COMMONWEALTH OF MASSACHUSETTS

STANDARDS COUNCIL MEETING

MEETING BEING HELD REMOTELY

VIA MICROSOFT TEAMS

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

Standards Council:
James E. Golinveaux, Chair
Kenneth E. Bush, Member of Council
Michael A. Crowley, Member of Council
Jeffrey J. Foisel, Member of Council
Richard Gallagher, Member of Council
Michael J. Johnston, Member of Council
David Klein, Member of Council
John R. Kovacik, Member of Council
Jack Poole, Member of Council
James R. Quiter, Member of Council
Rodger Reiswig, Member of Council
Kenneth W. Richards, Member of Council
Catherine Stashak, Member of Council

NFPA Staff:
Dawn Michele Bellis
Suzanne Gallagher
Christian Dubay
Barry Chase
Chad Duffy
Tracy Vecchiarelli
Christopher Farrell
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NOTE: This is the unedited transcript of the April 14-15, 2021 Standards Council meeting. It has not been proofed for accuracy.
Speakers (Cont'd):
Fred Cnota

Also Present:
Jeremy Valcich
Beth Lancaster
Margie James
Tommy James
Randy Harrison
Chris Oswald

Court Reporter:
Molly K. Belshaw, LCR NO. 00162, RPR
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PROCEDINGS

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

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

For those who are guests to these hearings, please turn off your video. Doing so will
preserve bandwidth for those actively participating in the hearings and minimize the delay issues. Participation in the hearings is limited to those individuals who have previously requested an opportunity to be heard. Also, a couple of notes regarding the Teams platform.

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

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

My names is James Golinveaux, chair of standards council.

MR. BUSH: Kenneth Bush, member of council.

MR. CROWLEY: Michael Crowley, member of council.
MR. FOISEL: Jeffrey Foisel, member of council.

MR. GALLAGHER: Richard Gallagher, member of council.

MR. JOHNSTON: Mike Johnston, member of council.

MR. KLEIN: David Klein, member of council.

MR. KOVACIK: John Kovacik, member of council.

MR. POOLE: Jack Poole, member of council.

MR. QUITER: Jim Quiter, member of council.

MR. REISWIG: Rodger Reiswig, member of council.

MR. RICHARDS: Kenneth Richards, member of council.

MS. STASHAK: Catherine Stashak, member of council.

MS. BELLIS: Dawn Michele Bellis, NFPA staff.

MS. GALLAGHER: Suzanne Gallagher, NFPA staff.

MR. DUBAY: Christian Dubay, NFPA
staff.

MR. CHASE: Barry Chase, NFPA staff.

MR. DUFFY: Chad Duffy, NFPA staff.

MS. VECCHIARELLI: Tracy Vecchiarelli, NFPA staff.

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

I'm sorry. Go ahead one more time.

MR. GANOE: Stephen Ganoe, NFPA staff.

MR. GOLINVEAUX: Thank you, Stephen.

MS. MAYNARD: Mary Maynard, NFPA staff.

MR. FASH: And Robert Fash, NFPA staff.

MR. GOLINVEAUX: All right.

MS. GRADY: Cara Grady, NFPA staff.

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

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

Steve Berry, you want to start?

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

Mike France.

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

MR. GOLINVEAUX: Thank you, Mike.

Derek Urwin.

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

MR. GOLINVEAUX: Thank you, Derrick.

Jefferey Burgess?

DR. BURGESS: Jeff Burgess, University of Arizona.

MR. GOLINVEAUX: Thank you, Jefferey.

Brian Clifford?

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

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

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

MR. GOLINVEAUX: Roy Credey (sic).

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

MR. GOLINVEAUX: Roy, thank you.

Gavin Horn.

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

MR. GOLINVEAUX: Okay.

Edward Kelly.

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

MR. GOLINVEAUX: Randy Harrison.

MR. HARRISON: Randy Harrison, Avfuel Corporation.

MR. GOLINVEAUX: Jeff Stull.

MR. STULL: Jeff Stull, International Personnel Protection.

MR. GOLINVEAUX: John Morris.

MR. MORRIS: 3M Scott.

MR. GOLINVEAUX: Okay.

John, would you give that to me one more time, just for the record -- the full name?

You cut out there.
MR. MORRIS: John Morris, 3M Scott.

MR. GOLINVEAUX: Jeff (sic) Souza.

MR. SOUZA: Jeremy Souza, Code Red Consultants.

MR. GOLINVEAUX: Eddie Buchanan.

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

MR. GOLINVEAUX: Thank you, Eddie.

Clint Mayhue.

MR. MAYHUE: Clint Mayhue, Avon Protection Systems.

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

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

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

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

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

Does anyone have any questions at this point?

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

MR. GOLINVEAUX: Okay.

MS. BELLIS: James, I think there are four others that are on the phone that I don't
believe have identified themselves because they
don't have the raised hand feature.

MR. GOLINVEAUX: And I apologize. I
said I was going to do that, and I did not do that.
So those who are on the phone -- I
see Cary has joined us online.

Would you introduce yourself, please, Cary?

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

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

John, will you introduce yourself?

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

MR. GOLINVEAUX: Dan Madrzykowski?

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

MR. GOLINVEAUX: Okay. Thank you, Dan.

Those on the phone that have not had a chance to introduce themselves because I did not see you on the screen, could you please introduce
yourself? Anyone else?

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

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

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

MS. BELLIS: Thank you.

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

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

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

MS. JENNINGS: Margie Jennings with Rebel Services.

MR. GOLINVEAUX: Okay. Thank you.

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

MR. JAMES: Tommy James, Rebel Services.

MR. GOLINVEAUX: Thank you, Tommy.

Last two digits of "24," please
identify yourself.

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

MR. GOLINVEAUX: Fred, thank you.

And, last two digits of "59."

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

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

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

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

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

MR. GOLINVEAUX: Okay. Thank you.

HEARING ON 21-4-18-d

MR. GOLINVEAUX: With all those introductions in order -- this is quite the list of people interested to speak, and we'll talk about the format more as we go forward here -- this hearing is related to the agenda item number 21-4-18 to overturn the ballot results and issue the TIA 1552 recommended by the technical committee on standard for live fire training evolutions, section 4.13.2 of
NFPA 1403.

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

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

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

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

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

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

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

I'm assuming the people speaking
against the appeal have talked and they have
designated speakers for the ten minutes; is that
correct?

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

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

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

Eddie Buchanan? You want to...

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

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

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

MR. GOLINVEAUX: Okay. And then we
will go with that as the format.

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

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

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

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

OSB is an engineered wood product that is currently being utilized as a part of a fuel package in live fire training. This product, when
burned, produces high levels of PAHs and VOCs, which pose a great risk to our firefighters' health. As part of the TIA and this appeals process, several documents were submitted in support of banning OSB in live fire training. These documents include the SDACS for OSB, along with the synthetic resin, p-MDI, which is used in the manufacturing process.

