



Amy Beasley Cronin
Secretary, Standards Council

14 September 2009

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#09-3
Standards Council Agenda Item:	SC#09-8-1-g
Date of Decision:	6 August 2009
NFPA 13, <i>Standard for the Installation of Sprinkler Systems</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 7, 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 black ink that reads "Amy Beasley Cronin".

Amy Beasley Cronin
Secretary, NFPA Standards Council

- c: D. Berry, M. Brodoff, L. Fuller, J. Lake, J. Moreau-Correia
Members, TC on Sprinkler Systems Installation Criteria (AUT-SSI)
Members, TCC on Automatic Sprinkler Systems (AUT-AAC)
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 William Kish of No-Burn, Inc., requesting that the 2010 edition of NFPA 13, *Standard for the Installation of Sprinkler Systems*, be issued without the acceptance of Proposal 13-501.

The background is as follows. NFPA 13, Section 8.15.1.2.11 exempts from the requirement of sprinkler protection concealed spaces in which the exposed materials are constructed entirely of fire retardant treated wood as defined by NFPA 703, *Standard for Fire Retardant Treated Wood and Fire Retardant Coatings for Building Materials*. Proposal 13-501 proposed adding a new explanatory note corresponding to this section in Annex A, *Explanatory Material*. The annex note, A.8.15.1.2.11, reads as follows:

A.8.15.1.2.11 The allowance to omit sprinklers for fire retardant treated wood requires a pressure-treated application. It does not apply to coated applications.

Proposal 13-501 was accepted by the Technical Committee on Sprinkler System Installation Criteria (TC) and the Technical Correlating Committee on Automatic Sprinkler Systems (TCC). Under the NFPA standards development process, those who disagree with the actions of a technical committee during the Proposal stage of the process are required to register their objections through the filing of appropriate Comments during a Comment phase. This gives the consensus bodies within the NFPA process the opportunity to consider any objections or new information, and the submitting of a Comment is generally a prerequisite to the making of an amending motion during the subsequent Association Technical Meeting of the NFPA membership. In this case, however, neither the appellant nor others submitted any comment seeking the rejection of the new annex note, and, accordingly, an amending motion to reject Proposal 13-501 resulting in the deletion of the new Annex A.8.15.1.2.11 at the 2009 Association Technical Meeting (Tech Session) was not in order. See NFPA *Regulations Governing Committee Projects (Regs.)* at Section 4.6.6, *Summary of Amending Motions at Association Technical Meetings*. Having failed to take all of the necessary steps to seek deletion of the annex note within the NFPA codes and standards process, the appellant now brings this appeal requesting that the Council itself reject Proposal 13-501 and delete the annex note.

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. Moreover, in circumstances such as these, where the appellant has failed to take advantage of all the steps available to him within the process, the Council is especially reluctant to consider overturning the results that have been yielded by that process. The Council, having reviewed the entire record concerning this matter and having considered all the arguments put forth in this appeal, has found no basis on which to overturn the results recommended by the NFPA codes and standards development process. Accordingly, the Council has voted to deny the appeal. The effect of this action is that the 2010 edition of NFPA 13 will include the proposed new annex note A.8.15.1.2.11.

Without attempting to review each argument that the Council has considered and rejected as a part of this appeal, the Council makes the following observations. There is no real dispute that the annex note is a correct description of the sprinkler exemption contained in Section 8.15.1.2.11. The appellant's concern appears to be that the annex note somehow conflicts with or would limit the scope of a separate section, namely the "equivalency provision" contained in NFPA 13, Section 1.5. The annex note, however, has no bearing on Section 1.5. NFPA 13, like other NFPA standards, has, in Section 1.5, an equivalency provision that authorizes the Authority Having Jurisdiction to permit the use of systems, methods, or devices that are not otherwise permitted in the standard. Specifically, Section 1.5 provides as follows:

1.5 Equivalency. Nothing in this standard is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety over those prescribed by this standard. Technical documentation shall be submitted to the authority having jurisdiction to demonstrate equivalency. The system, method, or device shall be approved for the intended purpose by the authority having jurisdiction.

Annex note A.8.15.1.2.11 corresponds to and explains the sprinkler exemption contained in Section 8.15.1.2.11. It describes what is specifically permitted by one section of the NFPA 13, not what may be authorized by an Authority Having Jurisdiction pursuant to an equivalency determination under Section 1.5. In short, nothing in annex note A.8.15.1.2.11 supersedes the equivalency provision of Section 1.5, which permits the Authority Having Jurisdiction, based on his or her own determination of equivalency, to approve the use of systems, methods or devices in addition to those that are allowed by NFPA 13.

Council Member Huggins recused himself during the hearing, deliberation and vote on this issue.