



Amy Beasley Cronin
Secretary, Standards Council

12 August 2009

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#09-10
Standards Council Agenda Item:	SC#09-8-5-h
Date of Decision*:	6 August 2009
NFPA 72 [®] , <i>National Fire Alarm and Signaling Code</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.

Attached is the final decision of the Standards Council on this matter.

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, L. Richardson, J. O'Connor
Members, TC on Testing and Maintenance of Fire Alarm Systems (SIG-TMS)
Members, TCC on Signaling Systems for the Protection of Life and Property (SIG-AAC)
Members, NFPA Standards Council (AAD-AAA)
Individuals Providing Appeal Commentary

*NOTE: Participants in NFPA's codes and standards making process should know that limited review of this decision may be sought from the NFPA Board of Directors. For the rules describing the available review and the method for petitioning the Board for review, please consult section 1-7 of the NFPA Regulations Governing Committee Projects and the NFPA Regulations Governing Petitions to the Board of Directors from Decisions of the Standards Council. Notice of the intent to file such a petition must be submitted to the Clerk of the Board of Directors within 15 calendar days of the Date of Decision noted in the subject line of this letter.



Standards Council Decision (Final):	D#09-10
Standards Council Agenda Item:	SC#09-8-5-h
Date of Decision*:	6 August 2009
NFPA 72 [®] , <i>National Fire Alarm and Signaling Code</i> , 2010 edition	

At its meeting of 4-6 August 2009, the Standards Council considered an appeal from Josh Elvove from the U.S. General Services Administration, requesting that the 2010 edition of NFPA 72[®], *National Fire Alarm and Signaling Code* be issued with the acceptance of Comment 72-388, (CAM 72-16). Comment 72-388 seeks to delete the words “smoke damper operation” from the test method provisions of Item 23 in Table 10.4.2.2 (2007 edition numbering). The deletion intends to resolve what the appellant perceives as a conflict between NFPA 72 and NFPA 105, *Installation of Smoke Door Assemblies and Other Opening Protectives*. Specifically, the appellant notes that NFPA 72 requires testing of smoke dampers and combination fire/smoke dampers on the same annual frequency required for the functional testing of the initiating device (smoke detector) used for their actuation. NFPA 105, however, requires the testing of dampers, not annually, but on a 4 year basis (or 6 years if in a hospital).

As background, Proposal 72-495 recommended deletion of the words “smoke damper operation” from the test method provisions of Item 23 in Table 10.4.2.2. This Proposal was rejected by the Technical Committee on Testing and Maintenance of Fire Alarm Systems (TC). Subsequently, Comment 72-388 recommended acceptance of the Proposal. This Comment was accepted-in-principle by the TC, but in doing so, the TC did not delete the words “smoke damper operation” but merely added a paragraph to the advisory Annex A that provided guidance on the reporting of fire safety function problems observed in testing but that did not address the appellant’s principal concern with damper testing frequency. As a consequence, the appellant, at the 2009 Association Technical Meeting (Tech Session), proceeded to make a Certified Amending Motion (CAM 72-16) which sought acceptance of his Comment 72-388 to delete the words “smoke damper operation.” The motion failed to obtain the support of the general NFPA membership in attendance, which means under NFPA rules, the default recommendation of the codes and standards development process is that words “smoke damper operation” are retained in Item 23 of Table 10.4.2.2.

The appeal requests that the Standards Council overturn the action that was recommended by the full NFPA codes and standards development process. This recommendation represents the consensus judgment of the responsible technical committee and technical correlating committee, a judgment that was also supported by a vote of the NFPA membership at the 2009 Tech Session. The appellant has had the opportunity to advocate his position at each stage of the full codes and standards process, and failed to persuade the consensus process to adopt his position.

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 yielded 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 words “smoke damper operation” are retained in Item 23 of Table 10.4.2.2.

Without addressing every argument that has been raised before it, the Council notes that the extent and significance of any conflict between NFPA 72 and NFPA 105 was not clear to the Council, nor did the Council regard it as appropriate for the Council itself to review and resolve the technical issues relating to the extent and frequency of testing of smoke dampers actuated by smoke detectors. In addition, as the appellant himself conceded, the mere deletion of the words “smoke damper operations” from Item 23 would not cure any alleged conflict between NFPA 72 and NFPA 105. Indeed, the testing requirement in Item 23 applies to all “fire safety functions” (or, as used in the 2010 edition, “emergency control functions”). The term “smoke damper operations” is part of a non-exclusive list of examples of emergency control (fire safety) functions, and the mere deletion of the term from the list of examples hardly means that smoke dampers operations are no longer emergency control (fire safety) functions that must be tested along with the related actuation device.

While the Council has denied this appeal, the Council recognizes that there are potential jurisdictional issues regarding the respective scopes of NFPA 72 and NFPA 105 concerning provisions for the testing of smoke dampers and combination fire/smoke dampers. The Council also recognizes that other technical committees develop standards for other types of equipment that may be actuated by the fire alarm and other warning systems governed by NFPA 72, and that potential jurisdictional issues between the NFPA 72 project and those technical committees may exist concerning the testing requirements for such equipment. The Council believes that these jurisdictional issues should be reviewed and addressed as part of the Council’s responsibilities to assign scopes and coordinate the activities of the various committee projects within the NFPA standards development system. To assist the Council, the Council is requesting that the NFPA 72 TCC Chair appoint and chair a task group made up of members from the NFPA 72 project, the NFPA 105 technical committee and any other relevant technical committees. The task group should provide the Council with a review and analysis of the jurisdictional issues related to the testing of emergency control (fire safety) functions. In particular, the Council is seeking recommendations from the task group as to how the testing of emergency control (fire safety) functions should be handled among the responsible technical committees so as to assure that all aspects of the end-to-end testing of fire safety systems are addressed and that the responsibilities of the relevant technical committees are clear and any conflicts within the scopes of these technical committees avoided.