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

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

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

DR. URWIN: Good morning. My name is Derek Urwin. I'm an engineer and former live fire training instructor currently on academic leave from the Los Angeles County Fire Department. I hold a master's degree in chemistry, and I'm a PhD student at UCLA, studying how pHs damage DNA.
pHs are a large class of compounds found on the fire ground, many of which are known or probable human carcinogens; and many are also teratogens, which are chemicals that can cause birth defects by damaging DNA and sperm. LA County halted use of OSB in training fires approximately two years ago, after three of our instructors had children born with severe birth defects -- two requiring major surgery; and one suffering a genetic disorder. My son was one of these three.

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

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

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

Is this okay on taking over the screen, Dawn Bellis -- Suzanne?
MS. BELLIS: Sorry, I'm on mute.

Sorry, James.

Yes -- you're taking over the screen?

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

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

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

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

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

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

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

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

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

MS. BELLIS: Were submitted?

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

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

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

So I'm going to allow this. Try to keep everything in the comments to what was submitted with the record, is what I'm going to ask you to do -- and, if there is any additional
information that's in here, that it be submitted to staff to become part of record, but it's a little late for that at this point.

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

DR. URWIN: Yes, thank you.

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

And if you've heard the argument that exposures from OSB aren't much higher than pallets and straw, I call your attention to the fact that an increase of just one microgram of hydroxylated naphthalene, a common biomarker of pH exposure,
equates to four times ten to the 15th more
naphthalene molecules that have entered the body.
That's four with 15 "0"s after it.

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

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

DR. URWIN: Understood.

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

DR. URWIN: Thank you.

So picking back up -- now, that's a
big problem, because genomic profiling of colorectal
and breast cancers, which occur in high numbers
among firefighters, has shown that these cancers are associated with less than 15 acquired driving mutations. And we've just discussed that a single pH can cause such a mutation. So we can't prevent many of the exposures that we face in the fields as firefighters, because it's our duty to put the public well-being ahead of our own. But with your help, we can reduce our exposures in training fires by prohibiting the use of OSB.

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

MR. GOLINVEAUX: Thank you.

Jeff, if you could introduce yourself and your affiliation.

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

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

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

DR. BURGESS: Not that I'm aware of. I think we put all of these studies that I'm referencing in the record, in the comments.
MR. GOLINVEAUX: All right. Go ahead.

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

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

Evaluating the data from the study further, for trainers providing all urinary pH metabolites after three daily exercises, exposures were at least 80 to 100 percent higher with OSB. Looking at exhaled breath benzene, a known human carcinogen associated with leukemia, exposures with firefighters after a single exercise were approximately two- and sixfold higher for OSB.
Switching to my own FEMA-funded studies, this time looking at actual fires in the community, urinary pHs were much higher in interior than exterior responses, and increased 1 percent for every minute staying interior. Furthermore, smelling like smoke, even after taking a shower, was associated with increased urinary pH metabolites, all showing the importance of dermal exposure.

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

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

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

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

So, in summary, burning OSB greatly increases the absorption of carcinogens into the body of firefighters. Trainers have the highest exposure. Each single exposure incident has a toxic effect. And the acute and chronic exposures lead to
increased cancer risk. We owe it to our trainers and firefighters to reduce their exposures to the greatest extent possible.

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

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

MR. KELLY: I'd like to thank the standards council for allowing me to testify today. My name is Edward Kelly. I'm a proud Boston firefighter; former Air Force firefighter. I currently serve as the general president of the International Association of Firefighters, representing over 324,000 firefighters throughout North America.

I'm here to ask for your support. Grant the appeal and approval of TIA 1552, which will add OSB, oriented strand board, to the list of materials that are prohibited for use during live fire training. Research has shown that burning OSB during training evolutions produces hazardous byproducts, exposing our members unnecessarily to toxic chemicals. We believe safer alternatives do exist.
I assumed this office on April 9. And as general president, my number one priority is the health and safety of our firefighters. Firefighters go to work every day to protect the citizens they took an oath to protect. And we, as union leaders, took an oath to protect them, so long after their career, they can enjoy a dignified and healthy retirement with their families.

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

In 2018, this standards council rejected NFPA 277, which would have allowed for an increase in the use of flame retardants and upholstered furniture, needlessly exposing firefighters to these harmful chemicals. The
standards council made the correct decision in 2018 to support the health and safety of firefighters and reduce the chemical exposure to firefighters. We're asking you, again, to support our mission and protect firefighters by supporting this appeal. I'm asking you, on behalf of our entire membership, to accept TIA 1552, which would contribute to improving the health and safety of firefighters across America.

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

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

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

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

Are you opposed to this motion?
DR. HORN: I'm opposed to this motion.

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

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

MR. GOLINVEAUX: Okay.

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

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

So, thank you, Ryan; thank you, General President Kelly, and everyone here today
providing so many of the broad perspectives for this discussion. And I want to thank the members of the NFPA 1403 technical committee for the invitation to provide some information on the work we have conducted at ULFSRI, as well as the Illinois Fire Service Institute and the National Institute for Occupational Safety and Health. Many of the projects and reports that have been produced by some of our studies have been referenced already this morning, as well as in the appeals both for and against the TIA.

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

So the impact of fuel choice in the training fire environment is an important consideration in NFPA 1403, and it's guidance that
continues to evolve. Our current understanding on the impacts of fuels, on the impacts of structures, on both chemical and thermal exposure risks also continues to evolve. Unfortunately, the literature -- the reports on controlled and repeated studies of training fire environments, both the chemical and the thermal exposure risks, are limited, and these have to both be considered within this standard.

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

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

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

But what is important about this study, in addition to what we learned, are some things that we need to expand upon and some things that were not controlled in that study. So, first and foremost, we were not able to isolate the impact of the specific training fuel on the chemical exposure. Training fuels were deburied, as well as the structure, in order to have a typical training fire response. So we didn't hone in specifically on the training fuel or identify what was the source of
that fuel that resulted in the exposure for those individual firefighters. And, furthermore, we weren't really able to characterize the quality of the training fire environment with these different fuels, which we know is an important aspect of NFPA 1403 in order to provide the best training and the most useful training for firefighters.

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

Our Training Fire Exposures from the Source project will be conducted over three years. We've begun the data collection at this point, with an advisory board of members from across the country, including NFPA 1403 and members from the International Association of Firefighters. And our goal is to really be able to further characterize the gas-phase and the solid-phase products of combustion, and the thermal energy -- the thermal risk as well from burning training fuels, and doing
it in a controlled, yet repeatable, fashion.

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

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

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

MR. BUCHANAN: Yes, sir. My name is
Eddie Buchanan, assistant chief with Hanover Fire in UMass and also member of the training technical services committee.

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

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

And one of the big kind of hitch points in this exposure problem is instructors being repetitively exposed to these environments, multiple times in a day. In some cases, we've heard where instructors are in the can, as we say, all day long, and they're getting tremendous exposures to that.
And that, to us, was unacceptable. So we took pretty definitive steps in that last revision to limit that. Instructors -- you have to rotate. There's no consecutive exposures to -- for an ignition officer or an instructor. And we think that was pretty important to point that out.

