of burning products that contain
15 PMDI; how, when they are heated, they go back to
16 their original compound and that is what's being
17 absorbed into our skin.

18 In fact, the author -- the doctor on
19 Gavin Horn's paper that was submitted sent me an
20 email, which I submitted to you, that states, "OSB
21 was never intended to be burned in the training
22 process. All common types of OSB appear to be
23 problematic when burned." That is Dr. Kenneth Fent,
24 commander of CDC, the author of that paper that we
25 are speaking of.

1 I ask you; I beg you -- please, issue
2 this TIA. We cannot afford to wait another
3 three years, while UL does their study, to know what
4 we already know -- this product is dangerous. It's
5 killing firefighters. Please issue the TIA.

6 2026 is the next revision, I believe.
7 President Kelly -- he may be able to tell you. I
8 think they worked out the numbers. We're talking
9 close to another 1,000 firefighters' names will be
10 added to our memorial that have died of occupational
11 cancer. We cannot afford to wait.

12 Please continue to do the studies.
13 Please continue to do the research. But we know
14 this is dangerous. Let's issue the TIA. It's
15 tentative until the next revision. That's all we're
16 asking for.

17 Thank you.

18 MR. GOLINVEAUX: Ryan, thank you very
19 much.

20 Gavin, I'll introduce you, and if
21 there's any other speakers, for the five minutes,
22 but if you can restate your name and affiliation,
23 and give your closing five-minute summary.

24 DR. HORN: Very good. Thank you very
25 much, sir. Gavin Horn, UL Firefighter Safety

1 Research Institute. I want to begin by, again,
2 thanking Ryan McGill, thanking general president
3 Kelly, and everyone else. This is a critically
4 important conversation. We need to understand how
5 we can reduce risks in the fire service. We need to
6 understand what are the contamination control
7 measures that we can make -- personal protective
8 equipment as well as appropriate substitutions --
9 that can be included during our training fire
10 scenarios, where we do have control over some of
11 those conditions.

12 It's critically important also that
13 we understand what those risks are in a holistic
14 fashion. We know that NFPA 1403 is concerned with
15 both a -- thermal risks as well as the chemical
16 exposure risks. And we also know that,
17 unfortunately, there's not a lot of information that
18 exists out there that has been conducted in a
19 controlled and a repeatable manner that will allow
20 us to make those substitutions with confidence in
21 terms of both the chemical exposure risk and the
22 thermal risk.

23 Regardless of how the vote turns out
24 today, we believe this is a conversation that is
25 going to be addressed in the next round, and

1 probably beyond, of NFPA 1403; but what we are
2 concerned about is a regrettable substitution. If
3 we remove something without having it fully vetted
4 and a well-understood replacement for that, how will
5 the fire service be able to move forward with safe
6 and effective training? We know that there are many
7 places who have found a substitution -- a product
8 that exists out there; yet there are other places
9 who have tried that product and have found it does
10 not work. It does not provide the conditions that
11 they are working for.

12 So we do not have, at this point, a
13 plug-and-play replacement. It's our hope that this
14 does exist, and it will exist, and we'll have
15 confidence in that. But our current understanding
16 of the science and of what is available out there is
17 that we don't know yet what we can put in to replace
18 the OSB that exists.

19 We look forward to continuing this
20 study. The study will go forward. Data will be
21 collected this spring and summer, and we will begin
22 to address this concern through public education,
23 through getting the information out as we do it in
24 all of our studies, and in continuing this
25 conversation.

1 So, again, I applaud Ryan, General
2 President Kelly, and everyone else on this call. I
3 hope we can maintain this conversation and continue
4 to push this information out broadly to the fire
5 service throughout the United States and beyond.

6 That's all I have for my closing
7 comments. Again, thank you all. Thank you to the
8 standards council. And I cede the rest of my time.

9 MR. GOLINVEAUX: Thank you very much.

10 As we conclude the hearing, let me
11 inform as to what happens next. The council will
12 deliberate and reach its decision in executive
13 session. Once the decision is made, that decision,
14 including the background and any other information
15 the standard council believes relevant, will be
16 prepared by NFPA staff and published by the
17 secretary of the standards council on the standards
18 council web page, www.nfpa.or/sc, and in accordance
19 with the regulations governing the development of
20 NFPA standards.

21 Additionally, the decision will be
22 sent to the appellants and the chair of the
23 responsible committees directly. The official
24 opinion and decision of council is that as published
25 by the secretary, and no other communication shall

1 be considered the council's decision or position.
2 Any questions regarding the decision should be
3 addressed with the secretary.

4 On behalf of the NFPA standards
5 council, I'd like to thank all of those sincerely
6 who have participated in this appeal and hearing.
7 Your involvement, as well as all stakeholders, is
8 important to the NFPA standards development process.
9 And the hearing is now ended.

10 So this will conclude that hearing.
11 Gentlemen, thank you very much for your time, and
12 energy, and effort to contribute to the NFPA
13 process. We greatly, greatly appreciate it. I am
14 going to move into the next hearing. So if the
15 attendees of the first hearing do not wish to be
16 part of that, you can go ahead and disconnect. And
17 I will move into the second hearing.

18 So, Dawn, I am going to move into
19 21-4-20-d, as in "David"; correct?

20 MS. BELLIS: Correct.

21 MR. GOLINVEAUX: And I will redo
22 introductions. And for the guests attending, one
23 thing I neglected to do in the last one -- I'm just
24 going to have the guests that are going to be
25 speaking identify themselves, if you haven't already

1 identified yourself, but also whether you're for or
2 against the motion. It'll be a little easier for me
3 to identify who's speaking for which matter. Let me
4 get that here. So we are moving to 20-d, and this
5 is the Clint Mayhue appeal. So we'll just move
6 straight into this agenda item.

7 HEARING ON 21-4-20-d

8 MR. GOLINVEAUX: So good morning
9 again. My name is James Golinveaux. It is my
10 distinct pleasure to serve as chair of the NFPA
11 standards council and welcome you. I'm going to
12 call this hearing to order.

13 In a moment, I will have everybody
14 introduce themselves by stating their name and
15 affiliation. But before we do that, I want to
16 remind everyone that we have a stenographer online
17 with us today who is transcribing these hearings.
18 So from this standpoint, it is important that each
19 one of you, when you make your remarks, state your
20 name and affiliation so the stenographer may
21 accurately capture your information for the record.

22 In addition, for those who will be
23 speaking, I ask that you forward your name, as you
24 wish it to appear for the record, as well as your
25 affiliation, to Mary Maynard, if you have not done

1 so already, so that we can spell your name correctly
2 in the record. Her direct email is
3 mmaynard@nfpa.org.

4 Other than the stenographer, no other
5 recording is allowed. This includes no recording
6 through Teams and no recording on any other devices.
7 For those who are a guest to these hearings, please
8 turn off your video so you will preserve bandwidth
9 for those actively participating in the hearing and
10 minimize delay issues. Participation in the hearing
11 is limited to those individuals who have previously
12 requested an opportunity to be heard.

13 Also, a couple of notes regarding the
14 Team platform. Please do not utilize the chat
15 feature, as any conversation, statements, or
16 questions posted are not part of the hearing record
17 and will not be considered by council during
18 deliberations. Additionally, although the raised
19 hand feature is active, as chair, I'll only be
20 recognizing those previously identified as
21 participants to each respective hearing.

22 Appeal hearings are scheduled today,
23 April 14, 2021, and the plan is to move from one
24 hearing -- sorry about that -- one hearing to the
25 next, with breaks if necessary. We'll start with

1 the introduction of council members.

2 My name is James Golinveaux, chair of
3 council.

4 MR. BUSH: Kenneth Bush, member of
5 council.

6 MR. CROWLEY: Michael Crowley, member
7 of council.

8 MR. FOISEL: Jeffrey Foisel, member
9 of council.

10 MR. GALLAGHER: Richard Gallagher,
11 member of council.

12 MR. JOHNSTON: Mike Johnston, member
13 of council.

14 MR. KLEIN: David Klein, member of
15 council.

16 MR. KOVACIK: John Kovacik, member of
17 council.

18 MR. POOLE: Jack Poole, member of
19 council.

20 MR. QUITER: Jim Quiter, member of
21 council.

22 MR. REISWIG: Rodger Reiswig, member
23 of council.

24 MR. RICHARDS: Kenneth Richards,
25 member of council.

1 MS. STASHAK: Catherine Stashak,
2 member of council.

3 MS. BELLIS: Dawn Michele Bellis,
4 NFPA staff.

5 MS. GALLAGHER: Suzanne Gallagher,
6 NFPA staff.

7 MR. DUBAY: Christian Dubay, NFPA
8 staff.

9 MR. CHASE: Barry Chase, NFPA staff.

10 MS. VECCHIARELLI: Tracy
11 Vecchiarelli, NFPA staff.

12 MR. FARRELL: Chris Farrell, NFPA
13 staff.

14 MR. GANOE: Stephen Ganoë, NFPA
15 staff.

16 MS. MAYNARD: Mary Maynard, NFPA
17 staff.

18 MR. GOLINVEAUX: So with that, I'm
19 going to have the guests utilize the raised hand
20 feature to introduce yourselves for the record.

21 So the guests that will be speaking
22 on this matter, if you could please use the raised
23 hand feature, I will call on you, if you could state
24 your name, and affiliation, and whether you're
25 speaking in favor or in opposition to the motion.

1 So, Clint, I will start with you.

2 MR. MAYHUE: Thank you.

3 Clint Mayhue, Avon Protection Systems. I am in
4 favor of the appeal.

5 MR. GOLINVEAUX: Derek Roy.

6 Derek, you may be on mute. There you
7 go.

8 MR. ROY: Yes, thank you. Struggling
9 with my technology. Derek Roy with 3M. We are in
10 opposition to the appeal.

11 MR. GOLINVEAUX: Okay.

12 Next I have Brian Clifford.

13 MR. CLIFFORD: Good morning.

14 Brian Clifford with the FBI, and a member of the
15 technical committee. We're in favor of the appeal.

16 MR. GOLINVEAUX: In favor. Okay.

17 I've got Jeff Stull. And for the
18 gentlemen who already introduced themselves, if you
19 can take your hand down, then it'll disappear from
20 my screen.

21 But, Jeff...

22 MR. STULL: Jeffrey Stull of
23 International Personnel Protection speaking in favor
24 of the motion.

25 MR. GOLINVEAUX: And John Morris.

1 MR. MORRIS: Hi. John Morris, 3M, in
2 opposition of the appeal.

3 MR. GOLINVEAUX: And if you gentlemen
4 can take your hand down, then I'll know I've
5 completed that task. I'm going to be looking for
6 any members of council that are going to be recusing
7 themselves in this matter.

8 Are there any members of council that
9 need to recuse? Seeing none, from a process
10 standpoint, the general approach we will take today
11 is allow ten minutes for each side to make opening
12 remarks. And then we'll open the floor to questions
13 from council members. Please wait for me to
14 recognize you before speaking to ensure that all
15 comments and questions are heard for accurate
16 recording.

17 Once all questions are addressed to
18 the satisfaction of the council, we'll move to
19 closing remarks. Five minutes have been allocated
20 for closing remarks for each side. Following
21 closing remarks, the hearing will conclude.

22 As a reminder, in accordance with the
23 regulations governing the development of NFPA
24 standards, section 3.3.3.4, meetings shall not be
25 recorded verbatim by any means other than as

1 authorized by the standards council secretary. For
2 the purpose of the hearings, the secretary has
3 authorized the recording by the stenographer, but
4 any other recording of this hearing is prohibited.

5 Does anyone have any questions at
6 this point? Or is there anyone on the phone that I
7 didn't recognize as a guest that will be speaking on
8 this matter? Not seeing any.

9 This hearing is related to agenda
10 item 21-4-20-d to overturn the ballot results and
11 issue TIA 1545, as recommended by the technical
12 committee, on the standard on respiratory protection
13 for technical and operations, section 8.255.7.8,
14 823-56 through 823-57. So quite a few areas that --
15 the section numbers of NFPA 1986. So the record's
16 in front of council. Not having any recusals, I'm
17 going to move straight to the opening statements.

18 Mr. Mayhue, you have ten minutes to
19 make your opening statement. I assume -- are you
20 going to be speaking exclusively for the
21 ten minutes, or are you going to be sharing your
22 time?

23 MR. MAYHUE: I'm going to be sharing
24 my time with Brian Clifford of the FBI.

25 MR. GOLINVEAUX: Okay. So make sure

1 you just kind of note each other's time, but I'm
2 going to start the clock. And if you can introduce
3 yourself and start with your opening statement in
4 support of your motion.

5 MR. MAYHUE: Okay. Thank you.

6 My name is Clint Mayhue, and I'm with
7 Avon Protection Systems. I've been in this industry
8 for over 20 years, and I've spent many of those
9 years designing and managing the development of
10 SCBA, thermal imaging cameras, and APRs for the
11 firefighting, military, and law enforcement markets.
12 I've been involved with NIOSH and NFPA standards
13 development throughout my entire career, and
14 currently sit on three of the NFPA technical
15 committees, including the respiratory protection
16 equipment, the tactical and technical operations
17 committee, and the electronics safety equipment
18 Standard. I'll speak for a few minutes on the
19 technical aspects of the TIA, and then pass it over
20 to an end user on the TC, Mr. Brian Clifford of the
21 FBI, to speak on behalf of the user community.

22 This appeal relates to the recent
23 split decision occurring from the balloting of TIA
24 1545. The technical committee voted in the
25 affirmative on both technical merit and emergency

1 nature. The correlating committee voted in the
2 affirmative on correlation, but missed passing on
3 emergency nature by getting 15 of the 15.75 required
4 votes.

