



Amy Beasley Cronin
Secretary, Standards Council

16 October 2009

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#09-14
Standards Council Agenda Item:	SC#09-8-11-a-1
Date of Decision:	6 August 2009
NFPA 501, <i>Standard on Manufactured Housing</i> , 2010 edition	

Dear Interested Parties:

At its meeting of 4-6 August 2009, the Standards Council considered an appeal on the above referenced matter. On August 12, 2009 NFPA issued the Council's decision on the appeal in the form of a "Short Decision" which briefly stated the outcome of the appeal and which indicated that a full decision on the appeal would be issued in due course and sent to all interested parties as soon as it became available.

The Council's full decision is now available and is attached herewith.

Sincerely,

A handwritten signature in cursive script that reads "Amy Beasley Cronin".

Amy Beasley Cronin
Secretary, NFPA Standards Council

- c: D. Berry, M. Brodoff, L. Fuller, R. Solomon, J. McGovern
Members, TC on Manufactured Housing (MAN-AAA)
Members, NFPA Standards Council (AAD-AAA)
Individuals Providing Appeal Commentary



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At its meeting of 4-6 August 2009, the Standards Council considered an appeal from Marcelo Hirschler, GBH International, requesting acceptance of Proposal 501-13 in the 2010 edition of NFPA 501, *Standard on Manufactured Housing*. Specifically the appellant seeks to return to the language accepted during the Report on Proposals (ROP) for Section 5.3.2.6 addressing the interior finish of certain materials in bathrooms. The text reads as follows:

5.3.2.6 Interior finish materials on surfaces of plastic bathtubs, shower units, and tub or shower doors shall exhibit a flame spread index not exceeding 50. The smoke developed index shall not be limited.

As background, Proposal 501-13 recommended revisions to Section 5.3.2, *Flame Spread Requirements*, including Section 5.3.2.6, and was accepted by the Technical Committee on Manufactured Housing (TC). Subsequently, Comment 501-7 recommended further revisions to proposed Section 5.3.2.6 and was rejected by the TC. A Certified Amending Motion (CAM 501-1) seeking acceptance of Comment 501-7 was made at the 2009 Association Technical Meeting (Tech Session). The motion obtained the support of the general NFPA membership in attendance, but failed the subsequent balloting of the TC. When a recommended amendment is not approved by the TC, the default recommendation of the codes and standards development process is that the text of Section 5.3.2.6 would return to previous edition text.

The appeal requests that the Standards Council overturn the action that was recommended by the NFPA codes and standards development process and return to the language accepted during the ROP for Section 5.3.2.6 addressing the interior finish of certain materials in bathrooms. On appeal, the Standards Council accords great respect and deference to the NFPA codes and standards development process. In conducting its review, the Council will overturn the result recommended through that process, only where a clear and substantial basis for doing so is demonstrated. The Council has reviewed the entire record concerning this matter and has considered all the arguments put forth in this appeal. In the view of the Council, this appeal does not present any clear and substantial basis on which to overturn the results recommended by the NFPA codes and standards development process. The effect of this action, together with the corresponding action in Standards Council Decision #09-13 (Agenda Item 09-8-11-b) is that Section 5.3.2.6 will be deleted, and the previous edition content of Section 5.3.2.6 will be retained in Section 5.4, where it has now been moved. This means the flame spread index for materials used for plastic bathtubs, shower units and tub or shower doors

will not exceed 200 per Section 5.4, as accepted in Standards Council Decision #09-15 (Agenda Item 09-8-11-c-1).

In making its decision, the Council notes that the proposed language would, if accepted, have significant impact on certain materials that would be used in bathrooms. As recommended in Proposal 501-13, the change to Section 5.3.2.6 was presented as an “editorial rearrangement”, but it clearly was a substantive change of the flame spread index, for which no substantiation was provided. Additionally, the proposed text in 5.3.2.6 appeared to conflict with the requirements of the proposed new Section 5.4, which will keep the bathroom fixture criteria the same as the 2005 edition, with the addition of the optional ASTM 162 test protocol.