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

I would like to be able to go to the fire service and say, "This is the thing you use. This is the fuel we recommended. It's got the best scenario, although it's still going to be toxic if we do live fire training. That's just going to be the way it is. It's going to be dangerous." But at least we can identify what the proper fuel should be for all the fuel packages, and then put that in
stone in the standard so that we hit it all in one
swipe and create a scenario which is best for the
fire service to manage.

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

MR. GOLINVEAUX: Thank you.
Gavin, there's one minute left. Are
you concluding your session there?
DR. HORN: Yes, sir. I believe we
can conclude.

MR. GOLINVEAUX: So at this point,
I'm going to open up for questions from council.
Any questions from council to
Mr. McGill, or Mr. Horn, or any of the speakers?
Mike Johnston -- Mike, you're muted.
Mike? Can you hear me?

MR. JOHNSTON: Yes. Sorry, my
wireless mouse failed here. Mike Johnston, member
of council. I appreciate the presentation by Ryan,
Jeff, and Edward in support of the TIA, and the
comments by Gavin and Ed opposed. And just a simple question.

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

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

MR. JOHNSTON: Yes.

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

We had numerous concerns with the process of the initial TIA hearing. The first -- I've learned a lot about this process, let me tell you that. When we submitted the information, we thought that the public comments would be viewed and people would have additional time to submit additional documentation before balloting of the TIA. That did not occur. Balloting happened before all the public comments were closed. Meetings were held by the technical committee to discuss the TIA, and we were not given the opportunity to present our
case to the full technical committee, to a point
that when we heard of some of the things that were
stated that were misleading or inaccurate pertaining
to the information of the TIA, that we requested a
meeting be held.

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

    So I hope that helps.

MR. GOLINVEAUX: Okay. Thank you.

Jeff Foisel.

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

    Can you go into a little bit more
detail around the timings of these meetings?
Because there was both an initial ballot and a final
ballot, which looks to be on different sides of the meetings. But can you go -- infer that there's maybe even another meeting that's not on the record with the TIAs? Can you sort of step me through the timing a little bit, please?

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

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

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

MR. GOLINVEAUX: All right.
Jim Quiter.

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

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

MR. MCGILL: Sure.

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

MR. GOLINVEAUX: Okay.

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

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

MR. GOLINVEAUX: Dan, can you respond to the -- for me, James Golinveaux, chair of
council, on this -- the ballot, and the meeting, and
that sequence of order from your committee history?

MR. MADRZYKOWSKI: Sure.

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

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

MR. MADRZYKOWSKI: Yes, absolutely.

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

MR. MADRZYKOWSKI: No.

MR. GOLINVEAUX: All right.
Are there any -- Ken -- Mr. Bush.

MR. BUSH: Thank you, Mr. Chair.

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

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

MR. MADRZYKOWSKI: That's correct.

MR. BUSH: Okay. Thank you.

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

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

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

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

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

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

In fact, the author -- the doctor on Gavin Horn's paper that was submitted sent me an email, which I submitted to you, that states, "OSB was never intended to be burned in the training process. All common types of OSB appear to be problematic when burned." That is Dr. Kenneth Fent, commander of CDC, the author of that paper that we are speaking of.
I ask you; I beg you -- please, issue this TIA. We cannot afford to wait another three years, while UL does their study, to know what we already know -- this product is dangerous. It's killing firefighters. Please issue the TIA.

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

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

Thank you.

MR. GOLINVEAUX: Ryan, thank you very much.

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

DR. HORN: Very good. Thank you very much, sir. Gavin Horn, UL Firefighter Safety
Research Institute. I want to begin by, again, thanking Ryan Mcgill, thanking general president Kelly, and everyone else. This is a critically important conversation. We need to understand how we can reduce risks in the fire service. We need to understand what are the contamination control measures that we can make -- personal protective equipment as well as appropriate substitutions -- that can be included during our training fire scenarios, where we do have control over some of those conditions.

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

Regardless of how the vote turns out today, we believe this is a conversation that is going to be addressed in the next round, and
probably beyond, of NFPA 1403; but what we are concerned about is a regrettable substitution. If we remove something without having it fully vetted and a well-understood replacement for that, how will the fire service be able to move forward with safe and effective training? We know that there are many places who have found a substitution -- a product that exists out there; yet there are other places who have tried that product and have found it does not work. It does not provide the conditions that they are working for.

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

We look forward to continuing this study. The study will go forward. Data will be collected this spring and summer, and we will begin to address this concern through public education, through getting the information out as we do it in all of our studies, and in continuing this conversation.
So, again, I applaud Ryan, General President Kelly, and everyone else on this call. I hope we can maintain this conversation and continue to push this information out broadly to the fire service throughout the United States and beyond.

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

MR. GOLINVEAUX: Thank you very much.

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

Additionally, the decision will be sent to the appellants and the chair of the responsible committees directly. The official opinion and decision of council is that as published by the secretary, and no other communication shall
be considered the council's decision or position. Any questions regarding the decision should be addressed with the secretary.

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

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

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

MS. BELLIS: Correct.

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

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NOTE: This is the unedited transcript of the April 14-15, 2021 Standards Council meeting. It has not been proofed for accuracy.
identified yourself, but also whether you're for or against the motion. It'll be a little easier for me to identify who's speaking for which matter. Let me get that here. So we are moving to 20-d, and this is the Clint Mayhue appeal. So we'll just move straight into this agenda item.

HEARING ON 21-4-20-d

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

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

In addition, for those who will be speaking, I ask that you forward your name, as you wish it to appear for the record, as well as your affiliation, to Mary Maynard, if you have not done so.
so already, so that we can spell your name correctly
in the record. Her direct email is
mmaynard@nfpa.org.

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

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

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

My name is James Golinveaux, chair of council.

MR. BUSH: Kenneth Bush, member of council.

MR. CROWLEY: Michael Crowley, member of council.

MR. FOISEL: Jeffrey Foisel, member of council.

MR. GALLAGHER: Richard Gallagher, member of council.

MR. JOHNSTON: Mike Johnston, member of council.

MR. KLEIN: David Klein, member of council.

MR. KOVACIK: John Kovacik, member of council.

MR. POOLE: Jack Poole, member of council.

MR. QUITER: Jim Quiter, member of council.

MR. REISWIG: Rodger Reiswig, member of council.

MR. RICHARDS: Kenneth Richards, member of council.
MS. STASHAK:  Catherine Stashak, member of council.

MS. BELLIS:  Dawn Michele Bellis, NFPA staff.

MS. GALLAGHER:  Suzanne Gallagher, NFPA staff.

MR. DUBAY:  Christian Dubay, NFPA staff.

MR. CHASE:  Barry Chase, NFPA staff.

MS. VECCHIARELLI:  Tracy Vecchiarelli, NFPA staff.

MR. FARRELL:  Chris Farrell, NFPA staff.