5 TIA 1545 essentially modifies the
6 minimum temperature requirement in line with current
7 language in the draft; the next edition of NFPA
8 1996; and the second draft, NFPA 1987, out for a
9 combination unit respirators. And even though the
10 TIA passed on both technical merit and correlation,
11 I'd first like to touch on the key points here very
12 quickly.

13 The TTO TC was created to develop
14 standards for the law enforcement -- LE --
15 community, since their needs, challenges, and
16 operating scenarios are quite different than the
17 firefighting community represented through RPE
18 technical committee. The NFPA courted this user
19 community for many years before being able to
20 sponsor creation of the first standard, NFPA 1986,
21 for SCBA. That TC is now responsible for two
22 standards: NFPA 1986 and 1987 for CUR.

23 To give some background, the user
24 community approached the SMEs and manufacturers,
25 asking about the challenges to get products approved

1 to the 1986 standard. There have been test lab
2 availability challenges, as one issue raised. But,
3 more fundamentally, most of the manufacturers
4 agreed, one of the cold temperature tests made
5 approving technical-style masks quite difficult.

6 I was assigned the task of writing
7 language to allow for a manufacturer to find low
8 temperature call-out, similar to the way NIOSH has
9 done for decades. That modification was debated and
10 worked on by the TC, and submitted into the current
11 draft of NFPA 1986, which is out for public comment.
12 So this proposed TIA matches what is currently
13 written in the NFPA 1986 draft next revision, and
14 NFPA 1987 second draft revision, allowing for a
15 manufacturer to find minimum temperature requirement
16 up to 0 degrees F.

17 I should also note that this TIA also
18 still allows a manufacturer to get approval to
19 -25 degrees F, or even colder, if desired. But
20 since the TIA has missed approval by one vote on
21 emergency nature, I'd like to spend a couple of
22 minutes on proving why this qualifies as an
23 emergency per NFPA definitions, and the
24 justification for this appeal. The emergency nature
25 selection of responses can fall into more than one

1 of the categories, but I've chosen Selection F as
2 the most appropriate.

3 To remind you, it reads, "The
4 proposed TIA intends to correct a circumstance in
5 which the revised NFPA standard has resulted in an
6 adverse impact on a product or a method that was
7 inadvertently overlooked in the total revision
8 process, or was without adequate technical safety
9 justification for the action." The majority of the
10 negative votes on emergency nature from the
11 correlating committee indicate they believe the
12 reason this is not an emergency is that the
13 requirements of the current cold test can be
14 achieved.

15 This is because one manufacturer has
16 shown test data which suggests they have passed this
17 particular test. While no information was given on
18 the model tested, it is anticipated that this
19 product does not utilize a tactical-style flexible
20 mask, which is the subject of this TIA. I agree
21 this test can be passed if a manufacturer utilizes a
22 rigid visor, center-mounted, firefighting style
23 mask, as has traditionally been done in NFPA 1981.
24 Rigid firefighting masks with front modules are much
25 more conducive to passing cold temp testing, and

1 have a long history of performing well from all SCBA
2 manufacturers.

3 However, it has been noted several
4 times over the many years of the technical
5 committee's history, plus in the recent public
6 comments, the user community continues to demand
7 tactical-style masks, such as those made by multiple
8 manufacturers, for their missions. Such masks can
9 provide more flexibility and protection types -- for
10 example, the ability to be used with filters as well
11 as self-contained breathing apparatuses, and are
12 optimized for integration with tactical apparel and
13 for tasks such as weapons sighting.

14 The NFPA 1986 data was first released
15 as the 2017 edition, with an effective date of
16 December 1, 2016. Over four years after the release
17 of this standard, and as of the writing of this
18 appeal, there are still no products certified to
19 NFPA 1986. Products such as our SC53 SCBA have been
20 deployed by the LE user community, all over the
21 globe, in harsh weather climates since at least
22 2009, and these products carry a NIOSH SCBA
23 approval. These NIOSH approvals state a
24 manufacturer-defined low temperature operating limit
25 as required by NIOSH.

1 Next I'd like to talk about grant
2 funding. Certain grant funding requires the
3 recipient to buy CBRN-approved SCBA to receive
4 funding. LE users cannot currently purchase a NIOSH
5 SCBA CBRN-approved product, since this certification
6 also requires NFPA 1986 approval. The only way
7 around this is for LE and other tactical end users
8 to purchase a system approved to NFPA 1981 for
9 structural firefighting use, which defeats the
10 purpose of creating the unique NFPA 1986 standard
11 for this specific user community.

12 Secondly, in order for tactical users
13 to use SCBA units with certified NFPA 1994 Class 1
14 and 2 hazmat C-burn ensembles -- this includes the
15 suits, the gloves, the footwear, and the respirators
16 that provide full-system protection -- the SCBA must
17 be compliant to NFPA 1986; therefore, no approvals
18 are currently in place for these ensembles, due to
19 the inability of current SCBA, with tactical
20 flexible face pieces, to meet the 1986 standard.

21 Users are forced to utilize equipment
22 combinations to meet critically important mission
23 requirements without official testing and NFPA
24 certification, raising safety, legality,
25 and participant funding issues. It's for all these

1 reasons this TIA matches the emergency nature in
2 Category F as described.

3 I would now like to hand it over to
4 Brian Clifford of the FBI, who asked to make some
5 comments representing the user community.

6 MR. GOLINVEAUX: Brian, if you can
7 introduce yourself and your affiliation, and you
8 have just under three minutes.

9 MR. CLIFFORD: Yes. My name is
10 Brian Clifford with the FBI, and I'm a member of the
11 technical committee, an end user of the product, and
12 a joint submitter of the TIA.

13 The NFPA established 1986 as an
14 opportunity to provide a SCBA solution to law
15 enforcement, military, and tactical users. As an
16 end user in a tactical organization -- not a
17 structural firefighting organization -- we want this
18 TIA. This TIA addresses an oversight in the
19 original standard that created an environment where
20 no products have been certified to NFPA 1986. From
21 a user's perspective, this is an emergency for law
22 enforcement, military, and tactical user
23 communities.

24 Following our comments surrounding
25 this TIA, you will hear a single manufacturer

1 attempt to tell you that there is no emergency, due
2 to the fact that they have a product that could pass
3 the NFPA 1986 test in question; however, they still
4 do not have a fully certified product. The product
5 tested likely does not meet the needs of the law
6 enforcement, tactical, and military user
7 communities. They will tell you this is not an
8 emergency. As users, we are telling you, this is an
9 emergency.

10 You will likely not hear from any
11 users supporting this manufacturing position. You
12 will hear opposing arguments state that tests align
13 the 1981 and 1986 standards. The whole premise in
14 having 1986 is to provide a tactical and technical
15 user with an alternative SCBA option -- a different
16 type of product. This requires a different kind of
17 standard, with differences between tests and
18 standards.

19 There are several misrepresentations
20 of the facts as presented by the comments on both
21 the technical committee and correlating committee
22 ballots. The disagreement on the validity of the
23 TIA boils down to a very simple matter. One
24 manufacturer is trying to block other manufacturers'
25 products from reaching the end user market. This is

1 very disappointing to me, as it disregards the
2 interests of the user community.

3 At the end of the day, NFPA standards
4 such as 1986 exist to provide the user with a
5 product that meets their needs. We request the
6 standards committee listen to the needs of the users
7 within the law enforcement, military, and tactical
8 communities. We believe the correlating committee
9 was not fully informed of the reasons for the
10 impacts of different kinds of masks for SCBAs when
11 it was stated, if one product type can pass this
12 test, then it's not an emergency.

13 The user community has spoken loudly,
14 through a variety of public comments, about their
15 desire to have a fully approved and certified SCBA
16 system which is designed for their unique missions
17 and compatibility with their ensembles. Without
18 this TIA passing, it will be additional years until
19 the user community is able to purchase products and
20 receive grant money for the products that adequately
21 meet their mission requirements.

22 In summary, from a user's
23 perspective, this is an emergency. We graciously
24 request your support in passing this TIA to provide
25 law enforcement, military, and the tactical user

1 community with solutions to meet our SCBA needs.

2 Thank you.

3 MR. GOLINVEAUX: All right. Well
4 done on the timing. Your ten minutes had just
5 expired.

6 Looking at the speakers for the
7 opposition, I've got John and Derek, both with 3M.
8 Who is going to be speaking?

9 MR. ROY: Derek Roy with 3M. I'll
10 lead us off.

11 MR. GOLINVEAUX: Derek, you have
12 ten minutes, and that time begins now, please.

13 MR. ROY: Yeah. Thank you to the
14 council for hearing our opposition to the appeal.

15 MR. GOLINVEAUX: Derek, start with
16 your name and affiliation again, just to start the
17 record.

18 MR. ROY: Yeah, thank you.

19 Derek Roy with 3M in opposition to
20 the appeal. We thank the council for hearing our
21 opposition to the appeal. We thank the proposers
22 for bringing the appeal forth and for making their
23 technical and user points.

24 I'd like to add that our opposition
25 to the appeal is -- in contradiction to some of what

1 the council's already heard, is not a commercial
2 contradiction. It is an appeal on behalf of users
3 that we deal with that have given us their own
4 feedback on what they deem the standards should
5 maintain as a minimum standard.

6 We feel that if approved, the TIA
7 will reduce the cold weather temperature rating for
8 SCBA approved to the NFPA 1986 standard. We've
9 voted against the issue as to the TIA -- both the
10 technical committee and correlating level -- and
11 we've filed documents with supporting arguments,
12 along with our appeal, for the purposes of this
13 meeting here today.

14 So notwithstanding the details of our
15 position -- they're all elaborated in our written
16 submission, along with our votes -- we'd like to
17 offer some of the key points for the council to
18 consider in their decision.

19 So we disagree with the proposer that
20 this meets the criteria for TIA, as was reflected in
21 our votes. The cold weather performance standard is
22 a well-established standard dating back to old
23 MIL-STDs -- MIL-STD-810 -- that governs the use of
24 performance requirements in cold weather throughout
25 the Americas for users, specifically in this user

1 group -- law enforcement, military, and tactical
2 users. So this should resonate with a wider swath
3 of users. And, again, those that we've spoken to
4 tend to agree with us. The general performance
5 requirements are at -25 degrees Fahrenheit, which
6 represents -- again, based on the military's own
7 establishment of the MIL-STD -- a good
8 representation of what cold weather could be faced
9 in the Americas market, and certainly around the
10 world.

11 We feel that the proposer who states
12 that there was an oversight -- one of the
13 foundational purposes of the TIA, that there was
14 oversight -- a technical oversight -- well, the
15 member -- it's a member of the technical committee,
16 as stated, and other technical committees -- and was
17 well aware of the requirements at the time of
18 writing, notwithstanding the draft status of future
19 standards. And those can be debated at the
20 technical committee in working group levels. We
21 feel that that is not the case -- that this was not
22 an oversight. It was not overlooked. It was well
23 known, as mentioned by the submitter.

24 One of our products that -- we
25 manufacture a different product -- was submitted

1 through the testing agency -- the third-party
2 regulatory agency. And we brought forth, as part of
3 our vote at the technical committee and correlating
4 level, the results of a portion of that test. The
5 proposer is correct in that we don't have full
6 approval yet in hand, and I'll speak to that in a
7 moment.

8 We believe that the task group that
9 voted at the technical committee level was unaware
10 that anyone had passed the cold weather portion of
11 the testing. The proposer is correct in drawing the
12 differences between -- we'll call it, for the sake
13 of this argument, a tactical and a technical mask.
14 So a tactical mask being a soft-sided face piece
15 commonly used in law enforcement; and a technical
16 mask, with a harder shell face piece, used in a
17 variety of applications, including firefighting.

18 Both the technical masks and the
19 tactical masks will be used in the same climatic
20 conditions, which is kind of foundational to our
21 opposition -- that the weather is not going to know
22 what type of mask the user is wearing. And so the
23 standards should govern that and not put the burden
24 of proof on the user to verify what a user
25 instruction says in terms of the safe low

1 temperature operating condition. One of the
2 foundations of what the standards seek to do is
3 harmonize that performance level, take the burden
4 off the users.

5 So we did testing on a tactical
6 mask -- a soft-sided mask -- and were able to pass
7 those tests. Now, those test reports are internal,
8 and they can be provided to the council if need be.
9 So the construction has little to do with the
10 ability to pass, in our opinion, as a manufacturer,
11 and members of the technical committee, having
12 served this market -- the fire service market, the
13 law enforcement and military market -- for 20-plus
14 years ourselves.

15 So we disagree with the emergency
16 nature. We disagree fundamentally that this is a
17 safety emergency. That the TIA -- this -- I
18 understand the plea from the user. I respect, and
19 understand, and acknowledge the commercial aspect of
20 it, but we don't feel that the TIA process is the
21 appropriate way to resolve a commercial need.

22 And the lack of -- one final point.
23 The lack of final approvals to the NFPA 1986
24 standard that the proposer notes is, in fact,
25 completely accurate. And that has little to do

1 with -- at least in our case, it has little to do
2 with the cold weather requirement, the component of
3 which we've passed. It has more to do with the
4 backlog of testing at some of the laboratories that
5 do all of the cycles of third-party testing. And
6 they are extremely backed up, and we're seeing that
7 across numerous products -- numerous types of
8 products in the industry.

9 So, in closing, we feel that user
10 expectations should be in line with past
11 NFPA-approved products and the MIL-STD
12 well-established temperature ratings. The proposed
13 change would dilute the value of a harmonized
14 performance standard, and place the burden of
15 performance verification in low temperatures back on
16 the user.

17 MR. GOLINVEAUX: Okay. Thank you.

18 Is there anyone else speaking opposed
19 to this motion? There's about four minutes left.
20 I'm going to assume that was concluding that
21 statement.

