



Amy Beasley Cronin
Secretary, Standards Council

15 October 2009

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#09-15
Standards Council Agenda Item:	SC#09-8-11-c-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 11, 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, requesting the Council issue 2010 edition of NFPA 501, *Standard on Manufactured Housing*. Specifically he is seeking to return to the new text accepted during the Report on Proposals (ROP) in Proposal 501-15 for Section 5.4 that reads as follows:

5.4 Fire Safety of Bathrooms. Materials used for plastic bathtubs, shower units, and tub or shower doors shall comply with the flame spread index of 200 in accordance with 5.3.1 or shall have a radiant panel index not exceeding 200 when tested in accordance with ASTM E162, Standard Test Method for Surface Flammability of Materials Using a Radiant Heat Energy Source.

As background, Proposal 501-15 recommended a new Section 5.4, *Fire Safety of Bathrooms*, and was accepted by the Technical Committee on Manufactured Housing (TC). Subsequently, Comment 501-10 recommended further revisions to proposed new Section 5.4 and was rejected by the TC. A Certified Amending Motion (CAM 501-3) seeking acceptance of Comment 501-10 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 no change from the existing edition should occur, and the portion of the Report modified by the Association recommended amendment is returned to previous edition text. In this case, therefore, the default recommendation that comes to the Council is that the proposed new Section 5.4 will be deleted since it did not exist in the previous edition.

Although the default is to return to previous edition text thereby eliminating the requirements in 5.4, as was presented by both sides of the appeal, this result was not desired by anyone in the process. Therefore, 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 instituting a new Section 5.4.

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 present a clear and substantial basis on which to overturn the results recommended by the NFPA codes and standards development process. As indicated above, the default recommendation of returning to previous edition text was not advocated by any party or preferred by either the TC or the Tech Session. In these circumstances, and based on the record before it, the Council concludes that the position of the consensus TC, as expressed in its acceptance of Proposal 501-15 should prevail. The effect of this action is that Section 5.4 will remain as written in the ROP in Proposal 501-15.