MR. GANOE:  Stephen Ganoe, NFPA staff.

MS. MAYNARD:  Mary Maynard, NFPA staff.

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

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

MR. MAYHUE: Thank you.

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

MR. GOLINVEAUX: Derek Roy.

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

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

MR. GOLINVEAUX: Okay.

Next I have Brian Clifford.

MR. CLIFFORD: Good morning.

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

MR. GOLINVEAUX: In favor. Okay. I've got Jeff Stull. And for the gentlemen who already introduced themselves, if you can take your hand down, then it'll disappear from my screen.

But, Jeff...

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

MR. GOLINVEAUX: And John Morris.

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

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

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

As a reminder, in accordance with the regulations governing the development of NFPA standards, section 3.3.3.4, meetings shall not be recorded verbatim by any means other than as
authorized by the standards council secretary. For the purpose of the hearings, the secretary has authorized the recording by the stenographer, but any other recording of this hearing is prohibited.

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

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

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

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

MR. GOLINVEAUX: Okay. So make sure
you just kind of note each other's time, but I'm going to start the clock. And if you can introduce yourself and start with your opening statement in support of your motion.

MR. MAYHUE: Okay. Thank you.

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

This appeal relates to the recent split decision occurring from the balloting of TIA 1545. The technical committee voted in the affirmative on both technical merit and emergency
nature. The correlating committee voted in the affirmative on correlation, but missed passing on emergency nature by getting 15 of the 15.75 required votes.

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

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

To give some background, the user community approached the SMEs and manufacturers, asking about the challenges to get products approved
to the 1986 standard. There have been test lab
availability challenges, as one issue raised. But,
more fundamentally, most of the manufacturers
agreed, one of the cold temperature tests made
approving technical-style masks quite difficult.

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

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

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

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

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

The NFPA 1986 data was first released as the 2017 edition, with an effective date of December 1, 2016. Over four years after the release of this standard, and as of the writing of this appeal, there are still no products certified to NFPA 1986. Products such as our SC53 SCBA have been deployed by the LE user community, all over the globe, in harsh weather climates since at least 2009, and these products carry a NIOSH SCBA approval. These NIOSH approvals state a manufacturer-defined low temperature operating limit as required by NIOSH.
Next I'd like to talk about grant funding. Certain grant funding requires the recipient to buy CBRN-approved SCBA to receive funding. LE users cannot currently purchase a NIOSH SCBA CBRN-approved product, since this certification also requires NFPA 1986 approval. The only way around this is for LE and other tactical end users to purchase a system approved to NFPA 1981 for structural firefighting use, which defeats the purpose of creating the unique NFPA 1986 standard for this specific user community.

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

Users are forced to utilize equipment combinations to meet critically important mission requirements without official testing and NFPA certification, raising safety, legality, and participant funding issues. It's for all these
reasons this TIA matches the emergency nature in Category F as described.

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

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

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

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

Following our comments surrounding this TIA, you will hear a single manufacturer
attempt to tell you that there is no emergency, due
to the fact that they have a product that could pass
the NFPA 1986 test in question; however, they still
do not have a fully certified product. The product
tested likely does not meet the needs of the law
enforcement, tactical, and military user
communities. They will tell you this is not an
emergency. As users, we are telling you, this is an
emergency.

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

There are several misrepresentations
of the facts as presented by the comments on both
the technical committee and correlating committee
ballots. The disagreement on the validity of the
TIA boils down to a very simple matter. One
manufacturer is trying to block other manufacturers'
products from reaching the end user market. This is
very disappointing to me, as it disregards the
interests of the user community.

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

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

In summary, from a user's
perspective, this is an emergency. We graciously
request your support in passing this TIA to provide
law enforcement, military, and the tactical user
community with solutions to meet our SCBA needs.

Thank you.

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

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

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

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

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

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

MR. ROY: Yeah, thank you.

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

I'd like to add that our opposition to the appeal is -- in contradiction to some of what
the council's already heard, is not a commercial
contradiction. It is an appeal on behalf of users
that we deal with that have given us their own
feedback on what they deem the standards should
maintain as a minimum standard.

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

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

So we disagree with the proposer that
this meets the criteria for TIA, as was reflected in
our votes. The cold weather performance standard is
a well-established standard dating back to old
MIL-STDs -- MIL-STD-810 -- that governs the use of
performance requirements in cold weather throughout
the Americas for users, specifically in this user
group -- law enforcement, military, and tactical
users. So this should resonate with a wider swath
of users. And, again, those that we've spoken to
tend to agree with us. The general performance
requirements are at -25 degrees Fahrenheit, which
represents -- again, based on the military's own
establishment of the MIL-STD -- a good
representation of what cold weather could be faced
in the Americas market, and certainly around the
world.

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

One of our products that -- we
manufacture a different product -- was submitted
through the testing agency -- the third-party regulatory agency. And we brought forth, as part of our vote at the technical committee and correlating level, the results of a portion of that test. The proposer is correct in that we don't have full approval yet in hand, and I'll speak to that in a moment.

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

Both the technical masks and the tactical masks will be used in the same climatic conditions, which is kind of foundational to our opposition -- that the weather is not going to know what type of mask the user is wearing. And so the standards should govern that and not put the burden of proof on the user to verify what a user instruction says in terms of the safe low
temperature operating condition. One of the foundations of what the standards seek to do is harmonize that performance level, take the burden off the users.

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

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

And the lack of -- one final point. The lack of final approvals to the NFPA 1986 standard that the proposer notes is, in fact, completely accurate. And that has little to do
with -- at least in our case, it has little to do with the cold weather requirement, the component of which we've passed. It has more to do with the backlog of testing at some of the laboratories that do all of the cycles of third-party testing. And they are extremely backed up, and we're seeing that across numerous products -- numerous types of products in the industry.

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

MR. GOLINVEAUX: Okay. Thank you.

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

MR. ROY: That concluded my statements, yes.

MR. GOLINVEAUX: Very good. I'm going to open this up to questions from council.
If you can use the raised hand feature, I will call on council.

Ken Bush.

MR. BUSH: Thank you, Mr. Chair.

Kenneth Bush, member of council. I think this question is directed back to Mr. Clifford.

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

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

MR. CLIFFORD: Yes, sir.

Brian Clifford, FBI, technical committee member.

I believe what I stated was that they were given misrepresentations. When I had some conversations after the initial balloting, I reached out to a number of users that were on the correlating committee to find out and help educate them, ask for their support on our matter. And I found it interesting that they had -- a number of them hadn't actually read down the list of the requirements in the standard. So they initially misunderstood the requirements as being no minimum
specified temperature when, in fact, on line two or three of that standard, it does, in fact, indicate the minimum operating temperature.

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

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

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

   MR. MAYHUE: And I can --

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

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

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

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

MR. GOLINVEAUX: Okay.

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

MR. MAYHUE: Sure.