22 MR. ROY: That concluded my
23 statements, yes.

24 MR. GOLINVEAUX: Very good. I'm
25 going to open this up to questions from council.

1 If you can use the raised hand
2 feature, I will call on council.

3 Ken Bush.

4 MR. BUSH: Thank you, Mr. Chair.
5 Kenneth Bush, member of council. I think this
6 question is directed back to Mr. Clifford.

7 I think in part of your testimony you
8 stated that the correlating committee was not
9 provided with as much or sufficient technical data
10 as was the technical committee.

11 Is that a correct assumption on my
12 part? And, if so, can you expand a little bit about
13 what the differences might be?

14 MR. CLIFFORD: Yes, sir.
15 Brian Clifford, FBI, technical committee member.

16 I believe what I stated was that they
17 were given misrepresentations. When I had some
18 conversations after the initial balloting, I reached
19 out to a number of users that were on the
20 correlating committee to find out and help educate
21 them, ask for their support on our matter. And I
22 found it interesting that they had -- a number of
23 them hadn't actually read down the list of the
24 requirements in the standard. So they initially
25 misunderstood the requirements as being no minimum

1 specified temperature when, in fact, on line two or
2 three of that standard, it does, in fact, indicate
3 the minimum operating temperature.

4 So once that had occurred, you'll
5 notice that from their initial ballot at the
6 correlating committee, a number of the members did,
7 in fact, change their ballot in support of the
8 standard -- I'm sorry -- of the TIA.

9 MR. GOLINVEAUX: Okay. I'm not
10 seeing any other questions from council. I think
11 the statements were very clear in this matter. I am
12 going to open it up for the five-minute summary
13 arguments.

14 Clint, you will go first. So if you
15 could give me your five-minute summary to what
16 you've heard for council, and then we'll conclude
17 the meeting.

18 MR. MAYHUE: And I can --

19 MR. GOLINVEAUX: Hang on. I've got a
20 hand up here from Jeff Stull.

21 MR. STULL: I was just going to speak
22 on behalf of the appellant in this matter, for the
23 rebuttal, if that's acceptable.

24 MR. GOLINVEAUX: When you have that
25 five minutes, you can divide that time

1 appropriately.

2 MR. STULL: I was going to offer --
3 Clint, if you wanted to make any first remarks, and
4 then I would follow up.

5 MR. GOLINVEAUX: Okay.

6 Clint, it's your show for the
7 five minutes. And if you want to allocate some of
8 your time, you are free to do so. So, Clint, go
9 ahead and start your five minutes.

10 MR. MAYHUE: Sure.

11 Clint Mayhue, Avon Protection
12 Systems. Yeah, this is going to be short and sweet
13 from me. I think you've heard my position on this
14 and our position. You've heard from the users here
15 that we are aware of. And I would just like to
16 reiterate my thanks to the NFPA for allowing this
17 process to occur, really -- to give us a chance to
18 kind of -- what we see as something that's not
19 occurred correctly, and the process to really
20 correct that here. So thank you for listening to us
21 on this extremely important topic, really. And I
22 just hope that we can get this right to get the
23 users with the correct product.

24 The opposer did make a good point
25 that there is a difference between tactical and what

1 they've called "technical" masks. That's really the
2 crux of it here, in my opinion. And I do
3 disagree -- I believe there are major construction
4 differences between those styles of masks. I've
5 been designing this stuff for a long time. We've
6 debated this for years in the committees. I've made
7 those points clear to them, which, I think, is why
8 the technical committee voted in favor of this on
9 technical merit, with the exception of the two
10 oppositions here.

11 So I will just say that -- that I do
12 take exception to that piece of it. So that is
13 really the crux of it -- that we wanted to make sure
14 that the correlating committee did have the right
15 information. There are differences in masks. There
16 are differences in masks for the applications for
17 1986. So I just plead that you listen to the users
18 and -- to meet their needs for these tactical
19 solutions. That's kind of all I wanted to say here.

20 Jeff, if you'd like to --

21 MR. STULL: Yes, I'll go ahead and
22 start. So assuming that we still have about two and
23 a half minutes, if that's correct --

24 MR. GOLINVEAUX: Jeff, introduce
25 yourself and your affiliation, and then go ahead.

1 MR. STULL: Yes.

2 Jeffrey Stull, International
3 Personnel Protection.

4 So I was called by this body back in
5 2005 to help the standards council essentially
6 invite the law enforcement community to be part of
7 the NFPA standards process. And this is a meeting
8 back in Scottsdale, Arizona, where the intent was
9 that NFPA be able to embrace the law enforcement and
10 tactical communities, which hadn't, up until that
11 time, been represented.

12 So the reason I give this as way of
13 background in the rebuttal is the fact that we have
14 a correlating committee decision, of which I'm a
15 member of the correlating committee -- come up with
16 a different conclusion, specifically only by one
17 vote, for emergency nature with respect to the
18 technical committee decision, which was
19 overwhelmingly in favor of this.

20 So why has this happened? Remember,
21 this isn't a measure of correlation; but the fact is
22 that there are two separate committees on
23 respiratory protective equipment -- one specifically
24 for the fire service; another for the tactical end
25 users that include law enforcement and military end

1 users. So I want to emphasize to the council that
2 here we are trying to embrace different users, and
3 for whatever reasons, certain correlating committee
4 members chose to vote against this for emergency
5 nature.

6 I would also instruct to council --
7 or suggest to council, rather -- that you look at
8 the affiliations or interest categories of those
9 that did vote against this, and to compare that with
10 the technical committee composition that voted in
11 favor of the motion for the amendment
12 overwhelmingly.

13 My point here is that this is an
14 emergency. As a member of the correlating
15 committee, we only received and -- in answering the
16 question, we only received the information provided
17 in the ballot results. And there was the
18 correspondence of a recirculation of that ballot,
19 and then even a second recirculation. And there
20 were votes that were changed. But for whatever
21 reason, certain members chose not to find this
22 emergency nature, and it fails by only one vote.

23 As a member of a different technical
24 committee which relies on this standard or products
25 with this standard, there are -- there cannot be

1 certified ensembles to meet the end user demands of
2 organizations like the FBI and several of the other
3 respondents to the public comments. So I'd like to
4 urge the council to consider the fact that this is a
5 law enforcement-based and tactical user-based
6 committee that overwhelmingly decided on this. The
7 correlating committee, by missing by one vote on the
8 issue exclusively to emergency nature, is the only
9 aspect of that that -- otherwise, this amendment
10 would be going forth, and we wouldn't be having this
11 hearing. Thank you.

12 MR. GOLINVEAUX: Thank you.

13 Derek, you have your five-minute
14 summary. You have five minutes to summarize your
15 arguments.

16 MR. ROY: Thank you. Derek Roy from
17 3M.

18 In summary, thanking the council once
19 again for hearing our opposition. Thanking the
20 members of the technical committee for bringing
21 their concerns forward -- members of the user
22 community, whose opinions are always very, very
23 valid and important to us.

24 In the mention earlier -- reaching
25 out to other members of the technical group to

1 double-check our opinion on the matter -- we found
2 that most members who had voted for the TIA to have
3 it passed -- it was mostly driven by the
4 information, or the inference of information, that
5 it was impossible for a SCBA design for this user
6 group to pass the cold weather test as it stood.

7 And when it was pointed out to them
8 that we, in fact, had passed with two different
9 types of mask -- for clarity here, we have one
10 third-party test report in hand, and we do have
11 internal testing that shows that we can complete the
12 cold weather portion of the testing. Now, these are
13 not final approvals. I state that for the record.
14 I'm not claiming that they are finally approved, for
15 the reasons that we stated earlier. There is a
16 delay in the labs, which is widely known across the
17 industries that use those labs.

18 So we felt that, notwithstanding the
19 close nature of the vote, it was based on some -- at
20 least some erroneous inferred information. Not
21 saying that there were any inaccurate statements
22 overtly made in the TIA. Our user groups that we've
23 spoken to have indicated that they have a varied
24 preference for the different types of masks that we
25 referred to here today -- the hard shell and the

1 soft shell -- and that this can be addressed -- this
2 issue of cold weather performance can easily be
3 addressed at the next review of the standard.

4 It is, as mentioned by the proposers,
5 in draft form right now for comment and further
6 debate. And we -- again, we oppose the emergency
7 nature of this -- that, the grant funding
8 notwithstanding, there are products available that
9 can perform to these standards. The proposer has
10 marketed products for years, as have we, that will
11 serve the needs of this community and are used
12 widely right now -- again, grant funding
13 notwithstanding.

14 The certified ensembles can be the
15 certifications referred to by one of the folks -- by
16 Mr. Stull. Certainly, that certification can be
17 obtained with different styles of face piece. I
18 know there is no obstacle here, in our opinion, on
19 that cold weather performance. And, again, members
20 of the user committee that may not be members of the
21 technical committee or the working groups, but that
22 we interact with commercially, have informed us that
23 their preference would be for the cold weather
24 performance to be at the same level -- not at a
25 lower level -- than they see with other standards.

1 And that is exhibited in legacy MIL-STDs.

2 And so that is our position. I cede
3 the rest of my time.

4 MR. GOLINVEAUX: Okay. Thank you
5 very much.

6 As we conclude the hearing, let me
7 inform as to what happens next. The council will
8 deliberate and reach its decision in executive
9 session. Once the decision is made, that decision,
10 including the background of any other information
11 council believes relevant, will be prepared by NFPA
12 staff and published by the secretary of the
13 standards council on the standard council web page,
14 www.nfpa.or/sc, and in accordance with the
15 regulations governing the development of NFPA
16 standards.

17 Additionally, the decision will be
18 sent to the appellants and the chair of the
19 responsible committee directly. The official
20 opinion of the decision -- the official opinion and
21 decision of council is that as published by the
22 secretary, and no other communication shall be
23 considered in the council's decision or position.
24 Any questions regarding the decision should be
25 addressed with the secretary.

1 On behalf of the NFPA standards
2 council, I'd like to thank all of those who
3 participated in this appeal hearing. Your
4 involvement, as well as all stakeholders, is
5 important to the NFPA standards development process.
6 This hearing is now ended. Thank you again for your
7 participation.

8 HEARING ON 21-4-20-d-1

9 MR. GOLINVEAUX: Now we're going to
10 move into another appeal. And I'm not going to go
11 through the whole process again, because I'm going
12 to move into 21-4-20-D1. And this is an appeal of
13 John Morris, again of 3M, on the same matter. And
14 his appeal is going to be related to the agenda item
15 21-4-20-d-1 to uphold the ballot results and not
16 issue TIA 1545.

17 So if this is okay with Dawn and
18 Suzanne, I'm not going to reread into the record the
19 entire process of this appeal, because it's all the
20 same matter. It's all the same TIA. And the record
21 shows that I've read everything into -- unless
22 there's any guests or speakers that will be speaking
23 on this issue that are different from the previous
24 appeal.

25 So is there anybody that has joined

1 that was not already logged in as being a speaker to
2 the previous appeal on TIA 1545? I'm not hearing
3 any.

4 Are there any council members that
5 wish to recuse themselves relative to the
6 21-4-20-d-1? Hearing none.

7 So, Dawn, am I okay to go here with
8 not having to reread everything into the record? I
9 think everyone that is speaking on this matter would
10 be the same.

11 MS. BELLIS: We've got a hand up,
12 though. I have a John Nelson.

13 MR. NELSON: Sorry, I apologize.
14 Technology issue. I would like to speak against the
15 appeal.

16 MR. GOLINVEAUX: Okay. John Nelson.
17 And you're going to be against --
18 opposed?

19 MR. NELSON: Yes.

20 MR. GOLINVEAUX: And I'm going to
21 assume I have John Morris in favor and Derek in
22 favor as well; is that correct? Is anyone speaking?

23 MS. BELLIS: Are they still online,
24 James?

25 MR. GOLINVEAUX: Yeah, I don't...

1 MR. ROY: No, we are still here.

2 MS. BELLIS: Oh, you are still
3 online. Okay. I was going to say, I don't know if
4 you all made an assumption that it was going to be
5 handled as a single item rather than two items.

6 MR. GOLINVEAUX: So John is obviously
7 going to be in favor, making the motion.

8 Derek, I assume you're going to be
9 staying on in favor?

10 MR. ROY: Yes.

11 MR. GOLINVEAUX: And I have so far,
12 in opposition to this motion, John Nelson -- and
13 anybody else?

14 Jeff Stull, go ahead.

15 MR. STULL: Yes. I'd like to also
16 speak against the motion.

17 MR. GOLINVEAUX: So Jeff will be
18 speaking in opposition.

19 And I have Clint Mayhue -- you'll be
20 speaking in opposition?

21 MR. MAYHUE: Yes.

22 MR. GOLINVEAUX: Okay.

23 And then I have Brian Clifford.

24 MR. CLIFFORD: Yes, correct.

25 Brian Clifford as well.

1 MR. GOLINVEAUX: In opposition?

2 MR. CLIFFORD: In opposition.

3 MR. GOLINVEAUX: Okay. And I'm going
4 to just make an assumption here that the people
5 speaking in opposition have coordinated their time,
6 and John has coordinated his time.

7 So if it's okay, I'm going with
8 the -- no recusals of council -- I'm going to move
9 straight into the ten-minute session.

10 Dawn, I'm looking for a nod of
11 approval that I'm okay to do that.

12 MS. BELLIS: Yes. Just confirming
13 that there were no recusals of council.

14 MR. GOLINVEAUX: Right. No recusals
15 of council.

16 And I'll give John -- your opening
17 statement. You have ten minutes. And just from a
18 timing standpoint, John, we've kind of heard some of
19 the arguments for and against. So just make sure we
20 kind of keep it to the -- your motion at hand. So
21 please continue with your ten minutes.