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

The opposer did make a good point that there is a difference between tactical and what
they've called "technical" masks. That's really the crux of it here, in my opinion. And I do disagree -- I believe there are major construction differences between those styles of masks. I've been designing this stuff for a long time. We've debated this for years in the committees. I've made those points clear to them, which, I think, is why the technical committee voted in favor of this on technical merit, with the exception of the two oppositions here.

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

Jeff, if you'd like to --

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

MR. GOLINVEAUX: Jeff, introduce yourself and your affiliation, and then go ahead.
Jeffrey Stull, International Personnel Protection.

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

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

So why has this happened? Remember, this isn't a measure of correlation; but the fact is that there are two separate committees on respiratory protective equipment -- one specifically for the fire service; another for the tactical end users that include law enforcement and military end
users. So I want to emphasize to the council that here we are trying to embrace different users, and for whatever reasons, certain correlating committee members chose to vote against this for emergency nature.

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

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

As a member of a different technical committee which relies on this standard or products with this standard, there are -- there cannot be
certified ensembles to meet the end user demands of organizations like the FBI and several of the other respondents to the public comments. So I'd like to urge the council to consider the fact that this is a law enforcement-based and tactical user-based committee that overwhelmingly decided on this. The correlating committee, by missing by one vote on the issue exclusively to emergency nature, is the only aspect of that that -- otherwise, this amendment would be going forth, and we wouldn't be having this hearing. Thank you.

MR. GOLINVEAUX: Thank you.

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

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

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

In the mention earlier -- reaching out to other members of the technical group to
double-check our opinion on the matter -- we found that most members who had voted for the TIA to have it passed -- it was mostly driven by the information, or the inference of information, that it was impossible for a SCBA design for this user group to pass the cold weather test as it stood.

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

So we felt that, notwithstanding the close nature of the vote, it was based on some -- at least some erroneous inferred information. Not saying that there were any inaccurate statements overtly made in the TIA. Our user groups that we've spoken to have indicated that they have a varied preference for the different types of masks that we referred to here today -- the hard shell and the
soft shell -- and that this can be addressed -- this issue of cold weather performance can easily be addressed at the next review of the standard.

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

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

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

MR. GOLINVEAUX: Okay. Thank you very much.

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

Additionally, the decision will be sent to the appellants and the chair of the responsible committee directly. The official opinion of the decision -- the official opinion and decision of council is that as published by the secretary, and no other communication shall be considered in the council's decision or position. Any questions regarding the decision should be addressed with the secretary.
On behalf of the NFPA standards council, I'd like to thank all of those who participated in this appeal hearing. Your involvement, as well as all stakeholders, is important to the NFPA standards development process. This hearing is now ended. Thank you again for your participation.

HEARING ON 21-4-20-d-1

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

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

So is there anybody that has joined
that was not already logged in as being a speaker to
the previous appeal on TIA 1545? I'm not hearing
any.

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

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

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

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

And you're going to be against --
opposed?

MR. NELSON: Yes.

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

MS. BELLIS: Are they still online,
James?

MR. GOLINVEAUX: Yeah, I don't...
MR. ROY: No, we are still here.

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

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

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

MR. ROY: Yes.

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

Jeff Stull, go ahead.

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

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

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

MR. MAYHUE: Yes.

MR. GOLINVEAUX: Okay.

And then I have Brian Clifford.

MR. CLIFFORD: Yes, correct.

Brian Clifford as well.
MR. GOLINVEAUX: In opposition?

MR. CLIFFORD: In opposition.

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

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

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

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

MR. GOLINVEAUX: Right. No recusals of council.

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

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

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

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

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

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

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

MR. MORRIS: Any better?

MR. GOLINVEAUX: Yes, much better.

MR. MORRIS: My apologies.

Yes, I was just stating that I'm a member of the technical committee and also a member of the correlating committee. And it's been my experience in the past 25 years on NFPA technical
committees -- I never recall that the performance standard has been reduced for one manufacturer. Typically, the technical committees have always raised the bar in performance and pushed for manufacturers to improve their product for the unexpected extreme environments which the equipment might be used in.

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

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

And I will defer the rest of my time to Derek Roy.
MR. ROY: Thank you, John.

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

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

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

MR. GOLINVEAUX: Okay. Thank you.
And I assume you're conceding the rest of your time, as you stated?

MR. ROY: We do.

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

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

MR. GOLINVEAUX: Okay. Jeff, go ahead.

MR. STULL: Thank you.

Jeffrey Stull, International Personnel Protection.

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

So the reason I point this out is that there's this inference that the requirement that exists in a parallel standard for the fire service -- specifically, NFPA 1981 -- is the same
requirement that must apply to all SCBA. The fact is that there was a separate technical committee that was put together to address the special needs for tactical and technical operations that do things differently than the fire service.

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

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

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

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

So thank you.

MR. GOLINVEAUX: Okay. There is six
and a half minutes left.

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

John...


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

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

Thank you.

MR. GOLINVEAUX: Okay.

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

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

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

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

MR. GOLINVEAUX: Okay. Thank you.

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

So we're very familiar, as stated by the opponents here, with the NFPA 1981 standard, which we refer back to. We have products approved
to that standard currently that are currently commercially available. The weapons sighting issue as mentioned by my colleague, Mr. Morris -- so that option could be made available using either a soft-sided -- let's call it a tactical face piece -- or a technical face piece. We've performed weapon sighting field trials with a variety of user groups. And, again, it becomes user preference at that point which type of mask is best suited to the individual user for weapons sighting. So I would not want the council to be misled that there's only one type of mask than can be used to effectively sight a weapon, be it a handgun or a long weapon.

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

The transfer of burden -- I will reiterate our position that the transfer of the burden of verification of the ability of the respirator to perform in cold weather to the user at
the time of purchase -- because that's usually when standards are referred to -- is not enhancing user safety. What happens during service life? Do they have to go back to the user instructions or go back to the standard and see which -- assuming that there will be more products approved to these standards over time, what level of low temperature performance will they meet? And, again, we feel that that is less safe than more safe.

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

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

MR. GOLINVEAUX: Thank you.

Jeff, I'm going to assume you're
going to start off the summary statement?


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

So we look at this history. And, again, I disagree. I've been in NFPA longer than I'd like to admit. And I applaud the process, because it is a user-driven process. And it has the very unique aspects, unlike any other committees that I participate in, of having strong end user representation in a meaningful way. And it doesn't happen in ICO. It doesn't happen in Europe. It doesn't happen even in ASTM. And so when we hear users point to something, and it's something that they need, I think it's something that's important. But we also have a process. And that process, of
course, is the process that NFPA uses to provide a fair and balanced hearing of the issues, as we're doing today.

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

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

So going back to one of the salient issues of emergency nature that John brought up and is brought up by Brian Clifford, as well as
Clark Mayhue, is that we have ensembles for chemical protection -- c-barrier protection -- for hazmat protection, used by SWAT teams and other groups. These groups have had to modify their ensembles -- essentially, take the risk of using a noncompliant ensemble by having a product -- which isn't, by the way, even evaluated to the key tests for things like integrity and exposure by using the systems approach that's used in those standards -- to have to either use an SCBA that doesn't meet their requirements, or has to modify their ensembles to a noncompliant state by using a noncertified SCBA. That is an emergency.

Thank you.

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

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

And, Dawn, I'll recognize you here for your comments as I get to the last part of the statement here. But as we conclude the hearing, let me inform as to what happens next. The council will deliberate and reach its decision in executive session. Once the decision is made -- and the
decision, including background and any other information council believes relevant, will be prepared by an NFPA staff and published by the secretary of the standards council on the standards council web page, www.nfpa.org/sc, and in accordance with the regulations governing the development of NFPA standards.

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

MS. BELLIS: Yes. Thank you, James.

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

MR. GOLINVEAUX: So you'll be
combining that decision into one decision in explaining the details?

MS. BELLIS: Yes, that's correct.

MR. GOLINVEAUX: Okay. Very good.

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

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

The hearing is now ended.

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

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

MS. BELLIS: So sorry about that, James. We have been on for two hours. I anticipate most of the hearings have taken approximately 20 to
25 minutes. So it's probably a good idea to take a break.

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

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

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

HEARING ON 21-4-15-d

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

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

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

All council members are back on and accounted for.

MR. GOLINVEAUX: Okay. And I will call for introduction of the guests after we do the introduction of council. And for those who are
speaking on this issue, when I ask you to introduce
yourself, I'm going to do this by raising your hand.
And then I will call you in order based on raising
the hand. And when you do introduce yourself, state
your name, your company affiliation, and whether
you'll be speaking in favor or in opposition of the
motion. That way, I'll know how to allocate the
time appropriately to how you've divided up your
responses.

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

But before we do that, I want to
remind everyone that we have a stenographer online
with us today who is transcribing these hearings.
So from this standpoint, it is important that each
of you, when you make your remarks, state your name
and affiliations so the stenographer may accurately
capture the information for the record.
In addition, for those who will be speaking, I will ask to forward your name, as you wish it to appear in the record, as well as your affiliation, to Mary Maynard, if you have not already done so, so that we can spell your name correctly in the record. Her direct email is mmaynard@nfpa.org. Other than the stenographer, no other recording is allowed. This includes no recording through Teams and no recording on any other devices.

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

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

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

MR. BUSH: Kenneth Bush, member of council.

MR. CROWLEY: Michael Crowley, member of council.

MR. FOISEL: Jeffery Foisel, member of council.

MR. GALLAGHER: Richard Gallagher, member of council.

MR. JOHNSTON: Mike Johnston, member of council.

MR. KLEIN: David Klein, member of council.

MR. KOVACIK: John Kovacik, member of council.

MR. POOLE: Jack Poole, member of council.

MR. QUITER: Jim Quiter, member of council.
MR. REISWIG: Rodger Reiswig, member of council.

MR. RICHARDS: Ken Richards, member of council.

MS. STASHAK: Catherine Stashak, member of council.

MS. BELLIS: Dawn Michele Bellis, NFPA staff.

MS. GALLAGHER: Suzanne Gallagher, NFPA staff.

MR. DUBAY: Christian Dubay, NFPA staff.

MR. CHASE: Barry Chase, NFPA staff.

MR. DUFFY: Chad Duffy, NFPA staff.

MS. VECCHIARELLI: Tracy Vecchiarelli, NFPA staff.

MR. GANOE: Stephen Ganoe, NFPA staff.

MS. MAYNARD: Mary Maynard, NFPA staff.

MS. GRADY: Cara Grady, NFPA staff.

MS. MARTIN: Joanne Martin, NFPA staff.

MR. GOLINVEAUX: Okay.

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

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

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

MR. GOLINVEAUX: Thank you.

And then after you introduce yourself, if you could take your hand down, then you'll disappear off my scrolling screen.

Jeremy Souza.

MR. SOUZA: Good afternoon.

Jeremy Souza, Code Red Consultants in Massachusetts. And I will be speaking in opposition.

MR. GOLINVEAUX: Thank you.

Mike France.
MR. FRANCE: Good afternoon.

Michael France with the National Air Transportation Association speaking in support.

MR. GOLINVEAUX: Roy Credey (sic).

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

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

Jeremy Valcich.

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

MR. GOLINVEAUX: Cary Skinner?

MR. SKINNER: Good afternoon.

Cary Skinner, 407 committee chairman.

MR. GOLINVEAUX: Okay.

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

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

MR. GOLINVEAUX: Okay.
Fred, I have you here, so you're in opposition. Thank you. And I heard somebody else.

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

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

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

As a reminder, in accordance with the regulations of governing the development of NFPA
standards, section 3.3.3.4, meetings shall not be recorded verbatim by any means other than authorized by the standards council secretary. For the purpose of hearings, the secretary has authorized recording by the stenographer, but any other recording of this hearing is prohibited.

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

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

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

Has the opposition coordinated who's speaking and who is controlling the ten minutes? Is that going to be -- who's the coordinator for the opposition?
MR. SKINNER: This will be Cary Skinner. I'm going to make it a deferral to Jeremy Souza. He will be leading off my opposition.

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

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

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

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

As you all are no doubt aware, the mission of NFPA is to save lives and reduce loss with information, knowledge, and passion. Yet the requirements we are discussing today made their way into the NFPA 407 with no justifiable information and a lack of knowledge regarding who they would affect. In fact, since the time of our last
hearing, NATA has worked with multiple FBOs to collect data on airport fuel spills.

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

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

The argument has also been made that automatic secondary shutoffs are required for NFPA 30, regardless of what is in the 407. But that's not exactly comparing apples to apples.
Airports and aircraft fuel servicing operations are unique, and precisely why the 407 exists as its own document.

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

It's also a matter of enforcement. While the NFPA 30 is the standard reference for the storage of flammable liquids, it's not the standard reference when it comes to bottom-loading operations at airports or, more importantly, for the routine inspections performed by fire marshals or other authorities having jurisdiction. The document referenced for those is the NFPA 407. NATA has been accused of making an eleventh-hour attempt to reverse what has been in
writing for five years. And while it certainly is
the eleventh hour, we wouldn't need to be pursuing a
TIA had these requirements been properly researched
and vetted at the committee level to begin with. We
may not be here today had we not been precluded from
speaking at the second draft meeting, where we could
have corrected the record as to both the necessity
and scope of these requirements.

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

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

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

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

MR. CRELEY: Thank you, Steve.

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

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

But we do want to properly vet these,
and that just didn't happen in this case. It was
part of a much bigger rewrite of two chapters,
turning them into five chapters. And this was a
very small piece of a much bigger change. I asked
from the onset to provide any sort of data that
could prove that the problem exists. It was
purported as a widespread industry problem. And in
my neighborhood, the Greater Northeast, we don't
have that problem -- not that I've seen. And at all
of the airports we work at, we design them, we build
them, and we've maintained them and repair them --
we don't see the problem.