22 MR. MORRIS: I'm John Morris. I am
23 employed by 3M, representing 3M. I am also a member
24 of the technical committee on the tactical
25 respirators. I'm also a member of the correlating

1 committee.

2 I would just like to state that in my
3 almost 25 years' experience with the design and
4 approval of products for NFPA, that I never recall
5 an NFPA standard being reduced such that -- for one
6 manufacturer. The technical committees have always
7 raised the bar and expected that we improve the
8 products for the extreme environments that our users
9 use.

10 THE COURT REPORTER: Excuse me. I'm
11 sorry, but it's hard to hear the speaker.

12 MR. GOLINVEAUX: John, are you using
13 a third-party mic? Because your microphone says
14 you're muted.

15 MR. MORRIS: I'm using the cell
16 phone.

17 MR. GOLINVEAUX: If you could hold it
18 a little closer to you, that might help out.

19 MR. MORRIS: Any better?

20 MR. GOLINVEAUX: Yes, much better.

21 MR. MORRIS: My apologies.

22 Yes, I was just stating that I'm a
23 member of the technical committee and also a member
24 of the correlating committee. And it's been my
25 experience in the past 25 years on NFPA technical

1 committees -- I never recall that the performance
2 standard has been reduced for one manufacturer.
3 Typically, the technical committees have always
4 raised the bar in performance and pushed for
5 manufacturers to improve their product for the
6 unexpected extreme environments which the equipment
7 might be used in.

8 I think a lot of the users and
9 personnel on the committees have the assumption that
10 a tactical mask cannot be designed to meet these
11 requirements. In our internal testing, we have
12 found that you can have both a flexible mask or a
13 hard mask meet the cold weather performance
14 requirements. And it's my opinion that the
15 standards should remain with the current cold test
16 requirements.

17 These requirements were based off of
18 MIL specs for the environments of the majority of
19 the United States. This is not something new. It's
20 not a new requirement. In my opinion, you should
21 not have users referring to an instruction manual to
22 determine what environment that their product should
23 be used in.

24 And I will defer the rest of my time
25 to Derek Roy.

1 MR. ROY: Thank you, John.

2 Derek Roy with 3M. For the sake of
3 time, and with respect to the council's time and to
4 the opponents' time -- to get them their time -- we
5 will not re-cover the same points that we made, as
6 mentioned by the chair. The comments and
7 justification for our support of this motion are the
8 counter -- same arguments as our opposition to the
9 prior one. So I'll add to what John said.

10 There are commercial variants that
11 have been marketed by ourselves, as well as the
12 proponent of the TIA, at temperatures as low as -30
13 degrees Celsius and 103 liters per minute of
14 breathing rate -- public domain information that can
15 be found. So we see no issue with the standards
16 performance requirement as it stands.

17 We restate our claim that the TIA
18 does not meet the emergency nature, and that this
19 can be addressed during draft review of the next
20 revision of the NFPA 1986 standards and subsequent
21 reviews of the NFPA 1987 standards, if required and
22 agreed to by public comment, with full information
23 on the ability -- the technical capabilities of
24 products to actually pass the test.

25 MR. GOLINVEAUX: Okay. Thank you.

1 And I assume you're conceding the rest of your time,
2 as you stated?

3 MR. ROY: We do.

4 MR. GOLINVEAUX: So I will move to, I
5 believe, Clint -- you're going to be speaking on
6 behalf of the opposition? Or was it -- are you and
7 Jeff going to split the time?

8 MR. STULL: I'll start, if that's --

9 MR. GOLINVEAUX: Okay. Jeff, go
10 ahead.

11 MR. STULL: Thank you.

12 Jeffrey Stull, International Personnel Protection.

13 I want to state that there might be
14 some misunderstanding here -- is that there's no
15 requirement that's being reduced. The requirement
16 is as if it's a requirement that is ubiquitous for
17 all SCBA. In fact, the law of the land, which is
18 the National Institute for Occupational Safety and
19 Health, NIOSH, which has the regulatory authority to
20 approve SCBA in the United States, does not have
21 this requirement.

22 So the reason I point this out is
23 that there's this inference that the requirement
24 that exists in a parallel standard for the fire
25 service -- specifically, NFPA 1981 -- is the same

1 requirement that must apply to all SCBA. The fact
2 is that there was a separate technical committee
3 that was put together to address the special needs
4 for tactical and technical operations that do things
5 differently than the fire service.

6 And as I pointed out, NFPA asked me
7 to speak towards that end -- when I say generally
8 for representing law enforcement needs -- back in
9 2015, when they were trying to convince the National
10 Institute for Justice to transition its standards to
11 NFPA. So the committee responsible for developing
12 NFPA 1986 -- the subject standard -- did -- would do
13 a hazard assessment to decide what's appropriate for
14 their end user group and, accordingly, develop
15 those requirements.

16 So why did this happen -- that
17 there's now a requirement that's the same as NFPA
18 1981? Well, it was because of expediency, really.
19 The committee, when it first started, used an NFPA
20 1981, which had a number of important tests for
21 related equipment that, essentially, were chosen to
22 be part of the new 1986 standard. And they peeled
23 back those types of requirements that they didn't
24 think would be necessary.

25 Now, one thing I want to point out.

1 If you were thinking about a tactical or technical
2 operational SCBA, particularly for military and law
3 enforcement end users, you would think that one of
4 the key features of that would be the ability to aim
5 a weapon. That's not a requirement of this
6 standard. Again, for expediency, this technical
7 committee took 1981, pared out the test in a
8 relatively rapid fashion, to come up with the
9 existing standards it is now in the current edition.
10 Now, four years later, there are no certified
11 products.

12 So the fact is that -- don't be
13 misled by the fact that there's this supposed
14 standard that everyone has to meet. That standard
15 exists for a different technical committee, in a
16 different standard, and it wasn't a matter of
17 correlation, as found by the correlating committee's
18 decision. It comes down to emergency nature. And
19 the emergency nature, as I've indicated earlier, is
20 the fact that there are types of ensembles that are
21 worn -- must be worn that require products that are
22 not available in the current spectrum of offerings
23 by various manufacturers.

24 So thank you.

25 MR. GOLINVEAUX: Okay. There is six

1 and a half minutes left.

2 Did anyone else want to speak in
3 opposition to the motion? Not hearing any, I'm
4 going to open it up to questions from council. Oh,
5 wait. I've got John Nelson. I'm sorry.

6 John...

7 MR. NELSON: Thank you. John Nelson,
8 joint program manager for CBR and protection.

9 I wanted to speak in opposition too,
10 as a user, along with Brian Clifford. Mr. Stull
11 mentions that -- 1981. And if we were to take a
12 1981 unit as we are doing currently, it does not
13 enhance our mission set. We have to be able to
14 engage foreign targets accurately, and we are unable
15 to do that in such a fashion with current 1981
16 equipment, including the non-flexible face masks.
17 And that is an essential part of our mission. This
18 is why we have looked to 1986 and the partner
19 standard, 1987, to help us along the way to
20 introduce newer technologies.

21 And so I believe that we're heading
22 in the right direction. We were one vote short.
23 And there are some differences in opinion, and I can
24 appreciate that, as a user; but I am looking out for
25 the safety, and well-being, and the ability to

1 complete my mission downrange effectively.

2 Thank you.

3 MR. GOLINVEAUX: Okay.

4 Do I have any questions from council?
5 I'm not seeing any. I'm going to have a five-minute
6 summary argument based on what has been said.

7 I will go back to John for a
8 five-minute summary.

9 MR. MORRIS: John Morris with --
10 sorry, John Morris with 3M.

11 We'd just like to add that and
12 request that the standards council review some of
13 the information that we provided. We did provide
14 images with SWAT teams and internal testing, showing
15 sighting with our current masks that is in the
16 approval process.

17 MR. GOLINVEAUX: Okay. Thank you.

18 MR. ROY: This is Derek, just in
19 closing as well, to use up some of the time. Again,
20 Derek Roy, 3M. Thank you again to the council.
21 Thank you to the opponents for bringing forth these
22 valuable opinions.

23 So we're very familiar, as stated by
24 the opponents here, with the NFPA 1981 standard,
25 which we refer back to. We have products approved

1 to that standard currently that are currently
2 commercially available. The weapons sighting issue
3 as mentioned by my colleague, Mr. Morris -- so that
4 option could be made available using either a
5 soft-sided -- let's call it a tactical face piece --
6 or a technical face piece. We've performed weapon
7 sighting field trials with a variety of user groups.
8 And, again, it becomes user preference at that point
9 which type of mask is best suited to the individual
10 user for weapons sighting. So I would not want the
11 council to be misled that there's only one type of
12 mask than can be used to effectively sight a weapon,
13 be it a handgun or a long weapon.

14 And the references to NIOSH -- very
15 important references. I thank Mr. Stull for making
16 them. But those references notwithstanding, NFPA is
17 looked to by all user groups -- the fire service,
18 law enforcement, military -- as setting additional
19 performance requirements and very specific needs.
20 NIOSH are very general needs that we all have to
21 meet when we manufacture our respirator.

22 The transfer of burden -- I will
23 reiterate our position that the transfer of the
24 burden of verification of the ability of the
25 respirator to perform in cold weather to the user at

1 the time of purchase -- because that's usually when
2 standards are referred to -- is not enhancing user
3 safety. What happens during service life? Do they
4 have to go back to the user instructions or go back
5 to the standard and see which -- assuming that there
6 will be more products approved to these standards
7 over time, what level of low temperature performance
8 will they meet? And, again, we feel that that is
9 less safe than more safe.

10 And then, finally, the use of the
11 NFPA 1981 testing, as mentioned by Mr. Stull, at the
12 working group level to get us started towards a
13 version of this standard is correct. But it was
14 agreed to, so there should be no claims of
15 oversight. Both of the manufacturers that are
16 speaking here today -- we're very familiar with the
17 performance requirements of NFPA 1981. And so when
18 these were agreed to when the standard was published
19 in its final form, went through public comment,
20 voted on, and approved, there should be no oversight
21 or surprise as to what those standards should be.

22 So, in closing, I cede the rest of
23 our time. Thank you, again, to the council.

24 MR. GOLINVEAUX: Thank you.

25 Jeff, I'm going to assume you're

1 going to start off the summary statement?

2 MR. STULL: Yes. Jeffrey Stull,
3 International Personnel Protection.

4 Just to recap some of the main points
5 of this whole argument for, actually, both appeals,
6 we have a technical committee that overwhelmingly
7 approved the proposed amendment, both on technical
8 merit and emergency nature. We have a correlating
9 committee ballot that also approved the matter of
10 correlation, but failed by one vote for emerging
11 nature. We had public comments provided
12 independently that also came from a number of end
13 users that also supported the amendment.

14 So we look at this history. And,
15 again, I disagree. I've been in NFPA longer than
16 I'd like to admit. And I applaud the process,
17 because it is a user-driven process. And it has the
18 very unique aspects, unlike any other committees
19 that I participate in, of having strong end user
20 representation in a meaningful way. And it doesn't
21 happen in ICO. It doesn't happen in Europe. It
22 doesn't happen even in ASTM. And so when we hear
23 users point to something, and it's something that
24 they need, I think it's something that's important.
25 But we also have a process. And that process, of

1 course, is the process that NFPA uses to provide a
2 fair and balanced hearing of the issues, as we're
3 doing today.

4 So what I'd like to say here is that,
5 under the circumstance where we have the one vote
6 and what you've heard today, there was confusion, I
7 believe. Being a member of the correlating
8 committee, I don't know that the correlating
9 committee had the full information in order to judge
10 this. We certainly didn't have any ad hoc meeting
11 or any other information other than what information
12 might have been circulated with the ballot.

13 We did see a reduction in the number
14 of negative votes when the ballots were recirculated
15 with further information from both appellant and
16 those opposing. But I don't know that there was
17 enough time for that correlating committee to fully
18 understand that, and I think they erred in --
19 overall in their decision. And I would also point
20 out that many of the members that looked at this
21 were not end users. They did not have any specific
22 interest at stake here.

23 So going back to one of the salient
24 issues of emergency nature that John brought up and
25 is brought up by Brian Clifford, as well as

1 Clint Mayhue, is that we have ensembles for chemical
2 protection -- c-barrier protection -- for hazmat
3 protection, used by SWAT teams and other groups.
4 These groups have had to modify their ensembles --
5 essentially, take the risk of using a noncompliant
6 ensemble by having a product -- which isn't, by the
7 way, even evaluated to the key tests for things like
8 integrity and exposure by using the systems approach
9 that's used in those standards -- to have to either
10 use an SCBA that doesn't meet their requirements, or
11 has to modify their ensembles to a noncompliant
12 state by using a noncertified SCBA. That is an
13 emergency.

14 Thank you.

15 MR. GOLINVEAUX: Thank you. There's
16 a minute and a half left.

17 Did anyone else want to speak in
18 summary of the opposition to the motion? Not seeing
19 any.

20 And, Dawn, I'll recognize you here
21 for your comments as I get to the last part of the
22 statement here. But as we conclude the hearing, let
23 me inform as to what happens next. The council will
24 deliberate and reach its decision in executive
25 session. Once the decision is made -- and the

1 decision, including background and any other
2 information council believes relevant, will be
3 prepared by an NFPA staff and published by the
4 secretary of the standards council on the standards
5 council web page, www.nfpa.org/sc, and in accordance
6 with the regulations governing the development of
7 NFPA standards.

8 Additionally, the decision will be
9 sent to the appellants and the chair of the
10 responsible committees directly. The official
11 opinion and decision is -- of the council is as
12 published by the secretary, who's going to give me
13 some comments here as to how she's going to
14 communicate this.