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

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

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

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

So in that respect, I think it opens the door to airports having a problem that didn't have the problem before. And I feel very, very
strongly that this requirement for the secondary overfill shutoff be removed from 407 until, if nothing else, it can be properly vetted and shown that there is a need for it and that it doesn't cause more problems than it's going to solve.

And I'm done.

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

MR. SOUZA: Thank you, sir.

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

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

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

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

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

The technical committee examined the merits associated with installation of these systems during the 2017 revision cycle for NFPA 407, which began in 2014. Zero public comments were received after the first draft meeting of the 2017 edition. During the public input period for the 2022 edition, zero public inputs were received. The committee revisited this requirement at the first and second draft meetings for the 2022 edition, and no action was taken from the committee. No public comments were received during the public comments period.
This is now a six-year timeline where the aircraft, aviation, and airport industry has said nothing regarding these requirements. That the airports submitting comments on the TIA only did so after this six-year period of inactivity suggests that the standard may not be of such criticality to their operation as it's been made to sound.

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

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

MR. GOLINVEAUX: Thank you, Jeremy.
Cary, you have about six minutes.

MR. SKINNER: Thank you very much.
I'm going to defer to Fred Cnota, who was the chair at the time of the 2017 document creation. So I defer to him.
MR. GOLINVEAUX: Okay.
Fred, please introduce yourself and your affiliation.

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

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

At that time, our first revision meeting, it was brought up by a committee member. It was discussed again. It was voted down by the committee to leave the document as it is. At our second revision meeting, I was acting chair for that
meeting. I was informed that, as acting chair, we did not have to allow guests to speak. And, in an effort to conserve time, and since the NATA, Steve Berry, asked to speak -- he had four members of the committee representing his position -- I decided, to save time, we would not have guest speakers.

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

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

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

MR. GOLINVEAUX: Thank you.

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

MR. SKINNER: Yeah, sure. The creation of the 407 committee was created with a lot
of industry professionals. And as chair, I listened to their thoughts and desires, and they know this much better.

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

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

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

MR. GOLINVEAUX: Thank you.

I am going to open it up for
questions from council. Jeff Foisel.

MR. FOISEL: Thank you, Mr. Chair. I'd like to follow up with a question for Roy. You said that your information was not vetted during the process. Can you go into more detail and explain what that means? What was missed in the vetting?

MR. CRELEY: Well, a lot of what's being brought up now, wording-wise. To start off with, it was never demonstrated that the problem was a widespread problem. That was really based on hearsay. There was no evidence given to us. The wording that should have been worked on wasn't, like it normally is. And for an example, there's some contradictory wording in section 613.12.2.7. It says, "The cargo tanks shall be equipped with an automatic primary shutdown system that stops the tank loading operation when the tank is full unless an automatic shutdown is provided on the rack in accordance with 5.12."

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

And 5.12.3 says, "The automatic
secondary shutoff shall not be used for normal filling control." So they're contradicting each other. I know that from an operational standpoint. And that's not something that we would have allowed, had we given it enough time.

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

MR. GOLINVEAUX: Thank you.

Jim Quiter.

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

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

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

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

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

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

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

From the enforcement community
members on the technical committee, all of us -- and
I speak for myself, but with an understanding that
the other enforcement members feel the same way --
we have all responded to incidents of fuel servicing
tank vehicles that are overfilled at fuel loading racks. From my own airport, it was approximately every six to twelve weeks that we responded to an incident of this type.

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

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

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

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

MR. SOUZA: So, at the time, it's -- the 139 airports -- it's not a quantity of 139. It's actually about 530 airports that are
certificated by the Federal Aviation Administration under Part 139 of the Federal Aviation regulations. So they're referred to in the industry as the "139 airports." It was understood that, at the time, the only AHJ that immediately enforces the newest edition of NFPA 407 as soon as it hits is the Federal Aviation Administration, and it is at those 530 or so Part 139 airports. The committee was aware of that at the time. But as soon as the new edition becomes effective, it immediately becomes effective at those Part 139 airports.

It was also understood that, over time, as states, and counties, and municipalities adopt, through their regular revision cycle, whatever edition of the buyer codes that they pull -- either NFPA 1 or any of the alternative fire codes -- that those referenced editions that go along with those would then be enforced. What we are now seeing -- and at my last count, it was 18 states that have adopted the 2018 or newer edition of NFPA 1, which pulled in the 2017 edition of 407, or other standards that pull in the 2017 edition. So with those 18 or so states -- and we have now seen, in the past six months, the 2017 edition now
has become active at the smaller airports that are not part of that Part 139 process.

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

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

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

MR. SOUZA: Yep, I'm good.

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

And I notice I have Mike France with...
your hand up. Mike, are you responding to Jim's question?

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

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


So a couple key points. Mr. Souza actually -- thank you. It was a fantastic response that the committee was believing that these requirements would apply to the 139 airports and not smaller airports. That is the core of our issue. And that NATA was there and prepared to make a -- to provide information that actually, in reality, these new requirements would most likely apply very broadly across our industry. And that, however, due to the limitations of a digital meeting, the committee was not able to hear that. And now that they have, many of them have begun to change their
mind. That was the first part or your question.

The second was in relationship to --

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

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

Thank you for the opportunity to
answer that question.

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

Roy, you have your hand up. I want
to get to council questions. Is it something
directly related to Mr. Quiter's question?

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

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

MR. CRELEY: Okay. Thank you.

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

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

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

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

But, Cathy, do you have a question?

MS. STASHAK: Yeah.
Catherine Stashak, member of council. And this is for people that -- the supporters of the TIA.

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

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

It's an emergency now --

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

MR. BERRY: Apologies, Mr. Chair.

Steve Berry with the National Air Transportation Association.

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

Also, there's new data that we've presented here. We've worked with multiple FBOs to
analyze the spills that have occurred across 161 locations. And, as evidenced by what we've heard in comments, now we have actual numbers to support the fact that this just simply does not occur at a rate or frequency that would justify the onerous cost and expense to install these systems across every airport in the country, or even every airport that's adopted the NFPA 407 latest revision.

MR. GOLINVEAUX: Okay. Thank you.

Cathy, are you good there?

MS. STASHAK: Yes, I'm fine.

MR. GOLINVEAUX: Great. Thank you.

Moving on to Mike Crowley.

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

Was that acceptable effort, you think, to vet this topic in front of the entire committee? And I can get both sides to answer, but I just want to get a little more flavor for that.
MR. CNOTA: Yes. This is Fred Cnota. I was the acting chair for that meeting, and I felt the committee members had the information available to them before the meeting.

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

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

Are you responding to Mike's question?

MR. BERRY: Yes, Mr. Chair.

MR. GOLINVEAUX: Go ahead.

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

I would like to state, for the record, that we did not have four representatives speaking on our behalf. There may have been folks that were well versed in what was going on, but
these were not official representatives of NATA or our position. They were, to Roy's point, members of the committee who support what we're trying to do. But to portray it as official representatives of NATA is untrue.

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

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

I have a question --

James Golinveaux, chair of council. I'm going to address it both -- to Steve, and I'm going to address it to Cary, but I'll have Steve respond first.

I'm trying to go through the timeline of this second draft comment. And the second draft meeting -- from what I understand, in December of 2020, a request was made to speak to the committee that did not happen, but that it then resulted in a TIA -- I believe it was 1538 -- if I remember the
language that was used in your testimony, that there was a previous TIA that was issued or requested just after the second draft meeting. And then since that time, another TIA was submitted, and that TIA is 1558.

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

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

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

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

To your question about were we denied any opportunity between TIA 1558 and now? No, because we were not aware that there were any meetings occurring at the committee level. If there had been, I certainly would have liked to have been
invited. But, to my knowledge, there was no committee meetings in response to our TIA.

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

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

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

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

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

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

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

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

MR. BERRY: Thank you. Steve Berry
with NATA.

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

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

There's -- I would say probably less than 5 percent of GA airports have these systems. And our -- on our side of the industry, at least,
folks are well trained to test the precheck with every bottom-loading operation. There's many companies that require multiple prechecks throughout the loading operation. And just to clarify, the precheck is a physical, mechanical function that allows you to test the overfill prevention device on the truck so you know, at the start of every overfill, whether or not that overfill prevention device has worked.

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

Thank you.

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

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

MR. GOLINVEAUX: Introduce yourself and your affiliation.

MR. CRELEY: Roy Creley, Lakes Region Environmental. Sorry.
The precheck that Steve was just talking about is a required operation that must happen. And what happens is when they initiate the filling of the refueling truck, they have to use the precheck, which puts the full overfill system into check.

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

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

One other thing I wanted to mention is the first TIA was to take the retroactivity out of it, because this was deemed as so important that it had to be retroactive to all airports. And the first TIA was to take that out of it. And as Steve
said, since we've now investigated further, we're
finding out that the requirement is really flawed,
more so than we first thought.

Thank you very much.

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

Roy, I assume your hand is -- okay.

Good. No other questions that I see from council.

I'm going to allow the five-minute summary. I will
default to Mr. Berry for your five-minute summary
comments.

MR. BERRY: Thank you, Mr. Chair.

And I'm going to defer to Mr. Mike France of NATA
for our summary comments.

MR. GOLINVEAUX: Okay.

MR. FRANCE: Good morning.

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

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

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

I do want to take a moment and just
do a quick summary of where we stand. In the existing operations that are governed by NFPA 407, excluding the part that we're talking about -- right now, fuel trucks are required to have overfill protection devices installed. They're required by 407 to have that precheck that we've talked about. And they're also required to have a second mode -- that's the deadman switch. So earlier, one of the individuals speaking in opposition noted something about a single point of failure. Under the existing rules, not including what we're talking about today, there is no single point of failure. There are actually two layers. What we're talking about is adding a third layer.

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

First, I wanted to point out a point that Mr. Souza actually made in his written comment -- that these new requirements for automatic shutoff were presented to the committee absent support of any data. It is -- they were presented under committee members' anecdotal experiences. And
there's nothing wrong with that, but we just want to
make sure we get that clear. Even the opposition
agrees -- there is no industry, nationwide data set
that shows that these requirements are necessary.

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

Additionally, majority committee support.
There was a lot of talk about no public comment;
nothing was brought in. We live in a dynamic world.
I think COVID has taught us all that. Things can
change, and they change quickly; right? Just
because the industry was unaware and didn't make
comments back in 2014 in no way lessens our comments
now. The fact that in 2016, or '17, or '18, or
'19 -- the lack of industry involvement, the
opposition would have you believe, is because the
industry -- it's not really that important to them.

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

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

So we are currently having -- we already
had these two layers of protection existing in the
industry. We are asking you to basically not allow
a new set of rules to come in, because there is a
lack of data supporting it, overwhelming industry
opposition to it, and some significant procedural
issues. And I want to make very clear -- we in no
way are insinuating that NATA was intentionally
denied an opportunity, or that our members were
discriminated against. We understand there's a lot
of challenges that come with running digital
meetings.

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

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

MR. GOLINVEAUX: And before I go to
the opposition, Roy, I had cut you off on an answer
because it wasn't relative to the question. I told
you I'd come back to you in summary. In a minute or
less, can you give us your comment very quickly,
please?

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

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

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

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

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

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

MR. SOUZA: Thank you, sir.

Jeremy Souza, Code Red Consultants.

I'd like to re-remind council that
this requirement has been in NFPA 407 since the 2017
edition. It's now been aware by the industry for
over six years. No -- during that six-year period,
no public inputs, no public comments. And during
many meetings, the committee -- these items -- never
heard. It's never made it out of a committee
meeting into a ballot. It was all voted down by a
majority of the members of the committee. We're now
on our second TIA on this exact same topic.

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

The result of that was the five-year
phase-in in the 2017 edition -- that giving smaller
airports five years to install these systems, from
an economic standpoint, would be adequate. The
systems that had been included were acquired by NFPA 30 for now over 25 years. They are proven in that they do work. For those of us from the enforcement community who have had to live with these overfill incidents, we can see them. And as anecdotal as it may be, when you have enough individuals in the committee seeing the same thing, over and over again, it -- the appearance, at least at the committee level, is that it's no longer an anecdote. It's real life, and something that we lived every day.

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

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

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

To say that the aviation community was unaware of it is because they didn't read the
document that's been in print since 2016. I think we've been very open at our meetings. I think we've been very fair at our meetings. And I think the NFPA process has been followed to the "T."

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

Thank you.

MR. SKINNER: Cary Skinner, 407 committee.

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

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

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

Thank you very much.

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

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

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

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

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

MR. GOLINVEAUX: Go ahead.

MR. FRANCE: Michael France, National Air Transportation Association.
Mr. Cnota noted in his closing that the primary systems for shutdowns on trucks is fueler controlled. That is something new that we had not discussed and that is also incorrect.

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

Thank you, Mr. Chair.

MR. GOLINVEAUX: Thank you. All right.

As we conclude the hearing, let me inform as to what happens next. The council will deliberate and reach its decision in executive session. Once the decision is made, the decision, including the background of any other information council believes relevant, will be prepared by an NFPA staff and published by the secretary of the standards council on the standards council web page, www.nfpa.org/sc, and in accordance with the regulations governing the development of NFPA standards. Additionally, a decision will be sent to the applicants and the chair of the responsible committee directly. The official opinion of the
decision of council is that published by the
secretary, and no other communication shall be
considered the council's decision or position. Any
questions regarding the decision should be addressed
to the secretary.

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

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

(The hearings were concluded at 1:49 p.m.)
CERTIFICATE

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.

The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying reporter.

Molly K. Belshaw
RPR, LCR No. 00162

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Leavitt Reporting, Inc.  
800-464-1877

NOTE: This is the unedited transcript of the April 14-15, 2021 Standards Council meeting. It has not been proofed for accuracy.