15 MS. BELLIS: Yes. Thank you, James.

16 So for these appeals -- these two
17 appeals on item 20 -- I will be putting those
18 together in a single opinion. So I just didn't want
19 people to be looking, thinking that one opinion or
20 one decision has not been posted. I will put those
21 together into a single decision for the council, as
22 they're merely opposite sides of the issue --
23 whether to issue or not issue the TIA. So I just
24 wanted that to be clear to everyone on the record.

25 MR. GOLINVEAUX: So you'll be

1 combining that decision into one decision in
2 explaining the details?

3 MS. BELLIS: Yes, that's correct.

4 MR. GOLINVEAUX: Okay. Very good.

5 And any questions -- the official
6 opinion and decision of council is to be published
7 by the secretary, and no other communications shall
8 be considered the council's decision or position.
9 Any questions regarding the decision should be
10 addressed with the secretary.

11 On behalf of the NFPA standards
12 council, I'd like to thank all of those who
13 participated in this appeal hearing. Your
14 involvement, as well as stakeholders, is important
15 to the NFPA standards development process.

16 The hearing is now ended.

17 If this concludes the business for
18 which you've joined us today, you're welcome to
19 leave the meeting or remain on the line for
20 additional hearings.

21 Dawn, I'm going to ask the question
22 if we need a break or -- you're on mute, Dawn.

23 MS. BELLIS: So sorry about that,
24 James. We have been on for two hours. I anticipate
25 most of the hearings have taken approximately 20 to

1 25 minutes. So it's probably a good idea to take a
2 break.

3 MR. GOLINVEAUX: Yeah, I think a
4 ten-minute break for council -- we're going to be
5 back on at 12:45 for all the council and the guests.

6 MS. BELLIS: And people can stay
7 online. You don't have to sign out, if you just
8 want to turn off your cameras and your microphones.

9 (Recess was taken from 12:33 p.m. to 12:45
10 p.m.)

11 HEARING ON 21-4-15-d

12 MR. GOLINVEAUX: It is 12:45 Eastern
13 time.

14 Dawn, I'm looking for confirmation
15 that we have the council back.

16 MS. BELLIS: Yep. I'm running right
17 down through them right now. Give me just a second.
18 Some of you show up first name first, and some of
19 you show up last name first, so it makes my job
20 challenging. It keeps me awake here.

21 All council members are back on and
22 accounted for.

23 MR. GOLINVEAUX: Okay. And I will
24 call for introduction of the guests after we do the
25 introduction of council. And for those who are

1 speaking on this issue, when I ask you to introduce
2 yourself, I'm going to do this by raising your hand.
3 And then I will call you in order based on raising
4 the hand. And when you do introduce yourself, state
5 your name, your company affiliation, and whether
6 you'll be speaking in favor or in opposition of the
7 motion. That way, I'll know how to allocate the
8 time appropriately to how you've divided up your
9 responses.

10 So with that, I am moving on to
11 council agenda item 21-4-15-d, as in David. This is
12 in regards to TIA 1558. And I'll start off the
13 appeal by saying good afternoon. My name is
14 James Golinveaux, and it is my distinct pleasure to
15 serve as chair of the NFPA standards council and
16 welcome you. I'm going to call this hearing to
17 order. In a moment, I will have everyone introduce
18 themselves by stating their name and affiliation.

19 But before we do that, I want to
20 remind everyone that we have a stenographer online
21 with us today who is transcribing these hearings.
22 So from this standpoint, it is important that each
23 of you, when you make your remarks, state your name
24 and affiliations so the stenographer may accurately
25 capture the information for the record.

1 In addition, for those who will be
2 speaking, I will ask to forward your name, as you
3 wish it to appear in the record, as well as your
4 affiliation, to Mary Maynard, if you have not
5 already done so, so that we can spell your name
6 correctly in the record. Her direct email is
7 mmaynard@nfpa.org. Other than the stenographer, no
8 other recording is allowed. This includes no
9 recording through Teams and no recording on any
10 other devices.

11 For those who are a guest for these
12 hearings, please turn off your video. Doing so will
13 preserve bandwidth for those actively participating
14 in the hearings and minimize delay issues.
15 Participation in the hearing is limited to those
16 individuals who have previously requested an
17 opportunity to be heard.

18 Also, a couple of notes regarding
19 Teams platform. Do not utilize the chat feature, as
20 any conversations, statements, or questions posted
21 are not part of the hearing record and will not be
22 considered by council during deliberations.
23 Additionally, although the raised hand feature is
24 active, as chair, I will only be recognizing those
25 previously identified as participants to each

1 respective hearing.

2 Appeal hearings are scheduled for
3 today, April 14, 2021. And the plan is to move from
4 one hearing to the next, with breaks if necessary.
5 We'll start the introduction of council members
6 themselves. My name is James Golinveaux. I'm the
7 chair of standards council.

8 MR. BUSH: Kenneth Bush, member of
9 council.

10 MR. CROWLEY: Michael Crowley, member
11 of council.

12 MR. FOISEL: Jeffery Foisel, member
13 of council.

14 MR. GALLAGHER: Richard Gallagher,
15 member of council.

16 MR. JOHNSTON: Mike Johnston, member
17 of council.

18 MR. KLEIN: David Klein, member of
19 council.

20 MR. KOVACIK: John Kovacik, member of
21 council.

22 MR. POOLE: Jack Poole, member of
23 council.

24 MR. QUITER: Jim Quiter, member of
25 council.

1 MR. REISWIG: Rodger Reiswig, member
2 of council.

3 MR. RICHARDS: Ken Richards, member
4 of council.

5 MS. STASHAK: Catherine Stashak,
6 member of council.

7 MS. BELLIS: Dawn Michele Bellis,
8 NFPA staff.

9 MS. GALLAGHER: Suzanne Gallagher,
10 NFPA staff.

11 MR. DUBAY: Christian Dubay, NFPA
12 staff.

13 MR. CHASE: Barry Chase, NFPA staff.

14 MR. DUFFY: Chad Duffy, NFPA staff.

15 MS. VECCHIARELLI: Tracy
16 Vecchiarelli, NFPA staff.

17 MR. GANOE: Stephen Ganoe, NFPA
18 staff.

19 MS. MAYNARD: Mary Maynard, NFPA
20 staff.

21 MS. GRADY: Cara Grady, NFPA staff.

22 MS. MARTIN: Joanne Martin, NFPA
23 staff.

24 MR. GOLINVEAUX: Okay.

25 With that, I'm going to ask the

1 guests who are going to be -- the guests that are on
2 the line to raise your hand -- feature. And after I
3 recognize everyone that's a guest through the raised
4 hand feature -- or, if you're on a cell phone
5 without the option for raising your hand, I'll ask
6 for you to identify yourself after I recognize the
7 people online first.

8 So, Steve Berry, if you could
9 identify yourself, your affiliation, and how will
10 you be speaking on the matter?

11 MR. BERRY: Hi, good afternoon.
12 Steve Berry with the National Air Transportation
13 Association. I will be speaking today in support of
14 TIA 1558 and our appeal to overturn the ballot
15 results.

16 MR. GOLINVEAUX: Thank you.
17 And then after you introduce
18 yourself, if you could take your hand down, then
19 you'll disappear off my scrolling screen.

20 Jeremy Souza.

21 MR. SOUZA: Good afternoon.
22 Jeremy Souza, Code Red Consultants in Massachusetts.
23 And I will be speaking in opposition.

24 MR. GOLINVEAUX: Thank you.
25 Mike France.

1 MR. FRANCE: Good afternoon.
2 Michael France with the National Air Transportation
3 Association speaking in support.

4 MR. GOLINVEAUX: Roy Credey (sic).

5 MR. CRELEY: Yes. I'm Roy Creley
6 with Lakes Region Environmental. I will be speaking
7 in support.

8 MR. GOLINVEAUX: Bear with me one
9 second. I'm just getting some notes there.

10 Jeremy Valcich.

11 MR. VALCICH: Good afternoon. I'm
12 Jeremy Valcich, American Association of Airport
13 Executives, speaking in support.

14 MR. GOLINVEAUX: Cary Skinner?

15 MR. SKINNER: Good afternoon.
16 Cary Skinner, 407 committee chairman.

17 MR. GOLINVEAUX: Okay.

18 And are there -- anybody else on the
19 phone that didn't have the raised hand option that
20 wanted to introduce themselves or will be speaking
21 on the matter?

22 MR. CNOTA: Yes. This is Fred Cnota,
23 speaking in opposition -- Aviation Fire Safety
24 Consultants.

25 MR. GOLINVEAUX: Okay.

1 Fred, I have you here, so you're in
2 opposition. Thank you. And I heard somebody else.

3 MR. OSWALD: Chris Oswald with
4 Airports Council International-North America
5 speaking in support. And I may not be able to --
6 I'm caught between two meetings here, so I may not
7 be able to speak in support, but I do support. So,
8 thanks.

9 MR. GOLINVEAUX: All right. So I
10 think that's all the introductions. I'm moving on
11 here.

12 From a process standpoint, the
13 general approach we will take today is to allow
14 ten minutes for each side to make opening remarks,
15 and then we'll open the floor to questions from
16 council members. Please wait for me to recognize
17 you before speaking to ensure that all comments and
18 questions are heard for accurate recording. Once
19 all questions are addressed in satisfaction of the
20 council, we'll move to the closing remarks.
21 Five minutes have been allocated for closing remarks
22 for each side. Following closing remarks, the
23 hearing will conclude.

24 As a reminder, in accordance with the
25 regulations of governing the development of NFPA

1 standards, section 3.3.3.4, meetings shall not be
2 recorded verbatim by any means other than authorized
3 by the standards council secretary. For the purpose
4 of hearings, the secretary has authorized recording
5 by the stenographer, but any other recording of this
6 hearing is prohibited.

7 Does anyone have any questions at
8 this point? Not seeing any. This hearing is
9 related to agenda item 21-4-15 to overturn the
10 ballot results and issue TIA 1558, as recommended by
11 the technical committee on standard for aircraft
12 fuel servicing -- and I won't read all the section
13 numbers of NFPA 407.

14 As members of council, will there be
15 anybody recusing themselves from this deliberation?
16 Not seeing any, I'm going to go straight to
17 Mr. Berry.

18 Mr. Berry, you're going to have the
19 ten minutes to do your opening statement. And then
20 the opposition will have ten minutes. And I'm going
21 to ask a question here live.

22 Has the opposition coordinated who's
23 speaking and who is controlling the ten minutes? Is
24 that going to be -- who's the coordinator for the
25 opposition?

1 MR. SKINNER: This will be
2 Cary Skinner. I'm going to make it a deferral to
3 Jeremy Souza. He will be leading off my opposition.

4 MR. GOLINVEAUX: So, Jeremy, if you
5 coordinate your time that -- you'll have ten minutes
6 for the opposition -- of how you're going to -- if
7 you're going to share any of that time, or whether,
8 Steve, you do the same.

9 So, Steve, I'll -- let me get my
10 timer started here, but you have ten minutes to give
11 us your opening statement in support of your motion.

12 MR. BERRY: Very good. Thank you,
13 Mr. Chair.

14 So good afternoon to the standards
15 council. My name is Steve Berry with the National
16 Air Transportation Association. The slides that you
17 should be seeing on your screen were submitted as
18 part of the record.

19 As you all are no doubt aware, the
20 mission of NFPA is to save lives and reduce loss
21 with information, knowledge, and passion. Yet the
22 requirements we are discussing today made their way
23 into the NFPA 407 with no justifiable information
24 and a lack of knowledge regarding who they would
25 affect. In fact, since the time of our last

1 hearing, NATA has worked with multiple FBOs to
2 collect data on airport fuel spills.

3 As you will see, the majority of
4 spills are not the result of overfills, and that the
5 requirements for automatic secondary shutoff devices
6 at airport loading racks is not based on a
7 statistical need, and the risk they would mitigate
8 does not justify their expense. Conversely, of the
9 estimated 700,000 bottom-loading operations that
10 occurred within our data set and time frame, there
11 were only twelve spills, all of which resulted in
12 zero injuries, zero fires, and zero environmental
13 impact.

14 The knowledge the technical committee
15 had during the revision process led them to believe
16 that the scope of enforcement would apply only to
17 large, commercial, Part 139 airports. The scope of
18 enforcement will apply to all airports that have
19 adopted the latest revision of the NFPA 407 and all
20 airports that receive federal airport improvement or
21 passenger facility charge funds.

22 The argument has also been made that
23 automatic secondary shutoffs are required for
24 NFPA 30, regardless of what is in the 407. But
25 that's not exactly comparing apples to apples.

1 Airports and aircraft fuel servicing operations are
2 unique, and precisely why the 407 exists as its own
3 document.

4 For example, mobile refuelers
5 bottom-loaded at airports already have high level
6 shutoff devices installed as required by the 407.
7 And other tank vehicles, such as road transports, do
8 not have those types of controls installed; and,
9 thus, the need for overfill protection at the racks
10 where they're loaded is both necessary and prudent.
11 Also, the section within NFPA 30 that is
12 referenced -- Section 28 -- refers to bulk loading
13 and unloading facilities. But nowhere in the 407
14 will you find airport fueling systems defined as
15 bulk loading and unloading facilities.

16 It's also a matter of enforcement.
17 While the NFPA 30 is the standard reference for the
18 storage of flammable liquids, it's not the standard
19 reference when it comes to bottom-loading operations
20 at airports or, more importantly, for the routine
21 inspections performed by fire marshals or other
22 authorities having jurisdiction. The document
23 referenced for those is the NFPA 407.

24 NATA has been accused of making an
25 eleventh-hour attempt to reverse what has been in

1 writing for five years. And while it certainly is
2 the eleventh hour, we wouldn't need to be pursuing a
3 TIA had these requirements been properly researched
4 and vetted at the committee level to begin with. We
5 may not be here today had we not been precluded from
6 speaking at the second draft meeting, where we could
7 have corrected the record as to both the necessity
8 and scope of these requirements.

9 Lastly, TIA 1558 is not just a NATA
10 initiative that seeks to benefit its membership. As
11 evidenced by the presence of my guests and the
12 hundreds of comments received, our efforts have the
13 support of nearly every sector of the aviation
14 refueling industry, from the enforcement community
15 and professional engineers, to airport authorities,
16 and the majority of the technical committee on
17 aircraft fuel servicing itself.

18 The industry has spoken loud and
19 clear on this issue. The data is very clear on this
20 issue. What we are debating is far more important
21 than standing behind process. And with all due
22 respect to the opposition, letting a ten-member
23 minority of a 29-member committee overrule what has
24 been made clear through actual data, information,
25 and knowledge, runs counter to the NFPA mission and

1 jeopardizes the integrity of the standards creation
2 process itself.

3 We implore the standards council to
4 please review the data, consider the expertise and
5 support generated from the industry, and overturn
6 the ballot results of TIA 1558.

7 With that, I yield the remainder of
8 my time to Roy Creley, principal voting member of
9 the aircraft fuel servicing technical committee.

10 MR. CRELEY: Thank you, Steve.

11 I'm Roy Creley with Lakes Region
12 Environmental, and I'm a member of the technical
13 committee.

14 I'm in complete agreement with what
15 Steve just presented. And as a member of the
16 committee, I've been on the committee for a little
17 over ten years, and other committees for 20, so I
18 understand the operations. And we tend to trust
19 other committee members and understand that they're
20 experts selected for the committees based on their
21 experience. And so as we try to write these
22 standards, we do so going in open-minded. I know
23 that just because I've thought something, doesn't
24 make it right, for instance.

25 But we do want to properly vet these,

1 and that just didn't happen in this case. It was
2 part of a much bigger rewrite of two chapters,
3 turning them into five chapters. And this was a
4 very small piece of a much bigger change. I asked
5 from the onset to provide any sort of data that
6 could prove that the problem exists. It was
7 purported as a widespread industry problem. And in
8 my neighborhood, the Greater Northeast, we don't
9 have that problem -- not that I've seen. And at all
10 of the airports we work at, we design them, we build
11 them, and we've maintained them and repair them --
12 we don't see the problem.

13 No evidence was ever given that the
14 problem exists, except that it was said that it was
15 widespread. We have now found, after investigation,
16 that it's not at all widespread. In fact, I even
17 called the EPA, as I have some contacts there, and
18 had them look into it, and they don't have any
19 indication of this being a problem at all.

20 Also, because it wasn't properly
21 vetted, the wording hadn't been massaged as it
22 should be. And if you look through the 407 now,
23 you'll see contradictory wording. One section says
24 you need it; one section says you don't. There's a
25 lot of problems that this caused because it didn't

1 go through the proper committee process as it should
2 have.

3 When it did come up for discussion,
4 it was generally never concluded. We always ran out
5 of time, or it got tabled, or, one way or another,
6 we never got the full discussion that we should have
7 had. And this is a very important discussion. And
8 it's a much more important issue than we ever
9 thought it was -- certainly for the reasons that
10 Steve said, but there's the potential for this to
11 actually cause overfills. And this was documented
12 on an email to me from Fred Cnota that said that
13 this only happens when the secondary system is down.

14 In that statement, I have to look at
15 the numerous failures of them to comply with the 407
16 regulations before it gets to that secondary. Their
17 primary was not being used. It was not being
18 tested. The truck should have been taken out of
19 service when the primary wasn't being used; but
20 instead, they just went right to the secondary and
21 used that as the primary. There's several
22 violations to the code there.

23 So in that respect, I think it opens
24 the door to airports having a problem that didn't
25 have the problem before. And I feel very, very

1 strongly that this requirement for the secondary
2 overfill shutoff be removed from 407 until, if
3 nothing else, it can be properly vetted and shown
4 that there is a need for it and that it doesn't
5 cause more problems than it's going to solve.

6 And I'm done.

7 MR. GOLINVEAUX: Thank you. I'm
8 going to recognize, I believe, Jeremy Souza for the
9 opposing statement -- the first part.

10 MR. SOUZA: Thank you, sir.

11 Good afternoon. My name is
12 Jeremy Souza. I'm a fire protection engineer with
13 Code Red Consultants in Southborough, Massachusetts,
14 a principal member and past chair of the technical
15 committee for aircraft fuel servicing. And I thank
16 the council for having me here today.

17 I speak in opposition to the appeal
18 of the ballot result for TIA 1558. This is now the
19 second time in five months that the technical
20 committee has acted on a TIA on this exact topic.
21 The first TIA, 1539, which was acted upon in the
22 December standards council meeting, sought to remove
23 only the retroactivity requirements for overfill
24 protection systems for aircraft and fuel servicing
25 tank vehicle loading racks. And that was not

1 accepted by the technical committee, and its appeal
2 was denied by this council.

3 This present TIA seeks to broaden the
4 scope of that first TIA, now entirely removing the
5 requirement for overfill protection systems in their
6 entirety. Simply stated, the single point of
7 failure for the existing truck-based overfill
8 prevention systems will allow or cause a fuel spill
9 when these systems fail to operate. The spills
10 generally range in size from 50 to 400 gallons, the
11 quantity being based on how quickly the fueling
12 operator recognizes that a spill event or overfill
13 event is taking place.

14 These overfills occur at the top of
15 the truck, which is out of sight of the fueling
16 operator. The first indication that there is a
17 spill is either fuel dumping from the drains at the
18 bottom of the truck or splashing over the top of the
19 tank -- the trough that exists on top of the tank.
20 At the point that this happens, there's at least
21 50 gallons that have already spilled from the tank.
22 When these events take place, they are not
23 insignificant and represent a considerable fire
24 danger.

25 These systems have been required --

1 the rack-based systems that are now included in
2 NFPA 407 have been required by NFPA 30 since at
3 least 1997 for both loading facilities, which NFPA
4 30 defined as facilities for loading and unloading a
5 tank cars in tank vehicles, which is exactly the
6 circumstance that we have here. One of the tenants
7 of NFPA 407 is that the level of protection provided
8 by NFPA 30 is not sufficient for the hazards
9 involved with the fueling of aircraft. NFPA 30 is
10 the baseline from which 407 builds. The
11 requirements in NFPA 30 are, by default, included in
12 NFPA 407. So the inclusion of overfill protection
13 systems in 407 really brings 407 in further
14 alignment with the requirements of NFPA 30.

15 The technical committee examined the
16 merits associated with installation of these systems
17 during the 2017 revision cycle for NFPA 407, which
18 began in 2014. Zero public comments were received
19 after the first draft meeting of the 2017 edition.
20 During the public input period for the 2022 edition,
21 zero public inputs were received. The committee
22 revisited this requirement at the first and second
23 draft meetings for the 2022 edition, and no action
24 was taken from the committee. No public comments
25 were received during the public comments period.

1 This is now a six-year timeline where
2 the aircraft, aviation, and airport industry has
3 said nothing regarding these requirements. That the
4 airports submitting comments on the TIA only did so
5 after this six-year period of inactivity suggests
6 that the standard may not be of such criticality to
7 their operation as it's been made to sound.

8 It was testified that the repeated
9 TIAs on this topic is that the -- an upcoming
10 adoption of NFPA 407 by the Federal Aviation
11 Administration as a condition of federal grants, and
12 that this would cause an adverse impact on the
13 aviation community. If this is indeed the case,
14 then the issue should be taken up with the FAA --
15 not with NFPA in a bid to reduce the level of safety
16 at the airports.

17 I thank you very much for your time,
18 and I yield the remainder of my time to Cary Skinner
19 and Fred Cnota.

20 MR. GOLINVEAUX: Thank you, Jeremy.

21 Cary, you have about six minutes.

22 MR. SKINNER: Thank you very much.

23 I'm going to defer to Fred Cnota, who was the chair
24 at the time of the 2017 document creation. So I
25 defer to him.

1 MR. GOLINVEAUX: Okay.

2 Fred, please introduce yourself and
3 your affiliation.

4 MR. CNOTA: Sure. Fred Cnota,
5 Aviation Fire Safety Consultants.

6 Number 407 -- I was the past chair of
7 407. I would just like to state, as Jeremy already
8 stated -- first of all, thank the council for their
9 time. And I actually thank the people opposing us
10 for their opinions. It's a big part of how 407
11 works.

12 I would like to say that this
13 discussion started in 2014 when we started the
14 revision for the 2017 edition. It was discussed by
15 multiple members, multiple times, at multiple
16 meetings, at length -- sometime ad nauseam. I was
17 the chair at that time. Again, no public inputs at
18 any time. The document has been in print since June
19 of 2016. We've had zero input until the last
20 quarter of last year.

21 At that time, our first revision
22 meeting, it was brought up by a committee member.
23 It was discussed again. It was voted down by the
24 committee to leave the document as it is. At our
25 second revision meeting, I was acting chair for that

1 meeting. I was informed that, as acting chair, we
2 did not have to allow guests to speak. And, in an
3 effort to conserve time, and since the NATA,
4 Steve Berry, asked to speak -- he had four members
5 of the committee representing his position -- I
6 decided, to save time, we would not have guest
7 speakers.

8 The committee members spoke on his
9 behalf. We discussed it for 90 minutes at that
10 time. We took a vote from the committee. Then they
11 filed a TIA. The TIA failed. They appealed to the
12 standards council. That failed. Now they've
13 submitted another TIA. And here we are again.

14 I just want to say I understand their
15 position. We're in it as a safety measure. I've
16 personally seen multiple tankers overfilled by not
17 using an electronic overfill protection system.

18 That being said, again, I'd like to
19 thank the committee and everyone here, and I defer
20 the rest of my time to Cary.

21 MR. GOLINVEAUX: Thank you.

22 Cary, if you want to finish up any
23 time, you have three minutes left.

24 MR. SKINNER: Yeah, sure. The
25 creation of the 407 committee was created with a lot

1 of industry professionals. And as chair, I listened
2 to their thoughts and desires, and they know this
3 much better.

4 I was an enforcer at an airport.
5 And, yes, I did see many different spills, a lot of
6 it done by personal habits -- people not doing
7 things like they're supposed to. I do believe
8 overflow protection system is necessary as a
9 standard because it will make a safer environment
10 for the airports and everybody working within it.

11 I understand the TIA, as I was a
12 technical committee member in 2014 during the
13 committee development of '17's edition. I listened.
14 And, again, I did not hear any opposition at that
15 time. I am sorry that I wasn't there for the
16 committee meeting on the -- December of 2020. My
17 work requirements would not allow me to be there.
18 And that's why I had Fred act in as chairman at the
19 time -- because he was well versed in the full
20 document and everybody else involved there.

21 In closing, basically, I would like
22 to see this resolved in a quick manner, and keep it
23 all professional. Thank you.

24 MR. GOLINVEAUX: Thank you.

25 I am going to open it up for

1 questions from council. Jeff Foisel.

2 MR. FOISEL: Thank you, Mr. Chair.
3 I'd like to follow up with a question for Roy.

4 You said that your information was
5 not vetted during the process. Can you go into more
6 detail and explain what that means? What was missed
7 in the vetting?

8 MR. CRELEY: Well, a lot of what's
9 being brought up now, wording-wise. To start off
10 with, it was never demonstrated that the problem was
11 a widespread problem. That was really based on
12 hearsay. There was no evidence given to us. The
13 wording that should have been worked on wasn't, like
14 it normally is. And for an example, there's some
15 contradictory wording in section 613.12.2.7.

16 It says, "The cargo tanks shall be
17 equipped with an automatic primary shutdown system
18 that stops the tank loading operation when the tank
19 is full unless an automatic shutdown is provided on
20 the rack in accordance with 5.12."

21 Then you go to 5.12 and it says, "The
22 loading rack shall be equipped with an automatic
23 shutdown that stops the tank loading operation when
24 the fuel servicing tank is full."

25 And 5.12.3 says, "The automatic

1 secondary shutoff shall not be used for normal
2 filling control." So they're contradicting each
3 other. I know that from an operational standpoint.
4 And that's not something that we would have allowed,
5 had we given it enough time.

6 We're also -- now that this has gone
7 out to ballot in both of the TIAs -- both the
8 associated TIAs -- we have a majority of the
9 technical committee voting in favor of the TIA;
10 however, not the three-quarters required. So
11 people's minds have changed as the information has
12 become available.

13 MR. GOLINVEAUX: Thank you.

14 Jim Quiter.

15 MR. QUITER: Yeah. I have two
16 questions for the committee.

17 One is we've seen in the appeal that
18 this was originally -- the committee thought it was
19 going to apply to the 139 large airports, and that
20 it's being inadvertently applied to all airports;
21 does the committee agree with that statement?

22 And the second question was we saw
23 data on spills that I'm not sure that the committee
24 saw at the time. But, if they did, is that data
25 considered accurate, or is that data considered

1 flawed?

2 MR. GOLINVEAUX: Jim, who is this
3 question to?

4 MR. QUITER: Whoever on the committee
5 chooses to answer it on the opposing side.

6 MR. SOUZA: Mr. Chairman,
7 Jeremy Souza, Code Red Consultants. I can take
8 those questions.

9 On the question of the widespreadness
10 of the issue, the enforcer community that's
11 represented on the aircraft fuel servicing technical
12 committee is mostly from larger airports. Smaller
13 airports generally don't have any sort of
14 enforcement presence at the airport, only because
15 the local fire department passes through once every
16 year or so, does their inspection, and leaves. And
17 larger airports generally have an airport fire
18 department and are required by the Federal Aviation
19 Administration to inspect, at least on a quarterly
20 basis, all the facilities at the airport.

21 From the enforcement community
22 members on the technical committee, all of us -- and
23 I speak for myself, but with an understanding that
24 the other enforcement members feel the same way --
25 we have all responded to incidents of fuel servicing

1 tank vehicles that are overfilled at fuel loading
2 racks. From my own airport, it was approximately
3 every six to twelve weeks that we responded to an
4 incident of this type.

5 The records of that: Back in 2014,
6 we looked into the National Fire Incident Recording
7 System -- the NFIRS. The NFIRS data does not give
8 sufficient granularity to be able to pull out fuel
9 spills at loading racks at airports. And that also
10 assumes that airport fire departments feed into the
11 NFIRS system, which that is not generally done at
12 most of the small-to-midsize airports. Really, only
13 the larger airports feed into the NFIRS system.

14 And can you refresh my memory of what
15 the first question -- first portion of your question
16 was?

17 MR. QUITER: Yes. Jim Quiter, member
18 of council.

19 It was -- was the intent of the
20 committee that it only apply to those 139 larger
21 airports, or was it the intent that it apply to all
22 airports, as it seems to be being applied now?

23 MR. SOUZA: So, at the time, it's --
24 the 139 airports -- it's not a quantity of 139.
25 It's actually about 530 airports that are

1 certificated by the Federal Aviation Administration
2 under Part 139 of the Federal Aviation regulations.

3 So they're referred to in the
4 industry as the "139 airports." It was understood
5 that, at the time, the only AHJ that immediately
6 enforces the newest edition of NFPA 407 as soon as
7 it hits is the Federal Aviation Administration, and
8 it is at those 530 or so Part 139 airports. The
9 committee was aware of that at the time. But as
10 soon as the new edition becomes effective, it
11 immediately becomes effective at those Part 139
12 airports.

13 It was also understood that, over
14 time, as states, and counties, and municipalities
15 adopt, through their regular revision cycle,
16 whatever edition of the buyer codes that they
17 pull -- either NFPA 1 or any of the alternative fire
18 codes -- that those referenced editions that go
19 along with those would then be enforced. What we
20 are now seeing -- and at my last count, it was 18
21 states that have adopted the 2018 or newer edition
22 of NFPA 1, which pulled in the 2017 edition of 407,
23 or other standards that pull in the 2017 edition.
24 So with those 18 or so states -- and we have now
25 seen, in the past six months, the 2017 edition now

1 has become active at the smaller airports that are
2 not part of that Part 139 process.

3 The other contention of the grant
4 funding -- attaching 407 compliance to grant funding
5 -- I've spoken with the Federal Aviation
6 Administration. It is not the intent for an airport
7 that is using federal dollars to pave a runway or do
8 other infrastructure improvements -- that their
9 fueling systems will then have to comply. There are
10 numerous grant assurances that the FAA requires.

11 One that was specifically brought out
12 is, oddly enough, the colors of fire trucks at
13 airports. Airports are required by federal
14 regulation to have yellow fire trucks. However, if
15 you look at many of the very large airports, they do
16 not. They have red fire trucks. And the Federal
17 Aviation Administration has not pulled the grant
18 funding because of that. And it's viewed in a
19 similar track.

20 MR. GOLINVEAUX: Jeremy, I'm going to
21 have to cut you short here.

22 MR. SOUZA: Yep, I'm good.

23 MR. GOLINVEAUX: I think you covered
24 his question earlier on.

25 And I notice I have Mike France with

1 your hand up. Mike, are you responding to Jim's
2 question?

3 MR. FRANCE: Yes, Mr. Chairman. We'd
4 like the opportunity just to provide a very brief
5 response to that question as well.

6 MR. GOLINVEAUX: Okay. I'll go ahead
7 and recognize you for that question Jim set up.
8 We'll follow up with that. And if you'd introduce
9 yourself and your affiliation and respond directly
10 to that question from Mr. Quiter.

11 MR. FRANCE: Sure. Absolutely.
12 Michael France with the National Air Transportation
13 Association.

14 So a couple key points. Mr. Souza
15 actually -- thank you. It was a fantastic response
16 that the committee was believing that these
17 requirements would apply to the 139 airports and not
18 smaller airports. That is the core of our issue.
19 And that NATA was there and prepared to make a -- to
20 provide information that actually, in reality, these
21 new requirements would most likely apply very
22 broadly across our industry. And that, however, due
23 to the limitations of a digital meeting, the
24 committee was not able to hear that. And now that
25 they have, many of them have begun to change their

1 mind. That was the first part of your question.

2 The second was in relationship to --
3 I wanted to respond to Mr. Souza's comment in
4 answering the question about the FAA's
5 applicability. We have guests joining us today from
6 both the American Association of Airport Executives
7 and the Airports Council International-North America
8 that are here to talk about, and, if needed -- and
9 they would be happy, I'm sure, to answer questions
10 about the significant uncertainty that applies for
11 airports both small and large -- the over 5,000
12 airports that these new requirements may apply to.

13 So it is not a clear-cut matter that
14 this is not going to apply to smaller airports.
15 There's significant uncertainty. And the committee
16 acted -- and Mr. Berry can also address this, if
17 need be -- that the committee was under the
18 impression that this was only the largest 500
19 airports in the country.

20 Thank you for the opportunity to
21 answer that question.

22 MR. GOLINVEAUX: Okay. I'm not going
23 to draw this question out too much longer.

24 Roy, you have your hand up. I want
25 to get to council questions. Is it something

1 directly related to Mr. Quiter's question?

2 MR. CRELEY: Not directly, but if
3 you'd like, I just wanted to briefly, quickly
4 discuss the primary shutdown, because that's
5 important to this whole question. If you'd like, I
6 can describe how that works, very briefly.

7 MR. GOLINVEAUX: Let me see if it
8 comes up in any questioning, and I can come back to
9 it. Or, you can consolidate it into the summary
10 remark, if you'd like; okay?

11 MR. CRELEY: Okay. Thank you.

12 MR. GOLINVEAUX: I want to make sure
13 you get it on the record for what you need. And
14 we'll make sure you coordinate that with the timing
15 for the summary remarks, but it may come up in a
16 question.

17 So, Cathy, I'm going to move to you
18 for question from council -- or, no, Cathy, you're a
19 guest. I'm sorry. So, Cathy, what --

20 MS. STASHAK: No, I'm council. I
21 don't know why --

22 MR. GOLINVEAUX: I'm sorry. It just
23 read differently on my screen, and I apologize.

24 But, Cathy, do you have a question?

25 MS. STASHAK: Yeah.

1 Catherine Stashak, member of council. And this is
2 for people that -- the supporters of the TIA.

3 Why is this an emergency now, after
4 it's been in the standard for several years?

5 MR. BERRY: I'll be happy to take
6 that.

7 It's an emergency now --

8 MR. GOLINVEAUX: You need to identify
9 yourself and your affiliation before you start
10 answering the question, just for the court reporter,
11 please.

12 MR. BERRY: Apologies, Mr. Chair.
13 Steve Berry with the National Air Transportation
14 Association.

15 It's an emergency now because the
16 industry is just now becoming aware of it. Once it
17 came on our radar, we began promoting it to the
18 industry to let them know what was happening. And
19 that's when we received the overwhelming response
20 that we have -- not just from our membership and end
21 users, but, as stated also, from the enforcement
22 community and from engineers, and airports, and
23 pretty much the entire spectrum across the board.

24 Also, there's new data that we've
25 presented here. We've worked with multiple FBOs to

1 analyze the spills that have occurred across 161
2 locations. And, as evidenced by what we've heard in
3 comments, now we have actual numbers to support the
4 fact that this just simply does not occur at a rate
5 or frequency that would justify the onerous cost and
6 expense to install these systems across every
7 airport in the country, or even every airport that's
8 adopted the NFPA 407 latest revision.

9 MR. GOLINVEAUX: Okay. Thank you.

10 Cathy, are you good there?

11 MS. STASHAK: Yes, I'm fine.

12 MR. GOLINVEAUX: Great. Thank you.

13 Moving on to Mike Crowley.

14 MR. CROWLEY: Mike Crowley, member of
15 council. I've got a question probably -- I'd like
16 to make sure I understood what Mr. Souza said -- or
17 maybe it was Fred. The committee members spoke in
18 favor of this topic in your one meeting where, in
19 lieu of having a representative like Mr. Berry
20 speak, you had the committee members in favor of it
21 speak.

22 Was that acceptable effort, you
23 think, to vet this topic in front of the entire
24 committee? And I can get both sides to answer, but
25 I just want to get a little more flavor for that.

1 MR. CNOTA: Yes. This is Fred Cnota.
2 I was the acting chair for that meeting, and I felt
3 the committee members had the information available
4 to them before the meeting.

5 He had four members -- the NATA had
6 four members of the committee well versed in his
7 issue. They presented it to the entire committee.
8 We discussed it for 90 minutes. And it was still
9 taken to a committee vote. And the committee
10 members -- the information that we had -- voted on
11 that. And then, again, a TIA was submitted after
12 that.

13 MR. GOLINVEAUX: Steve Berry, I see
14 that you have your hand up.

15 Are you responding to Mike's
16 question?

17 MR. BERRY: Yes, Mr. Chair.

18 MR. GOLINVEAUX: Go ahead.

19 MR. BERRY: I'll take my hand down
20 first. This is Steve Berry with the National Air
21 Transportation Association.

22 I would like to state, for the
23 record, that we did not have four representatives
24 speaking on our behalf. There may have been folks
25 that were well versed in what was going on, but

1 these were not official representatives of NATA or
2 our position. They were, to Roy's point, members of
3 the committee who support what we're trying to do.
4 But to portray it as official representatives of
5 NATA is untrue.

6 And with all due respect to
7 Mr. Cnota, I mean, the way he felt about it doesn't
8 justify denying us an opportunity to speak. Because
9 we felt pretty strongly about it too, but we never
10 got to share that information with the committee.
11 So I'd just like to clarify that for the record.

12 MR. GOLINVEAUX: And, Cathy, you
13 still have your hand up. I'm going to assume that
14 was remaining from the previous one.

15 I have a question --
16 James Golinveaux, chair of council. I'm going to
17 address it both -- to Steve, and I'm going to
18 address it to Cary, but I'll have Steve respond
19 first.

20 I'm trying to go through the timeline
21 of this second draft comment. And the second draft
22 meeting -- from what I understand, in December of
23 2020, a request was made to speak to the committee
24 that did not happen, but that it then resulted in a
25 TIA -- I believe it was 1538 -- if I remember the

1 language that was used in your testimony, that there
2 was a previous TIA that was issued or requested just
3 after the second draft meeting. And then since that
4 time, another TIA was submitted, and that TIA is
5 1558.

6 And were there any technical
7 committee meetings during the time of the
8 deliberation of 1558 that you were not allowed to
9 speak at or told not to attend a meeting of NFPA?

10 So, Steve, I'll have you answer that
11 first, and then I'll go over to Cary.

12 MR. BERRY: Sure. Thank you,
13 Mr. Chair. This is Steve Berry with the National
14 Air Transportation Association.

15 So the second draft meeting that
16 occurred -- the one we spoke about and we were
17 precluded from speaking on -- that actually occurred
18 on November -- I'm sorry -- September 17 of 2020.
19 We submitted our official TIA, and it was accepted
20 by the NFPA on September 28 of 2020.

21 To your question about were we denied
22 any opportunity between TIA 1558 and now? No,
23 because we were not aware that there were any
24 meetings occurring at the committee level. If there
25 had been, I certainly would have liked to have been

1 invited. But, to my knowledge, there was no
2 committee meetings in response to our TIA.

3 MR. GOLINVEAUX: Okay. I was just
4 trying to put the time stamps to a couple of the
5 comments, as I was trying to do.

6 So, Mr. Skinner, I assume that fits
7 your timeline as well?

8 MR. SKINNER: Yeah. What had
9 happened is he was present during the second draft
10 meeting. Wasn't allowed to speak. And since then,
11 we have had no further technical committee meetings
12 at all.

13 MR. GOLINVEAUX: Okay. Thank you. I
14 just wanted to get that timeline down on the record.

15 Mr. Quiter. You're on mute, Jim.

16 MR. QUITER: Sorry. I never do that,
17 but I did this time.

18 My question is for the proponents.
19 You've now submitted a second TIA, which was
20 described, at least by the committee, as broader
21 than the first TIA.

22 Why is it broader? What drives it to
23 be a different version than the first one we already
24 acted on?

25 MR. BERRY: Thank you. Steve Berry

1 with NATA.

2 The reason it's broader is because of
3 our research that we've conducted between the first
4 failed TIA and subsequent failure of the overturning
5 of the ballot -- and this one. What we've learned
6 throughout this process, in speaking with the
7 industry, and speaking with the enforcement
8 community, and collecting data, is that this issue
9 is not -- number one, it doesn't exist. And number
10 two, at least not to the extent that would require a
11 nationwide change of the standard to this effect.
12 And number two (sic) is even if you did install
13 these systems, there's no guarantee that it's going
14 to prevent overfills.

15 I mean, to Mr. Cnota's point, he's
16 made the statement that the only time he's seen
17 overfills is when the automatic shutoff system was
18 down. And to support Roy's proposition is -- the
19 reason that occurs is because people become
20 over-reliant on these automatic overflow prevention
21 systems. Whereas, in the GA community, we don't
22 have these.

23 There's -- I would say probably less
24 than 5 percent of GA airports have these systems.
25 And our -- on our side of the industry, at least,

1 folks are well trained to test the precheck with
2 every bottom-loading operation. There's many
3 companies that require multiple prechecks throughout
4 the loading operation. And just to clarify, the
5 precheck is a physical, mechanical function that
6 allows you to test the overfill prevention device on
7 the truck so you know, at the start of every
8 overfill, whether or not that overfill prevention
9 device has worked.

10 So that's our position, and that's
11 why we decided to come up with the second TIA, and
12 broadening the scope -- because we realized that it
13 just does not affect the number of people as the
14 technical committee was led to believe. And the
15 impacts that occur as a result of it are not nearly
16 as significant.

17 Thank you.

18 MR. GOLINVEAUX: Roy, you raised your
19 hand there. I assume you're referring to
20 Mr. Quiter's question?

21 MR. CRELEY: Yes, I just wanted to --

22 MR. GOLINVEAUX: Introduce yourself
23 and your affiliation.

24 MR. CRELEY: Roy Creley, Lakes Region
25 Environmental. Sorry.

1 The precheck that Steve was just
2 talking about is a required operation that must
3 happen. And what happens is when they initiate the
4 filling of the refueling truck, they have to use the
5 precheck, which puts the full overfill system into
6 check.

7 It also does one other function -- is
8 it's testing an internal valve in the truck, which
9 is very, very important. That internal valve closes
10 to stop the filling operation, but it remains closed
11 until you're either dispensing fuel or taking fuel,
12 so that you don't have it open inadvertently during
13 transportation across the airport, or parking
14 unattended, or anything like that.

15 So running through that precheck is
16 vitally important for more than just overfill. But
17 you're checking the overfill device at each filling
18 of that truck, so a secondary device really isn't
19 necessary. We've got this. It's working, and it's
20 worked very well for a very, very long time.

21 One other thing I wanted to mention
22 is the first TIA was to take the retroactivity out
23 of it, because this was deemed as so important that
24 it had to be retroactive to all airports. And the
25 first TIA was to take that out of it. And as Steve

1 said, since we've now investigated further, we're
2 finding out that the requirement is really flawed,
3 more so than we first thought.

4 Thank you very much.

5 MR. GOLINVEAUX: Thank you. I'm not
6 seeing any other questions from council.

7 Roy, I assume your hand is -- okay.
8 Good. No other questions that I see from council.
9 I'm going to allow the five-minute summary. I will
10 default to Mr. Berry for your five-minute summary
11 comments.

12 MR. BERRY: Thank you, Mr. Chair.
13 And I'm going to defer to Mr. Mike France of NATA
14 for our summary comments.

15 MR. GOLINVEAUX: Okay.

16 MR. FRANCE: Good morning.

17 Michael France -- I'm sorry. Go
18 ahead.

19 MR. GOLINVEAUX: No, go ahead. I was
20 just going to explain the ten minutes. You're well
21 on to introduce yourself, please.

22 MR. FRANCE: Michael France with the
23 National Air Transportation Association. So thank
24 you for the opportunity to be heard today.

25 I do want to take a moment and just

1 do a quick summary of where we stand. In the
2 existing operations that are governed by NFPA 407,
3 excluding the part that we're talking about -- right
4 now, fuel trucks are required to have overfill
5 protection devices installed. They're required by
6 407 to have that precheck that we've talked about.

7 And they're also required to have a
8 second mode -- that's the deadman switch. So
9 earlier, one of the individuals speaking in
10 opposition noted something about a single point of
11 failure. Under the existing rules, not including
12 what we're talking about today, there is no single
13 point of failure. There are actually two layers.
14 What we're talking about is adding a third layer.

15 So I wanted to make sure we got that
16 out, but let's summarize and look at some of the
17 points that were brought up today. I don't want to
18 dig too far into details. There's a record you all
19 will be able to take a look at. A couple of things.

20 First, I wanted to point out a point
21 that Mr. Souza actually made in his written
22 comment -- that these new requirements for automatic
23 shutoff were presented to the committee absent
24 support of any data. It is -- they were presented
25 under committee members' anecdotal experiences. And

1 there's nothing wrong with that, but we just want to
2 make sure we get that clear. Even the opposition
3 agrees -- there is no industry, nationwide data set
4 that shows that these requirements are necessary.

5 Secondly -- now, the next point we
6 want to consider is that there is massive industry
7 support for this TIA. I believe it's in the 2- to
8 300-comment range. It's in the record. You all can
9 look at that. What you can also see is that these
10 comments cross a broad swath of businesses. So it's
11 airports -- fixed base operators that actually do
12 the fueling and have the fuel farms; airports that
13 often also serves the enforcing agencies; and
14 engineers and enforcing agencies in support of this.
15 So very broad industry support of pretty high
16 numbers.

17 Additionally, majority committee support.
18 There was a lot of talk about no public comment;
19 nothing was brought in. We live in a dynamic world.
20 I think COVID has taught us all that. Things can
21 change, and they change quickly; right? Just
22 because the industry was unaware and didn't make
23 comments back in 2014 in no way lessens our comments
24 now. The fact that in 2016, or '17, or '18, or
25 '19 -- the lack of industry involvement, the

1 opposition would have you believe, is because the
2 industry -- it's not really that important to them.

3 Our position is we didn't understand. We
4 didn't recognize. The NFPA process is a very
5 technical process that many people in many
6 industries are completely unfamiliar with. And so I
7 ask you to give the industry the benefit of the
8 doubt that they are acting in good faith and not
9 just coming in at the eleventh hour because they, on
10 a whim, decided now that they want to do something
11 with this.

12 One other issue I'd like to point out in
13 our summary here is that, should the standards
14 council choose to overrule the committee's lack of
15 being able to get three-quarters and enact this TIA,
16 it does not impact safety at airports. The rules
17 that would be removed or the requirements that would
18 be removed with this TIA are not yet in force.

19 So we are currently having -- we already
20 had these two layers of protection existing in the
21 industry. We are asking you to basically not allow
22 a new set of rules to come in, because there is a
23 lack of data supporting it, overwhelming industry
24 opposition to it, and some significant procedural
25 issues. And I want to make very clear -- we in no

1 way are insinuating that NATA was intentionally
2 denied an opportunity, or that our members were
3 discriminated against. We understand there's a lot
4 of challenges that come with running digital
5 meetings.

6 But the bottom line is that when the voice
7 of small and midsize business was most important --
8 that was when the committee was discussing
9 applicability -- the individuals -- the association,
10 in this case, that represents those companies was
11 not able to provide committee members the
12 information they needed to make a sound decision.
13 Now that we have, we've seen a majority of committee
14 members reverse their decision and vote in favor of
15 this TIA.

16 So with that, I think I've got, like,
17 twelve seconds left. So I want to thank you all for
18 your time here today. But no data to support,
19 massive industry support, committee support, and
20 procedural issues -- that's why we're asking you to
21 overturn the committee's decision and enact this
22 TIA. Thank you.

23 MR. GOLINVEAUX: And before I go to
24 the opposition, Roy, I had cut you off on an answer
25 because it wasn't relative to the question. I told

1 you I'd come back to you in summary. In a minute or
2 less, can you give us your comment very quickly,
3 please?

4 MR. CRELEY: Yes. It basically was
5 the operation of the primary system. I wanted to
6 make sure that you folks understood how that
7 actually happened. And I think now we've discussed
8 it pretty well. Thank you.

9 MR. GOLINVEAUX: Very good. I just
10 wanted to make sure you had your opportunity.

11 So I will move to, I assume,
12 Jeremy Souza for closing remarks for the five-minute
13 on the opposition?

14 Or, Cary, are you going to default to
15 Jeremy?

16 MR. SKINNER: Yeah, I'm going to let
17 Jeremy start it off, and then I have -- Fred Cnota's
18 going to make a comment. And I'll make an overall
19 summary after them too, if it's okay.

20 MR. GOLINVEAUX: All right. You've
21 got five minutes. Please proceed.

22 MR. SOUZA: Thank you, sir.
23 Jeremy Souza, Code Red Consultants.

24 I'd like to re-remind council that
25 this requirement has been in NFPA 407 since the 2017

1 edition. It's now been aware by the industry for
2 over six years. No -- during that six-year period,
3 no public inputs, no public comments. And during
4 many meetings, the committee -- these items -- never
5 heard. It's never made it out of a committee
6 meeting into a ballot. It was all voted down by a
7 majority of the members of the committee. We're now
8 on our second TIA on this exact same topic.

9 To say that the procedures and
10 process have not been followed -- I take great pains
11 in hearing that -- that I cannot think of any
12 greater procedural action than receiving no comments
13 from the public, no inputs from the public, and
14 multiple TIAs with the same effect. The
15 applicability -- and not just the applicability to
16 smaller airports -- that was discussed during
17 committee meetings -- there were multiple concepts
18 that were debated during the committee meetings,
19 trying to determine if fuel flowage rates, or sizes
20 of tanks, or some other metric to determine an
21 applicability for where these systems would fall in.

22 The result of that was the five-year
23 phase-in in the 2017 edition -- that giving smaller
24 airports five years to install these systems, from
25 an economic standpoint, would be adequate. The

1 systems that had been included were acquired by
2 NFPA 30 for now over 25 years. They are proven in
3 that they do work. For those of us from the
4 enforcement community who have had to live with
5 these overfill incidents, we can see them. And as
6 anecdotal as it may be, when you have enough
7 individuals in the committee seeing the same thing,
8 over and over again, it -- the appearance, at least
9 at the committee level, is that it's no longer an
10 anecdote. It's real life, and something that we
11 lived every day.

12 With that, I'll turn it back over to
13 -- I'll yield the remainder of my time to
14 Fred Cnota.

15 MR. CNOTA: Hi. It's Fred Cnota,
16 Aviation Fire Safety Consultants.

17 I just would like to say that, yes,
18 there is a primary system on tankers. It's
19 strictly, 100 percent, operated by the fueller, which
20 is a big issue. We now have technology that will
21 allow electronic overfill device to take place.
22 Those overfills become nonexistent once the system
23 is in place -- or almost nonexistent.

24 To say that the aviation community
25 was unaware of it is because they didn't read the

1 document that's been in print since 2016. I think
2 we've been very open at our meetings. I think we've
3 been very fair at our meetings. And I think the
4 NFPA process has been followed to the "T."

5 And with that, I'll give the rest of
6 the time to Cary Skinner.

7 Thank you.

8 MR. SKINNER: Cary Skinner,
9 407 committee.

10 I believe I've been surrounded with
11 two professionals on our technical committee. I
12 take their word and their professionalism very
13 seriously. I always like to be surrounded with
14 people with great knowledge. I may not know
15 everything, but I can look across a table and know
16 what's right and what's wrong.

17 I've been a public safety figure for
18 almost 38 years now, and I do work in a large
19 metropolitan airport. I, physically, have seen
20 spills. Based on what people were saying about the
21 deadman switch, it is not a shutoff valve. It is
22 controlled by a human fueler. I've seen it many
23 times blocked to cut time and whatever -- some
24 people just being lazy.

25 But I also believe that this document

1 is right. And it's ready to go. And I know a lot
2 of people are looking for this enforcement to start
3 as of June 2 of 2021. I hope the standards
4 committee takes all this information together and
5 makes a good decision for all of us.

6 Thank you very much.

7 MR. GOLINVEAUX: I see Mike has his
8 hand up. You still have 45 seconds.

9 Mike, I assume you want to contribute
10 to the concluding arguments on the opposition?

11 MR. FRANCE: I do just want to
12 correct one point that was --

13 MR. GOLINVEAUX: This is not -- we're
14 not in the debate phase here, Mike. I'm sorry.
15 We're just in the concluding comments. So I'm going
16 to go ahead and move to close the meeting.

17 MR. FRANCE: Mr. Chair, one point.
18 New information was presented by the proponents in
19 their closing summary. I can rebut it in about
20 14 seconds. They did introduce new information
21 though, and we're just asking for 14 seconds to
22 respond.

23 MR. GOLINVEAUX: Go ahead.

24 MR. FRANCE: Michael France, National
25 Air Transportation Association.

1 Mr. Cnota noted in his closing that
2 the primary systems for shutdowns on trucks is
3 fueler controlled. That is something new that we
4 had not discussed and that is also incorrect.

5 The primary system is operated by an
6 automated jet sensor. The secondary overflow
7 protection is the deadman, as was discussed by
8 Mr. Skinner. That's it. Just wanted to make sure
9 we clarified that.

10 Thank you, Mr. Chair.

11 MR. GOLINVEAUX: Thank you. All
12 right.

13 As we conclude the hearing, let me
14 inform as to what happens next. The council will
15 deliberate and reach its decision in executive
16 session. Once the decision is made, the decision,
17 including the background of any other information
18 council believes relevant, will be prepared by an
19 NFPA staff and published by the secretary of the
20 standards council on the standards council web page,
21 www.nfpa.org/sc, and in accordance with the
22 regulations governing the development of NFPA
23 standards. Additionally, a decision will be sent to
24 the applicants and the chair of the responsible
25 committee directly. The official opinion of the

1 decision of council is that published by the
2 secretary, and no other communication shall be
3 considered the council's decision or position. Any
4 questions regarding the decision should be addressed
5 to the secretary.

6 On behalf of the NFPA standards
7 council, I'd like to thank all of those who
8 participated in this appeal hearing. Your
9 involvement, as well as all stakeholders, is
10 important to the NFPA standards development process.

11 This hearing is now ended. This will
12 conclude the appeal hearings on this agenda series
13 for this meeting. All the guests can kindly
14 disconnect, and thank you again for your
15 participation. Council members will go back to
16 their original link for the meeting. So you will
17 disconnect here and go back to the original council
18 member, where we'll go into executive session.

19 (The hearings were concluded at 1:49 p.m.)
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C E R T I F I C A T E

I, Molly K. Belshaw, a Notary Public for the State of Massachusetts, and Registered Professional Reporter, do hereby certify that the foregoing is a true and accurate transcript of my stenographic notes of the proceeding taken at the place and on the date hereinbefore set forth to the best of my skill and ability under the conditions present at the time.

I further certify that I am neither attorney or counsel for, nor related to or employed by any of the parties to the action in which this proceeding was taken, and further, that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

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